18 c 5

ORIGINES BRITANNICÆ;

OR, THE

ANTIQUITIES

OF THE

Britiſh Churches.

WITH A

PREFACE

Concerning ſome pretended ANTIQUITIES
Relating to *BRITAIN*:
In Vindication of the BISHOP of St. *Aſaph*.

By the Right Reverend Father in GOD,
EDWARD STILLINGFLEET, D. D.
Late Lord Biſhop of *Worceſter*.

The Third Volume.

LONDON,
Printed by *J. Heptinſtall*, for HENRY and GEORGE MORTLOCK,
at the *Phœnix* in St. *Paul*'s Church-yard, MDCCX.

G.R. III
MUSEUM BRITANNICUM

THE PREFACE.

THE *Deſign of the following Book is to give as clear and diſtinct a View of the State and Condition of the* Britiſh Churches, *from their firſt Plantation to the Converſion of the* Saxons, *as could be had at ſo great a diſtance, and by ſuch a degree of Light as is left us concerning them. When I firſt undertook this Subject, I intended no more than an* Introduction *to ſomething elſe; but being entred into it, and laying the ſeveral parts of it before me, I found ſo many common miſtakes to be rectified, ſo many conſiderable parts of Church-Hiſtory, which tended to illuſtrate it, that either I muſt give a very imperfect Account of it, or ſo much exceed the proportions of a Preface, that I concluded I had better alter my deſign, and with more Pains and Materials make it an intire Work of it ſelf. To this end I laid aſide whatever related to the firſt occaſion of my undertaking it, reſerving that for its proper Place and Seaſon; and then I reſumed the conſideration of this preſent Argument, with larger and freer thoughts, and reſolved to attempt ſomething towards the reſcuing this part of* Church-Hiſtory, *wherein we are ſo much concerned, from thoſe* Fabulous Antiquities *which had ſo much debaſed the Value and eclipſed the Glory of it.*

This I knew was a Work, not only of much Labour and Induſtry in ſearching and comparing good and bad Authors Printed and MS. foreign and domeſtick; but which required more than ordinary care and judgment in ſeparating the Oar from the Droſs; which being done as it ought, the queſtion might be, whether it would not fall out here as in ſome Mines, that the quantity of good Oar would be ſo ſmall as hardly to compenſate for the Pains of digging and refining it. But this was not all the difficulty to be foreſeen; for ſome Mens Eyes are ſtill ſo tender as not to be able to bear the ſtrong impreſſions of Light; eſpecially in what relates to the Antiquities *of their own Countrey.*

For whatever the reaſon be, of that Love Mankind do naturally bear to the Countrey they are born in, we find it ſo univerſal, that even the Laplanders *and* Samoyeds *admire no Countrey like their own; and are impatient of any contradiction to their Fancies of the Beauties and Conveniencies of it. And it is pity to rob Men of any ſuch falſe Idea's, not entrenching upon Religion or Morality, which tend ſo much to the Eaſe and Comfort of their Lives. For, if Men will be in love with a cold Air and a barren Soil, with Ice and Mountains, with living in Caves and Hutts, and travelling upon the hardned Snow, to what purpoſe ſhould any go about to confute them, by proving that the* Elyſian Fields *are more pleaſant than thoſe* Northern Climates? *And ſo ſtrong is the Inclination that is rooted in Mankind to the Love of their Countrey, that ſome learned and witty Men, who have been born in none of the moſt tempting Climates have uſed great Art and Induſtry to repreſent them with ſuch advantage to the World, as though* Paradiſe *were but another Name for their Native Countrey. Of which we have a remarkable inſtance in the late Work of an ingenious Perſon, who with mighty pains hath endeavoured to prove not only that* Plato's Atlantick Iſland, *but*

the

Ola. Rudbeck. Atlantic. c. 7. 23. *the* Elyſian Fields *themſelves are to be found in one of the remoteſt Northern Countries.*

And it is to little purpoſe to go about to alter ſuch Mens Opinions, which are not ſo much founded on Reaſon, as on an over bearing Paſſion for their native Soil, which hurts no other Part of the World, and makes their own ſeem more pleaſant to themſelves. Some will be apt to think, the greateſt Puniſhment to ſuch Perſons, is to let them live at Home and enjoy their own Opinions; but I rather look on it as an effect of the Wiſdom of Divine Providence to make Men contented with the Places of their Habitations: For if all Mankind ſhould love and admire one and the ſame Countrey, there would be nothing but deſtroying one another in hopes to enjoy it; whereas now, ſince the true Paradiſe is loſt, it ſeems to be moſt convenient for the World, that every Nation ſhould believe they have it at Home.

If therefore any of our Neighbour Nations ſhould think their own the richeſt, the pleaſanteſt, the fruitfulleſt Countrey in the World, I ſhould by no means think it fit to diſpute it with them, no more than I would the Wiſdom or Goodneſs of their Parents. For, however the Truth of things be, it is beſt for Children to believe well of them; and it may prove of very ill conſequence to alter a miſtaken good Opinion in them; for it makes them leſs contented, and leſs fit to be governed than before; and living under ſuch a miſperſuaſion can never do them ſo much hurt, as the unſeaſonable diſcovery of their Error doth. From hence I look on all National Quarrels as very fooliſh and miſchievous, it being reaſonable that all Perſons ſhould love their own Countrey as they do their Parents; and no Man ought to ſuffer in his eſteem for that which it was never in his Power to help. But whoſoever fixes an ill Character upon a Perſon on the account of his Countrey, makes a whole Nation his Enemies, which no wiſe Man will ever do; and whoever doth it, will one time or other ſee cauſe to repent his Folly.

But is it not poſſible for learned and ingenuous Men to enquire into and debate the ſeveral Antiquities *of their* Nations, *without making a* National Quarrel *about them? In matter of Self-defence there is a* Moderamen inculpatæ tutelæ *to be obſerved; and ſo there ought certainly to be in the Defence of our Countrey; eſpecially when the Diſpute relates neither to the Safety, nor Profit, nor the true Honour or Eſteem of it, but only to a mere point of* Antiquity; *wherein wiſe and learned Men may differ from each other, that are Natives of the ſame Countrey. And theſe matters are not to be decided in the Field, nor at the Bar, nor by a majority of Voices, but depend upon the comparing of ancient Hiſtories, the credibility of Teſtimonies, and a ſagacity in ſearching, and skill in judging concerning them. It is not every one that can plead eloquently at the Bar, or quote Authors at ſecond Hand, or diſpute warmly out of common Places, that is preſently fit to judge about ſuch things; for he that takes upon him to do that ought not only to have a general skill in* Antiquity *and the beſt Authors, but to compare the Hiſtories and Annals, the Succeſſions and the Settlements of the Neighbour Nations together, and then with great impartiality to deliver his Judgment; but by no means to eſpouſe any particular Intereſt, as though he were retained on that ſide. Which he plainly diſcovers if he appear reſolved to maintain one ſide againſt the ſtrongeſt evidence, and to cry down the other in an ignominious and reproachful manner; as though nothing but* particular Piques *and* Animoſities, *or which is far worſe,* ill Will to the Government, *could lead Men into ſuch debates; nay as though* it were a degree of Leſe-Majeſty, (*as it is termed*) *to call in queſtion ſome very remote and very uncertain Traditions about the firſt*

Succeſſion of the Kings of a Neighbour Nation. This I have particular reaſon to take notice of, from the uſage the very learned and judicious Biſhop of St. Aſaph *hath lately met with in this kind, merely becauſe in his late excellent Book he rejects* the long Succeſſion of Kings from *Fergus* the Son of *Ferquard*, and from the time of *Alexander*'s taking of *Babylon*; *which he doth chiefly on theſe two Grounds,* 1. *Becauſe he proves from good Authorities in his Book, that the* Scots *could not be ſo early ſettled in* Britain. 2. *Becauſe thoſe* Scotiſh Hiſtorians *who have aſſerted it are not of ſufficient Authority to be relied upon which he ſhews at large in his* Preface.

Hiſtorical Account of ancient Church Government in *Great Britain* and *Ireland.*

Now upon this occaſion, His Majeſty's learned Advocate in *Scotland, hath been pleaſed to think it a part of his Duty to anſwer this part of the Biſhop's Book, not without ſome kind of ſharpneſs and unhandſome Reflections on a Perſon of his Character and Merit; but none like this,* That he admires that any of the Subjects of *Great-Britain* did not think it a degree of Leſe-Majeſty to injure and ſhorten the Royal Line of their Kings. *But there is more Reaſon to admire at the ſtrangeneſs of this Accuſation, unleſs it were intended to ſhew that he could as well* proſecute *as write againſt the Biſhop by virtue of his Office, for diſputing their Antiquities. As though the fundamental Conſtitution of the* Britiſh Monarchy *were at all concerned in the Credit of* Hector Boethius, *for upon it, as I ſhall preſently ſhew, the main ſtreſs of this Matter doth reſt.*

Letter to Lord Chancelor, p. 11.

But becauſe theſe are dangerous Inſinuations, and may as well be urged againſt ſome part of the following Book, I ſhall here make it clear how very unjuſt and unreaſonable they are. For it is not the Antiquity of the Royal Line *which is in diſpute, but* the Succeſſion *of it in ſuch a Place*; *the* Iriſh Antiquaries *carrying* the Succeſſion *much farther back than* Hector Boethius, *or* Leſly, *or* Buchanan *do. And therefore they charge others far more* with ſhortning the Royal Line, *making it to begin* with Fergus; *when they derive it long before by a continued Succeſſion from* Simon Brek, *and* Herimon, *and* Gathelos, *who they ſay was but ſix Deſcents from* Japhet. *But if there be* any degree of Leſe-Majeſty (*for I am very unwilling to put theſe hard Words into proper Engliſh*) *in thoſe who debate any thing wherein* the Honour of the Royal Line *is concerned, let them clear themſelves of it, who lay the Foundation of* the Monarchy *in* the Election *of* Fergus. *For that is truly the ſtate of the Caſe*; *thoſe who contend ſo earneſtly for* the Succeſſion of the Royal Line *from* Fergus *the Son of* Ferquard, *placing his Title to the* Monarchy *in* the Choice *of the Heads of the Tribes*; *which will appear from* the Words *of* Hector Boethius, *who is in* truth *the main ſupport of all this* Tradition.

V. Gratian. Lucium *in* Cambr. *Everſ.* p. 248, 249.

For, although Fordon *doth mention* the Succeſſion *of many Kings from* Fergus *the Son of* Ferquard *to* Fergus II. *yet he profeſſes he could find nothing particular concerning them*; *although he quotes ſeveral* Chronicles, *and we are told he had the View of their* Annals, *ſuch as they were, of* Paſly, Scoon *and other Places. He names indeed* 45 Kings, but he deſires to be excuſed as to the ſeveral times of their Reigns, for he had not met with them written at large, but from the time of *Fergus* II. he promiſeth to be very diſtinct and particular. *Yet after him comes* Hector Boethius, *of whom the learned Advocate tells us* that *Eraſmus* ſaid he could not lye (*which comes very near to* Infallibility *in* Matter of Fact) *and he is as diſtinct and particular in the* firſt Succeſſion *as he is*

A primo quidem hujus Regni Fergusio filio Ferchardi ad hunc Regem Fergusium filium Erch inclusivè, 45. Reges ejuſdem gentis & generis in hac Inſula regnaverunt: ſed & horum ſigillatim diſtinguere tempora principatuum ad præſens omittimus, nam ad plenum Scripta non reperimus. *Fordon Scotichr.* l. 4. c. 2.

Defence of the Antiquity, *in &c.* p. 29.

in the ſecond. *From whence comes this mighty difference? Of this he informs us from* Hector Boethius *himſelf (and can we have a better Authority than his that could not lye?)* That he had ſeveral Books from *Icolmkill*, which he followed in writing his Hiſtory. *I cannot now enter upon the conſideration of the* Authority *of theſe* Books, *(of which afterwards) but, as far as yet appears, it depends upon the Credibility of* Hector.

But that which I am now to ſhew is, that if Hector Boethius *his* Authority *be allowed, thoſe who lengthen the* Royal Line *do more* Injury to
the Monarchy *than thoſe who ſhorten it. For the firſt Account he gives of*
l. 1. f. 6. *it is this,* " *That the* Scots *in* Britain *being preſſed by the* Picts *and* Bri-
" tains, *they ſent over into* Ireland *for Aſſiſtance;* Ferquard *ſent his Son*
" Fergus *with Supplies; who, ſaith he, left it to the choice of the Heads*
" *of the Tribes, what Government they would have, whether a* Monarchy,
" Ariſtocracy *or a* Commonwealth; *and they pitched upon a* Monarchy,
" *and made* Fergus *their King: which he ſaith, was juſt* 330 *Years be-*
" *fore* Chriſt's *Nativity. After which he ſets down* Fergus *his owning*
" *that he received his* Authority *from the People;* and their Fundamen-
f. 10. 2. " tal Contract *to adhere to him and to his Line, which if he may be belie-*
" *ved, was ingraven in Marble Tables, and then* the Agrarian Law *fol-*
p. 6. l. 19. " *low'd. And (which is very obſervable) the firſt Deſign we find laid*
for altering the Succeſſion of the Crown, and excluding the next Heir,
is in Hector Boethius *his Account of the immediate Succeſſor to* Fergus *the*
f. 10. 2. *Son of* Ferquard. *For notwithſtanding the binding Oath to* the Poſterity
of Fergus, *yet immediately after his Death, he ſaith,* Feritharis *was cho-*
ſen King, although Fergus *left* Ferlegus *his Son and Heir; and not only*
ſo, but a Law, ſaith he, was paſt, excluding the next Heir from any Right
to Government *till he attained to ſuch an Age. The effect whereof was,*
that Ferlegus *attempting to recover his* Right *from* Feritharis *was baniſhed*
f. 15. *and utterly excluded.* Hector *himſelf confeſſes,* he was at juſt Age when
he demanded the Crown, but he was put by and ſeverely rebuked,
quod injuſſu Patrum petiiſſet Regnum, for doing it without the Authority
of the Senate; upon which they impriſoned him, but he made his eſcape and fled firſt to the *Picts*, then to the *Britains*, and after *Feritharis* his Death *Main* was choſen to ſucceed. *This is the juſt and true*
Account of this Matter, *as it is delivered by* Hector Boethius, *and after*
Leſle l. 2 p. 81. *him by* Leſly; *who ſpeaks more plainly of* Ferlegus *his excluſion;* ſed Fer-
legum recuſavit Populus. Buchanan *ſaith,* that he was condemned in
Buch. l. 4. p. 29 his Abſence; *but he would fain reconcile this Practice to their former*
p. 245. *Oath; (although the* Advocate *himſelf ſaith,* this Oath did in Law and
Reaſon bind them to obey the Lineal Succeſſor according to the proximity of Blood) *but* Buchanan's *pretence is* becauſe the preſent King during the Minority of the Heir, was but a King in truſt, and the Heir at ſuch an Age was to ſucceed. *But how well that was obſerved appears by this firſt Inſtance, and in truth,* Hector Boethius *and the reſt after him do put the whole Power as to theſe* Matters, *in the Hands of* the People, *or at leaſt of the* Heads *of the* Clans; *as will appear more afterwards.*

Defence, &c. p. 110. *It cannot therefore but be very ſurprizing to us to ſee his* Majeſty's Advocate *ſo zealouſly defending this Hiſtory of* the firſt Succeſſion of their Kings, *and reflecting upon a* Biſhop of our Church, *for calling it in queſtion. And yet he cannot deny that this Law* was the Occaſion of many bloody Civil Wars between the Uncles and Nephews; *and he calls it* the Diſpute betwixt ſuch as were for the Crown and ſuch as were for Popular Elections. *From whence it follows, That* Hector Boethius *his Hiſtory of the firſt Succeſſion from* Fergus *is to ſet up the popular Claim. And quite through that firſt Race* Hector *makes the ſupreme unaccountable Power in all Caſes of Male Adminiſtration to be lodged in the Heads of the People, and the* Miniſterial *in the* Monarch.

And therefore, we ſhould have thought it had better become his Majeſty's Advocate *to have overthrown ſuch pernicious Principles to* Monarchy, *as are contained in this account of the* firſt Race *of their Kings from* Fergus *the Son of* Ferquard. *And although* Buchanan *among the half-learned, bear the blame of theſe* Antimonarchical Principles, *yet it is evident that he only built on the Foundations laid by thoſe who ſet up this firſt Race, as the Advocate himſelf confeſſeth, whoſe Words are,* All *Buchanan*'s Arguments for reſtraining Kings being founded on the Authority of our Hiſtorians, who, *as he ſaith,* aſſert that King *Fergus* was firſt elected King by the People. *And therefore thoſe Hiſtorians who ſet up this Succeſſion in ſuch a manner had no kindneſs to* Monarchy, *as appears by what* Leſly *himſelf ſaith about King* Fergus *and his Succeſſors.*

Juſt Right of Monarchy, p. 26.

Leſle. Hiſt. p. 77, 79.

It is true that the learned Advocate *hath, according to his duty, publiſhed a* Juſt Defence of the Monarchy of Scotland; *but I muſt crave leave to ſay, that it can never be defended upon good Grounds unleſs the Account of* Fergus *the Son of* Ferquard, *and the Succeſſion of Kings from him as delivered by* Hector Boethius *and* Leſly *as well as* Buchanan *be rejected. And this is too plain from the Anſwers he gives to this* Conſent of their Hiſtorians.

1. *He ſaith,* That *Gathelos* was not at all Elected by the People. *Whither are we now carried? The Queſtion was concerning* Fergus *in* Scotland, *the Anſwer is concerning one who is ſuppoſed to have lived I know not how many Ages before him, and we know not where: And it had been to as much purpoſe to have ſaid, Adam* was not choſen by the People. *But who was this* Gathelos? *In very truth, he was no other (according to theſe* Hiſtorians) *than* a Son of a certain King of *Athens,* who went into *Ægypt* and married *Scota* the Daughter of *Pharaoh,* who was drowned in the Red Sea, and afterwards ſettled in *Portugal,* from him called *Portus Gatheli,* (*as the* Advocate *obſerves*) from whence a Colony of that Race tranſported it ſelf into *Ireland,* and another into *Scotland. Now, ſaith he,* all thoſe who are deſcended from his Colonies were by Law obliged to obey the eldeſt Son and Repreſentative of that Royal Family. *What! by the Law in King* Fergus's *time? For there is none ſo much as mentioned before that* fundamental Contract; *and was it not well kept after* Fergus's *Death? But if there had been any Precedent the other had been needleſs. However the queſtion is not concerning* Gathelos *and his Poſterity in* Ireland, *but* Fergus *and his Succeſſors in* Scotland.

p. 27.

p. 26.

p. 28.

2. *He anſwers,* That the Heads of their Tribes acknowledged *Fergus* for their King. *But do not theſe Hiſtorians ſay expreſly,* That they choſe him, and that he left it to them to chuſe what Government they pleaſed? *And the Words of* Fergus *in* Hector Boethius *are theſe,* Veſtrum erit in hoc Negotio, quid utilius ad veſtram Rempublicam ſit diſcernere, noſtrum veſtra capeſſere imperia. *Did ever Man more own the Supreme Authority of the People than* Hector Boethius *makes* Fergus *to do in theſe Words? Whether theſe very Words were ſpoken by him, even* Hector *dares not ſay; but he is ſure* they were ſuch like. *And afterwards he ſaith,*

p. 27.

Hect. Boeth. Hiſt. l. 1. f. 62.

tandem Ferguſio Regnum decernunt; *And to the ſame purpoſe* Leſly, Ferguſio Regnum ab omnibus decernitur. *Is all this* a bare Acknowledgment of him for their King? *What more emphatical Words could be uſed to expreſs a* free Election, *and that the People gave* Fergus *the Power, than theſe Hiſtorians do uſe?*

Leſl. Hiſt. Scot. p. 77.

3. *He goes on to give a farther Anſwer, which is very remarkable in his* Majeſty's Advocate, *viz.* that we read nothing at all of the Conſent of the People, but of the Heads of the Tribes, who had no Commiſſion from the People, each of them having by his Birth-right a Power to command his own Tribe, and conſequently the Royal Power was not derived from the People. *What is the meaning of all this, but only to ſhew that the* Royal Authority *was not derived from the* Rabble, *but from the* Nobility *or* Heads *of the* ſeveral Clans; *and conſequently the Power of calling their* Kings *to account lay only in them?* *No, ſaith he, Fergus* ſucceeded in the Right of thoſe Chiefs to command their reſpective Families. *Then* Fergus *had no more Power, as* Monarch, *than the* Heads of the ſeveral Clans *had before. But did they, according to theſe* Hiſtorians, *part with their* Rights of Government *to* Fergus *and his* Poſterity? *By what Authority then did they take upon them to impriſon and depoſe* (a) Euenus III. *and ſet up* Cadalanus *as King? By what Authority did they take Arms againſt* (b) Dardanus *and ſet up* Galdus, *who took away his Life,* communi omnium Ordinum conſenſu, *ſaith* Leſly? *By what Authority did they aſſemble againſt* (c) Lugtachus, Galdus *his Son, and ſent Soldiers to diſpatch him? By what Authority did they riſe againſt* (d) Mogallus *his Succeſſor, with a deſign to deſtroy him, as* Hector *confeſſeth, which they did effectually, as* Leſly *agrees? How came they to take upon them to impriſon* (e) Conarus *and ſet up* Argadus *in his room? And to diſpoſe of the Government in the time of* (f) Ethodius II. *and according to* Leſly *commit him to Priſon, where he was killed? How came they, notwithſtanding the Law of Regency to ſet up* (g) Athirco, *while he was uncapable by it? I meddle not with thoſe Kings who were killed by* ſecret Conſpiracies, *nor with open Uſurpers, ſuch as* Nathalocus *and* Donald *of the* Iſles; *but I only ſet down what theſe* Hiſtorians *deliver, as to the Right and Authority which the* Nobles *aſſumed to themſelves in caſe of Male-adminiſtration, to ſhew that if theſe Mens Accounts muſt be received,* the Heads of the Clans *did not part with their ſhare in the Government ſo much, but upon occaſion they did reſume it. And therefore I have been apt to ſuſpect (from the Controverſie about Regency at the time when* Hector *wrote) that all this Hiſtory of the firſt* Race of Kings was framed on purpoſe out of ill will to the* Monarchy, *and with a deſign to advance the* Power *of the* Nobility. *And now let any true friend to the* Monarchy *judge, whether thoſe who ſhorten the* Royal Line, *or thoſe who ſo earneſtly contend for this Story of* Fergus *and his Succeſſors, be more liable to be charged* with any degree of Leſe-Majeſty.

p. 29.

(a) *Hect.* *Boeth.* l. 3 f. 36. l. 40. *Leſlæ.* p. 92.
(b) *Hect.* *Boeth.* l. 4. f. 59. *Leſlæ.* p. 97.
(c) *Hect.* *Boeth.* l. 5. f. 75. *Leſlæ.* p. 101.
(d) *Hect.* *Boeth.* l. 5. f. 79. *Leſle.* p. 103.
(e) *Hect.* *Boeth.* l. 5. f. 81. *Leſle.* p. 103.
(f) *Hect.* *Boeth.* l. 5. f. 90. *Leſlæ.* p. 109.
(g) *Hect.* *Boeth.* l 6. f. 90. *Leſlæ* p. 110.
* *Leſlæ.* p. 392, 396.

4. *But after all, the* Advocate *ſaith,* That *Fordon,* the moſt antient of their Hiſtorians affirms, That *Fergus* made himſelf King. *Indeed* Fordon *doth ſay,* That *Fergus* the Son of *Ferard,* (*as he calls him*) hearing there were many *Scots* in the Northern Parts of *Albion,* living without Order and Government, and hearing a good Account of the Countrey, he was prompted by his Ambition to go over to them, and taking with him a good number of young Men, he gathered together the diſperſed Scots, and joining them all together in the Weſtern Parts, he made himſelf King over them. *Which is no improbable Account, but* Fordon

p. 28. Scotichron. l. 1. c. 36.

don *ſaith not a Word of all the former Paſſages in the other Hiſtorians. And if* Fordon *be the moſt ancient of their Hiſtorians, what becomes of* Veremundus *and* Cornelius Hibernicus, *the two great Supporters of* Hector Boethius *his Hiſtory? If they were after* Fordon, *how came they to be ſo well inſtructed in ſo many particulars in the* firſt Succeſſion, *which* Fordon, *was wholly unacquainted with?*

I cannot deny that Fordon, *ſpeaking of the Coronation of* Alexander III. *(as he calls him) mentions an old* Highlander, *who in the* Iriſh Tongue *repeated the* Genealogy *of their* Kings *backward as far as* Fergus *the Son of* Ferquard. *But therein he comes not up to the number, either in* Fordon *or* Hector Boethius; *and hath very conſiderable differences from the Accounts either in him, or in* Leſly *and* Buchanan. *For after* Fergus *he leaves out* Feritharis, *and makes* Main *his next* Succeſſor; *the next he calls* Arindal *whom they call* Dornadilla; *his Son,* Roveyn, *they* Nothatus; *and his* Rether *is the ſame with their* Reuther; *but here they interpoſe a* Reutha *to make their Story agree with* Bede*'s* Reuda. *But this Genealogiſt next names* Ther, *whom they call* Thereus, *and his Son* Roſin; *but they ſay* Joſina *ſucceeded* Thereus, *being his Brother. After this, we find a greater difference, for inſtead of* Finnanus, Durſtus, Euenus, Gillus, Euenus II. Ederus, Euenus III. Metellanus, Caratacus; *we find there only* Dethach, Jaw, Aliela, Euen, Ederskeol, Comermore; *Some agreement there is, but a far greater diverſity, and* Hector*'s famous* Caratacus *quite omitted. Then ſucceeded* Corbre, *whom they call* Corbred, *after him* Daradiamore, *by them ſtiled* Dardanus; *then another* Corbre *inſtead of their* Galdus; *and then* Luthach, Lugtacus *in them; then* Mogalama, *their* Mogallus; Coner *their* Conarus; Ethath *their* Ethodius; Fiachrath *their* Satrahel; *then another* Ethath, *whom they call* Ethodius II. *before whom they place King Donald,* in whoſe time, *they ſay,* Chriſtianity was firſt received in *Scotland, who is utterly excluded by this ancient Genealogy. For after this* Ethodius *follows in it* Athirkiwr, *which is their* Athirco, *then* Findachar, *which is their* Findocus, *and ſo* Nathalocus *is ſhut out; and ſo after him are the two* Donalds, *for the next that follows is* Thrinklind, *whom they call* Crathlintus; *then* Fencormach *their* Fincormacus, *after him* Romaich, *their* Romachus; *then* Eneguſſa, *which is plainly their* Anguſianus, *and* Fethelmech *their* Fetelmachus; *then* Enguſafich *and* Etheat, *inſtead of which they put* Eugenius *and* Ethodius *his* Brother; *whom* both *make* Grand-father *to* Fergus II. *whoſe* Father *they call* Erthus, *but the ancient Genealogy and* Fordon Eirch.

Scoti-chron. l. 10. c. 2.

Now by comparing this Genealogy *and* Hector Boethius *together, I am convinced that he did not forge all* the Names *of* his firſt Race of Kings, *between the two* Ferguſſes; *but yet from hence it appears,* (1.) *That* Hector *did inſert many* things *contrary* to this ancient Genealogy; *and when he did ſo he had ſome end to ſerve in it. As when he puts in* Regents *which* the Genealogy *never owns; but this was to ſupport* his Law *of Incapacity; but in all* this Genealogy *there is a direct* lineal Deſcent, *and when he puts in* Reutha *it is to anſwer* Bede*'s* Reuda, *and* Galdus *for* Tacitus *his* Galgacus, *and* Caratacus *for the famous* Britiſh King *of that Name; and King* Donald *to anſwer our King* Lucius, *that they might have a* Chriſtian King *in the time of the Pope next ſucceeding* Eleutherius. 2. *That this* Genealogy *may be allow'd without any advantage to the Succeſſion of Kings in* Scotland, *from* Fergus I. *ſo long before the Nativity of Chriſt; for it is very obſervable, that this ancient Genealogiſt doth very much ſhorten the Succeſſion between* Fergus II. *and this* Alexander. *For he* *leaves out* Eugenius II. *and makes* Dongard *to ſucceed him*; *after him* Cobren, *and then* Edanius, *whereas here they inſert* Conſtantius I. Congallus, Conranus, Eugenius III. Convallus, Kinnatillus *between* Dongard *and* Aidanus: Scotichr. l. 4. c. 38. *Buchan.* l. 5. p. 45. *After him he names his Son* Occahebind, *whom* Fordon *calls* Eothodius-bind, *which he ſaith is the ſame with* Eugenius; *and about him*, Hector Boethius, *as* Buchanan *obſerves*, *contradicts the* Book *of* Paſly, *for this ſaith*, he lived in continual Wars, *and the other* that he enjoy'd a conſtant Peace; *ſo that* Boethius *ſlights the Authority of their* ancient Annals. *Next after him they place* Ferquard, *of whom the* Genealogy *ſaith nothing at all*; Fordon *next to nothing*. Scotichr. l. 4. c. 41. In cujus nihil actum eſt tempore, *ſaith he*; *but the other Hiſtorians tell ſad Stories of his vicious Life and tragical End. After* Eugenius *in the* Genealogy *we* c. 45. *find* Donewald breck, Fordon *ſaith*, he died after 14 Years Reign; *and to him ſucceeded* Ferquard *his Brother's Son*, *not mentioned in the* Genealogy; *nor* Malduinus *Son to* Donald; *for the next is* Ethac, i. e. Eugenius, *and here they put in another* Eugenius, Ambirkelethus, Eugenius VII. *and* Mordacus *between* Ethac *and* Ethfin, *whereas the* Genealogiſt *makes* Ethafind *Son to* Ethdre, *to whom ſucceeded* Ethas, i. e. Eugenius VIII. *in their Account*, *after him follows* Alphin; *but between theſe*, *they have inſerted* Fergus III. Solvathius, Achaius, Convallus *and* Dongallus. *They all agree with the Genealogiſt*, *that* Kenneth *immediately ſucceeded* Alphin; *but then follows a wonderful difference*; *for here they put in no fewer than* 13 *Kings between* Kenneth *and* Malcolm *the Son of* Kenneth, *whom the* Genealogiſt *places next after him*; *then follows* Duncan *in all*; *between whom and* Malcolm Canmoir *they put in* Machabæus. *After* Malcolm *he takes no notice of four Kings they inſert between him and* David, *and where they put another* Malcolm *he placeth* Henry, *and then they agree in* William, Alexander *and his Son* Alexander; *in whom the* Genealogy *begins*, *and ſo runs backward in a lineal Aſcent.*

Now it deſerves very well to be conſidered, *that this ancient Genealogiſt hath ſo much ſhortned the* Succeſſion *as will bring the whole into a much leſs compaſs*: *For the modern* Hiſtorians *have inſerted more Kings in the ſecond Race from* Fergus *the Son of* Erk *than are contained in the* Genealogy *from* Fergus *the Son of* Ferquard *to* Fergus II. *and ſo the whole Succeſſion will ſtand within the ſame time that it now doth*, *from* Fergus *the Son of* Erk.

And if the ſhortening the Royal Line be ſuch an Injury to it, *as the* Advocate *ſuppoſeth*, *it is well for this ancient Genealogiſt that he lived ſo long ſince*, *or elſe he might have had a caſt of the* Advocate*'s Office*.

Defence of the Antiquity of the Royal Line, p. 20, 21. *Neither is the Authority of this Genealogiſt to be ſlighted by the learned Advocate*, *ſince himſelf giving an account* how their Tradition might have been, and was preſerved, *he brings this very inſtance of* the Genealogy of King *Alexander* in the Year 1242. before *Fordon*'s time, and related ſo by him that his Relation cannot but be credited; *and ſo he repeats the beginning of it as it is in* Fordon. *But if he had taken the pains to compare it*, *he would have found how much it overthrew the Credit of their Hiſtorians*. *For if this was the Way their Tradition was preſerved*, *then by this Way*, *we are to judge of the Truth of their ancient Tradition*; *and conſequently we muſt reject thoſe Kings whoſe Names are not preſerved in this ancient* Genealogy.

And to confirm this we have another ſaid to be more ancient in Fordon, p. 22. *which the* Advocate *attributes to* Baldredus, Abbat *of* Melros, (*otherwiſe*

wiſe called Ealredus, Abbat *of* Rhieval) *in his Lamentation of King* David, *ſoon after his death, who died* A. D. 1151. *But I confeſs I do not find, that* Fordon *attributes this Genealogy to* Baldredus, *for he ſaith,* he had it from *Walter de Wardlaw, Cardinal* and the Biſhop of *Glaſgow,* who lived in the time of *Robert* II. *ſaith* Leſly: (*which helps to diſcover* Fordon*'s Age.*) *And in this* Genealogy *the firſt part from* David *to* Fergus *is cut off with an* &c. *but the other part from* Fergus II. *up to* Fergus I. *is preſerved entire, and except in the ſpelling of ſome few Names, exactly agrees with the former* Genealogy, *leaving out all thoſe Kings which are omitted in the other. But the latter* Genealogy *having been corrupted before* Fordon*'s time, he would not have it ſtand upon Record againſt him; which caution he forgot when he came to* Alexander III.

Scotich. l. 5. c. 59.
Leſlæ. p. 250.

But there is ſtill a third Genealogy *in* Fordon, *which ſupplies in ſome meaſure the defects in that of King* David, *and it is the* Succeſſion *of* Kenneth, *the firſt* Monarch *of* Scotland (*the* Picts *being totally ſubdued by him*) *and then he makes no more between them but* Alphin, *and then* Achai (*which ſeems to be truer than the other, which calls* Alphin*'s Father* Ethas) *before him he places* Ethfin, *called* Ethafind *in the other; next him is* Eugenius *in the other* Ethodac; *then* Dongard *the Son of* Donwald Breck; *whereas in the other this* Dongard *is omitted; before* Donewaldbreck *in this Genealogy, is* Eugenius-bind *called* Occahebind *in the other; then* Aidanus, *in the other* Edanus; *then* Gouran *called there* Cobren, *then* Dongard, *and ſo we are come to* Fergus the Great; *and there is but one difference,* i. e. *about* Dongard, *in theſe Genealogies. And this makes but* 10 *Kings between* Fergus *and* Kenneth, *whereas the common Hiſtorians make* 28. *which is a very unreaſonable Addition to their own moſt ancient* Genealogies. *But if this were not done there would appear no probability, that* the firſt *Fergus* ſhould have come into *Scotland* 330 Years before Chriſt's Nativity. *Which the learned Advocate affirms in the very beginning of his Defence,* that all their Hiſtorians are agreed on. *And yet farther to confirm theſe Genealogies, he tells us* he had ſeen an old Genealogy of the Kings of the *Albanian Scots,* agreeing with that mentioned at the Coronation of King *Alexander* II. and which has ſtill been preſerv'd as ſacred there, *i. e. at* Icolmkill, *I ſuppoſe, or the Iſland* Jona. *But it is obſervable, that* Hector *mentioning the Coronation of this* Alexander, *takes notice of the* Highlander's repeating the Genealogy by heart, *and he carries it as far as* Gathelos, *but ſets down nothing at all of the particulars, which he knew would by no means agree with his* Catalogue of Kings *ſo long before Chriſt. And to confirm all theſe Genealogies, the* Iriſh *Genealogies in* Gratianus Lucius *agree with them in excluding ſo many Kings, which* Hector *hath inſerted to make the account of time ſeem probable. Only they make* Fergus *the Son of* Erk *to be the firſt who carried the* Scots *from* Ireland *in* Albany; *and the Anceſtors before to have lived in* Ireland, *and to have been derived from the Monarchs there.*

Hect. Boeth. Hiſt. l. 13. f. 295.

Gratian. Luc. Cambr. Everſ. p. 248.

But when Hector Boethius *found* 330 *Years before Chriſt pitched upon by* Fordon *for the* Scots *coming into* Scotland *with ſo much punctuality, that he ſaith* it was in the ſixth Year of *Alexander,* wherein he killed *Darius* and took *Babylon, he thought it by no means fit to omit it, but to it he adds* the very Year of the World, and of the building of *Rome,* and how long it was after *Brutus* his firſt coming to *Britain; which are all great Confirmations of the Truth of this Account. But* Fordon *quotes no Author*

Scotichr. l. 2. c. 12.

Hect. Boeth. l. 1. f. 7.

for this wild Computation; only he ſubjoins a Paſſage *out of the Legend of* S. Congall, *which mentions the coming of* Fergus *the Son of* Ferquard *out of* Ireland *into* Britain, *and after he mentions* Rether *for one of* his Succeſſors, the ſame, *he ſaith, with* Bede's Reuda. *Suppoſe all this be granted, yet what ſhadow of* Proof *is there,* that *Fergus* came into *Scotland* ſo long before Chriſt's Nativity? Fordon *confeſſes* he knew not how long any of thoſe Kings after *Fergus* reigned; *how then came he to know ſo exactly the time of their coming? What certain Note or Character of time had they to help them in their Calculation? If they could produce any ſuch, and be able to adjuſt the times of* the Succeſſion *of their ſeveral Kings by them, there might be a great deal ſaid for this pretended* Antiquity; *but when it is at the ſame time confeſſed they had no ſuch thing, how could they ſatisfie any reaſonable Enquirer into theſe Antiquities?*

Hiſt. Eccleſ. l. 2. n. 175.

Things ſtanding thus, and Hector Boethius *with the help of his* Phyſician *of* Aberdeen, (*who, as* Dempſter *ſaith, was ſo very uſeful to him* in framing his Hiſtory) *ſet about the rectifying and curing the Body of their* Antiquities; *and endeavour'd to bring it into better form, and to fill up the Vacuities of it, and render it more agreeable to the Palates of that time, which had more ſmattering of Learning than in the Ages before. And ſo he begins his Hiſtory very formally in imitation of the beſt* Roman *Authors, with deducing their Hiſtory from* Gathelos *and* Scota, *deriving their Succeſſion from the* Greeks *and* Egyptians, *as the* Romans *did theirs from the* Trojans. *This I do not attribute to his Invention, for it is at large in* Scotichr. l. 1. c. 9. Fordon; *who quotes ſome old* Chronicles *and* Legends *for it; eſpecially the* Legend *of* S. Brendan; *an admirable and authentick Record. But to do right to* Hector *in this matter, he ſaith ingenuouſly* that their People follow'd the Cuſtom of other Nations therein. Chap. 5. *And as I have ſhew'd in the following Book at large* (*where I treat of theſe* Antiquities) *this humour had overſpread all the Northern Nations, as ſoon as they ſhook off the* Roman *Yoke, and began not only to be diſtinct Kingdoms, but to have ſome affectation of the* Roman *Learning, and to have Perſons of their own Nation who began to write their Hiſtories; who thought they did nothing for the Honour of their Countrey unleſs they could, ſome way or other, derive themſelves from the* Trojans, *or* Greeks, *or* Egyptians, *whom they met with ſo often in the* Roman Authors; *and the* Romans *in moſt Provinces mixing together with the* Northern People, *excited a greater Ambition in them, either to be like the* Romans, *or to exceed them in their pretended Antiquities. And their Inventions not being extraordinary, there is very little variety in their ſeveral Accounts, as will appear by comparing them in their proper Places.*

In this point Hector Boethius *hath acquitted himſelf well enough; but finding* the Succeſſion *of their Kings very ſhort and meagre, having no fleſh to fill it, nor nerves to ſupport it, nor colour to adorn it; therefore he ſets himſelf to make up what he found defective, and to put it together under the Names of* Veremundus *and* Cornelius Hibernicus *or others; out of theſe he frames a long Series or* Catalogue *of Kings, which looked big, and raiſed Mens Expectations, and ſeem'd well enough contrived to ſerve the pretence to ſo great Antiquity. This being done, he fills up the Story of theſe Kings, not out of their* old Annals (*as far as yet appears*) *but in a great meaſure out of his own Invention, ſo as to mix* the Commonwealth-Learning *of the* Greeks *and* Romans *with the Hiſtory of their ancient Kings. Which hath done great prejudice to* the Rights *of* the Monarchy; *for* He-

Hector's *Hiſtory took ſo much among the Nobility,* (*for very good Reaſons to them*) *that all that have written ſince him, have depended upon* his Authority, *as appears both by* Buchanan *and* Leſly; *unleſs it were where he groſly contradicted the* Roman Hiſtory, *and there* Buchanan *leaves him, but for the main of his Hiſtory he relies upon him; and* Leſly *doth nothing in effect but abridge him, whatever he pretends as to* Records *and the* Annals *of the* Monaſteries *of* Paſley *and* Scoon; *which* the Advocate *ſuppoſeth* he ſaw at *Rome,* whither *he ſaith* they were carried. *If ſo, it had been worth while to have procured well* atteſted Copies *from thence; which had not been hard in all this time, ſo many* Gentlemen *of* that Nation *travelling thither, and ſeeing all the Curioſities of their Libraries. But* Leſly *ſaith no ſuch thing; for he appeals to* the Publick Archives of the Kingdom, *and not to any* MSS. *at* Rome; *ſo that if they were any where, they were then in* Scotland.

Leſle. Paran. ad Nobil. Scot. p. 22.
Defence of the Antiquity of the Royal Line, p. 39.

But the Advocate ſeems to have forgotten what he had ſaid before, viz. that the black Book of *Scoon* was among Preſident *Spotſwood*'s Books; *Indeed, he ſaith,* King *Charles* I. ranſom'd it from *Rome; but how that appears I know not; but I know the Circumſtances he mentions about Col.* Fairfax, *&c. relate not to the* Book of *Scoon, but to a* Copy *of* Fordon, *which was preſented by him to King* Charles II. *And if Buchanan* had the uſe of the Books of *Paſley,* and the famous Book of *Pluſcarden, as the Advocate believes, upon* Buchanan*'s Word, then in his time they were not carried to* Rome. *For my part, I do not queſtion that there were* MSS. Chronicles *in* Scotland *before* Fordon; *for I find him frequently citing them; but by the things he quotes out of them they were not conſiderable, nor done by any Authority, as the* Annals *of the* Royal Monaſteries *of this* Kingdom, *his Continuer ſaith* were and afterwards examined and compared. *I am ſorry to find Sir* R. Sibbald *reckon up among* the Books he had never ſeen, (*having made it his buſineſs ſo many Years to illuſtrate his Countrey*) *not only* Cornelius Hibernicus *and* Veremundus, *but the* Annals *of* Paſley *and* Scoon: *But however, we are glad that the Advocate aſſures us* he hath a very old Abridgment of the Book of *Paſley; and may this preſent heat againſt the* Biſhop *of St.* Aſaph *provoke them to procure and publiſh their* ancient Annals, *ſuch as they are, which will be the greateſt advantage to the World of* this Contention *about* their Antiquities. *And I am ſo far from any* Pique *or* Animoſity *in this matter, that I ſhould be glad to ſee* thoſe Antiquities, *which yet appear dark and confuſed, clear'd up to the* Satisfaction *of all learned and ingenuous Men.*

p. 32.

p. 32.

Prodrom. Hiſt. Natur. *Scot.* p. 13.

But I muſt beg pardon of his Majeſty's Advocate, if I take the freedom to ſay, he hath not taken the right method to do it. For he ought firſt to have proved the matter in diſpute by clear and indubitable Teſtimonies, before he had made his ſevere Reflexions and Inferences; but as Cicero *ſaid of the* Muſician *who defined the* Soul *to be* Harmony, ab Arte ſua non receſſit, *ſo this ingenious Gentleman hath managed this whole debate in a way more agreeing to the Character of an* Advocate *than of an* Antiquary. *For why ſo many Inſinuations, as though ſome* Injury were intended to the Royal Line, *which I dare ſay, the* Biſhop *of St.* Aſaph *doth really honour and eſteem as much as his* Majeſty's Advocate *himſelf. For, doth any Man of Underſtanding think that it is any* Injury *to the* Royal Line *of* Britain *to have* the fabulous Antiquities *of* Geoffrey *of* Monmouth, *concerning* the Succeſſion *of* Britiſh Kings *down from* Brutus *confuted? And is not this done by* Buchanan? *And* the Advocate *in plain Engliſh ſaith,* thoſe tempt Men to lye who endeavour to derive themſelves from the *Trojans.*

p. 15.

jans. But why not, as well from the Greeks *and* Egyptians? *But the* Biſhop *of St,* Aſaph *is ſo juſt to Truth, and ſo little a Friend to popular Fables, that he fairly gives up* Geoffrey *before he attacks* Hector Boethius; *could any thing be more fairly and impartially done? or more convincing, that he only deſigned to find out* Truth *in* theſe Matters, *without regard to that fondneſs ſome Men ſtill have for theſe* Britiſh Antiquities? *For there are and will be ſome (and thoſe not wholly unlearned) who are naturally inclined to believe Fables; and have ſo paſſionate a Zeal for ſuch things, that they cry out upon all Diſcoveries of this kind, as Injuries to their* Countrey, *if not to* the Royal Line.

But may it not juſtly ſeem ſtrange, that when our polite and learned Neighbours have endeavoured with ſo much care to reform their Hiſtories, *and to purge away all* fabulous Antiquities *out of them; we of this Iſland ſhould grow angry and impatient when any undertake ſo generous a Deſign? What Injury is it thought to be to* the Royal Line *of* France, *that* Hunibaldus *his* Antiquities *find no longer place in* their Hiſtories? *And yet nothing ſeems more glorious, than to have* their Royal Line *deduced long before the time that* Alexander *took* Babylon. *For according to* Hunibaldus *his Account, which he took he ſaith out of an ancient MS. of* Vaſtaldus (*ſuch another* Author *as* Veremundus) *the* Franks *went from* Troy *under the Conduct of* Francio *towards the* Palus Mœotis *juſt about the time that Æ*neas *went for* Italy, *where they fixed, and built* the City Sicambria, *and at laſt removed into* Germany *under* Marcomir *the Son of* Priamus, *and* Sunno *the Son of* Antenor. *After* Francio, Hunibaldus *ſets down a formal Succeſſion of Kings of two ſeveral Races,* 16 *in the firſt, and* 31 *in the ſecond. All which he gives a very particular account of, as to the times of* their Reign *for above* 413 *Years before* Chriſt's Nativity. *And although* this ancient Succeſſion *of Kings was a long time received and magnified,* Scotichr. l. 3. c. 19 *as appears by* Lazius *and* P. Æmilius, *and* Fordon *quotes* Sigebert *for it; yet now their learned Hiſtorians are aſhamed to mention it, much more to plead for it, and to charge thoſe with* a degree of Leſe-Majeſty *who call it in queſtion.*

Suffr. Petr. de Origine Friſiorum, l. 3. c. 2. Suffridus Petrus *hath* written the Antiquities *of* Friſeland *much in the way that* Hector Boethius *hath done thoſe of* Scotland. *He tells a very grave Story concerning a Province in the* Indies *called* Freſia, *from whence a Colony was ſent under* Friſo, Saxo *and* Bruno, *who went into* Alexander*'s Army; and for this he quotes old* Friſian Rythms, *and one* Patrocles, *an old* Indian Writer; *and beſides, he hath all* the Advocate's Common c. 3. Places of Tradition, common Fame, *the Teſtimonies of their own Hiſtorians, and he names* Andreas Cornelius, (*it ſeems there was a* Cornelius Friſius *as well as* Hibernicus) Solco Fortemannus, Occo Scherlenſis, Joh. Ulleterpius, *and ſeveral others, who with one* Conſent *deliver* theſe Anti- c. 4. quities. *But, ſaith he, ye will object,* That in ſo long a time and amidſt ſo many Wars ſuch Antiquities could hardly be preſerved. *To that he anſwers,* "*That* Friſo *being admirable skilled in* Greek *Learning ſet up a* "*publick* School *at* Stauria *near the Temple of* Stavo, *and in the Temple* "*a Library on purpoſe for* Antiquities (*like that of* Icolmkill) *and be-*"*ſides a Palace was built by* Uffo, *wherein was contained the Effigies of* "*all* the Kings *from* Friſo, (*who came to* Friſeland *juſt* 313 *Years be-*"*fore* Chriſt's Nativity) *to the time of* Charlemagn, *for* 1113 *Years. And are not* theſe Antiquities *very well atteſted? Yet ſince* Ubbo Emmius *hath confuted them, no learned* Advocate *hath appeared in vindication of them.*

Is it any diſparagement to the Royal Line *of* Spain *to have* the firſt Succeſſion *of* Kings *there diſputed*; viz. *from* Jubal *to* Melicola *the 24th King from him, who is ſaid* to have reigned there, the very Year after the deſtruction of *Troy*? *So very punctual are the Authors of* fabulous Antiquities. *And if you believe them, they have good* ancient Authors *and the Tradition of their Countrey for them*; hæc noſtri Majores multis Libris tradiderunt, *ſaith the pretended* Beroſus. *And by theſe* helps, *we have great light given us into* the Antiquities *of* Europe; *for thereby we underſtand that* Janus, (*who was ſomewhat elder than* Gathelos, *being* Noah *himſelf*) *gave* Tuyſco *the Countrey from the* Tanais *to the* Rhyne, Italy *to* Gomer, *the* Celtick *Provinces to* Samothes, *and* Celtiberia *to* Jubal. *And this was juſt* 131 Years after the Flood; Gomer *went into* Italy *the 10th Year of* Saturn *the Father of* Jupiter Belus; *in the 12th* Jubal *went into* Celtiberia, *and not long after* Samothes, *called* Dis, *founded* the Celtick Colonies; *among which were the* Britains, *and from him* their Druids *were called* Samothei: *After* Jubal *among* the Celtiberians *reigned* Iberus *his Son, from whom came the Name of* Iberi; *and among* the Celtæ, Magus *the Son of* Samothes *in the 51ſt Year of* Ninus, *who ſucceeded* Jupiter Belus: *This* Magus *in the* Scythian *Language is* Magog, *and from him came ſo many terminations of* the Names *of* Towns, *as* Rhotamagum, Noviomagum, Juliomagum, Cæſaromagum, *&c. In the* 34th *of* Semiramis, Jubelda *Son of* Iber, *ſucceeded in* Celtiberia; *in the time of* Ninias, *Son to* Semiramis, *reign'd* Sarron *among* the Celtæ, *from him the learned* Gauls *were called* Sarronidæ, *the ſame I ſuppoſe with our* Advocate's Sanachies. *In the* 20th *of* Arius, Brigus *reigned in* Celtiberia, p. 14. *and in the* 29th Dryius *among* the Celtæ; *nothing can be more natural than to derive* the Druids *from him*: Who being converted, *the Advocate tells us*, became their firſt Monks, and in the *Iriſh* Verſion of p. 13. the New Teſtament the Wiſe-men are tranſlated *Druids*; *therefore the* Druids *were originally* Iriſh. *In the time of* Aralius, *the ſeventh King of* Babylon, Bardus *was King over* the Celtæ; *and he was the Inventor of* Muſick *and* Verſes; *and from him came* the Bards, who were the Poets of their Traditions, *as* the Advocate *ſtyles them. After him ſucceeded* p. 14. Longo, *then* Bardus junior, *after him* Lucus, *and then* Celtes, *and* Galates, Narbon, Lugdus, Beligius, Allobrox, Romus, Paris, Lemannus, Galatas junior, *and* Francus.

Muſt we allow all theſe noble Antiquities *for fear of ſhortning* the Royal Lines *of the Princes of* Europe? *And yet here is a great appearance of exactneſs, a pretence to* ancient Records, *and to the common Tradition of the ſeveral Countries*; *for* Beroſus *appeals both to* Tradition *and* Writing; *and ſo doth* Manetho *in the continuation of him*, quæ ex noſtris Hiſtoricis vel eorum relationibus conſecuti ſumus; *ſo that here we have the* two Supporters of Antiquities, *which* the Advocate *builds upon*, viz. Tradition *and* Records. *And* Metaſthenes, *another pretended continuer of* Beroſus *ſaith*, he took all out of the Royal Library at *Suſa*, where the *Perſian* Annals were preſerved. *But notwithſtanding all theſe fair ſhews and ſpecious pretences, there is not a Man of tolerable judgment in* Europe, *who would venture his Reputation to plead for theſe* Antiquities.

But the learned Advocate *ſaith*, That their Antiquities have been re- p. 2. ceived with great Applauſe for many hundreds of Years by all Hiſtorians, Antiquaries and Criticks of other Nations who had any occaſion to take notice of their Affairs. *Theſe are very high Expreſſions, and argue a good aſſurance in the very beginning of his Book. For my part, I do* *not pretend to acquaintance with* all Hiſtorians, Antiquaries and Criticks for many hundreds of Years; *and ſo there may have been ſome, for any thing I know, who have applauded their Hiſtories from* 330 *Years before Chriſt; but upon my little knowledge in Books, I dare venture to name him ten who have applauded the* Antiquities *of* Beroſus *and* Manetho, *for one who hath allowed theirs. But ſuch hath been my Misfortune that I have met with* Hiſtorians, Antiquaries *and* Criticks, *who have been far from applauding them; ſuch a one was* * Ubbo Emmius, *who declares his Opinion freely,* " *That he could not allow any Certainty* " *in them, becauſe they depend not upon any* ancient " Annals, *but* unwritten Traditions; *and he not* " *only ſpeaks thus of the firſt Succeſſion of Kings* " *from* Fergus I. *to the ſecond, but from* Fergus II. " *to the deſtruction of the* Picts *by* Kenneth, *which* " *he reckons* Anno Dom. 829. *But another of the ſame Character, both an* Hiſtorian, Antiquary *and* Critick, viz. † M. Zuerius Boxhornius *hath paſſed a ſevere Cenſure upon them, for he ſaith,* Without doubt their Antiquities are Fabulous; and their pretended ancient Annals but lately made. *Theſe may ſerve at preſent, to ſhew that all* Hiſtorians, Antiquaries *and* Criticks *have not ſo much applauded their* Antiquities.

But this is not all, for the Advocate *ſaith,* They have done it for many hundreds of Years. *What! before they were known to the World? For* Hector Boethius *was the firſt Perſon who pretended to give ſuch a clear Account of them after the Diſcovery of* Veremundus *and* Cornelius Hibernicus *at* Icolmkill; *and it is not many hundreds of Years ſince he wrote, his Book being firſt printed ſince the beginning of the ſixteenth Century. And what account had they of their firſt* Antiquities *before?* Joh. Major *indeed was printed about five Years before him, by the ſame* Badius Aſcenſius, *and he was no great* Critick, *but a very Scholaſtick Hiſtorian, and a Man of great eſteem in his time, as the Advocate confeſſeth;* Defence, &c. p. 37. *but he is ſo far from applauding the remote Antiquities of his own Countrey, that he calls* the Story of *Gathelos* and *Scota* and their coming out of *Greece* and *Egypt* a mere Figment, and invented only to match the *Britains,* who derived themſelves from the *Trojans,* *Joh. Major,* Hiſt. Scot. l. 1. f. 17. c. 9. *and he condemns* their Annals about *Simon Brek; which ſhews what a regard he had to their Authority.* c. 11. *And when he comes to* Fergus *he ſets down* the old Verſes *about the time of it; but ſeems to give very little credit to them; for he firſt mentions* Bede's *Account about* Reuda, *and then relates what their* Annals *ſay,* i. e. their old Verſes (*for he quotes no other*) *and then ſaith this doth not contradict* Bede; *for ſaith he,* Regni debile fundamentum Ferguſius jecit; he laid a very ſlender beginning of a Monarchy, *which was after inlarged by* Reuda, *whom he makes to be* Rether, *and therein contradicts* Hector's Veremundus *and the* Catalogues *of their Kings, according to which* Reuda *ſucceeds him. So that* theſe Antiquities *were ſo far from being univerſally received abroad that they went down very hardly at home. And this ſame Hiſtorical* School-man *expreſly ſaith,* l. 4. c. 17. that *Fergus* had no other Right, but what the People gave him; and that it is in their Power to take it away; *which he not only aſſerts, but endeavours to prove in a* Scholaſtick *manner as far as* Septimò & Finaliter. *And is not this* a degree of Leſe-Majeſty *above the endeavouring to ſhorten* the Royal Line? *Surely they had far better deny any ſuch Perſon as* Fergus, *than to make him a King upon ſuch terms, which overthrow the* Monarchy.

---

* Hoc ſolum judicamus, quæ de Scotis & eorum Regibus ab anno 330 ante caput æræ Chriſtianæ, cum Alexander Macedo rerum potiretur in Oriente uſque ad Ferguſium 2. Regem Scotiæ quadrageſimum, cujus initium conjicitur à Scotis Scriptoribus in annum Chriſti 404. qui ejectos è Britannia Scotos dicitur reduxiſſe, non ex annalibus vetuſtis vetuſtos autores habentibus, ſed ex ἀγράφοις traditionibus à recentoribus deprompta memorantur, ea nos pro certis habere non poſſe Scimus enim quam lubrico atque inſtabili fundamento nitantur. Quinimo ne iſta quidem ſatis certa nobis videntur, quæ à Ferguſii 2. initio, & Scotorum reditu in Britanniam in rebus Scoticis recitantur ad A. D. 829. quo Picti ſcribuntur in Britannia à Scotis eſſe deleti 6. ſcil. anno Kenethi 2. Regum hujus gentis, ut Traditiones habent LXIX. *Ubb. Em. Rer. Chronolog.* l. 5. p. 198.

† De primorum gentis regum initiis multa haud dubiè fabuloſa habent Scotorum, quemadmodum & aliarum gentium poſtremis demum temporibus, compoſiti aut conficti Annales; itaque fabuloſa, quæ & tempora ipſa quibus tribuuntur, falſi arguunt, miſſa facimus, neque pro noſtro ea faciunt inſtituto. *Boxhorn. Hiſt. univerſ.* p. 878.

But who are theſe foreign Hiſtorians, Antiquaries *and* Criticks, *who at any time have ſo much applauded theſe Antiquities?* Joſeph Scaliger *did indeed applaud his own Wit for his Criticiſm about* Scoto-Brigantes *in* Seneca*'s Verſes. But what is this to* Fergus *his coming ſo ſoon into* Scotland? *For* Scaliger *himſelf there grants,* that theſe *Scoto-Brigantes* were ſtill in *Ireland; and he believes* that *Claudius* did make an attempt upon them there, becauſe *Juvenal* mentions the Coaſts of *Juverna* as brought under the *Roman* Power. *Scalig.* in *Tibull.* l. 4. Scoti ſunt in Hibernia adhuc, non in Britannia, *are* Scaliger*'s own Words. And I wonder to ſee* Buchanan *labour ſo hard about this Paſſage, to ſo little purpoſe.* *Buch.* l. 2. p. 22. 2. *But* the Advocate *ſaith,* that the ſame *Scaliger* in his Notes on *Euſebius,* hath a moſt learned and full Proof of their Antiquity, too learned to be anſwered by any Adverſary. Defence of the Antiquity, *&c.* p. 80. *What doth he mean by* their Antiquity? *That of* the Nation? *No one denies it. That of* their ſettlement *in* Scotland 330 Years before Chriſt? *That is to be proved, for* Scaliger *doth it not. He affirms,* "*That* "the Brigantes *were a People of* Ireland, *and that during the flouriſhing* "*of* the Roman Empire, *they made frequent Incurſions into* Britain, *and* "*for proof he brings the Teſtimony of* Pauſanias *about* Antoninus *his beat-* "*ing* the Brigantes *in* Britain; *and* the Inſcriptions *in* Scotland, *wherein* "*mention is made of the* Leg. 2. *which ſignifie very little to this purpoſe.* *Scalig.* in *Euſeb.* n. 2060. *Pauſan.* in *Arcad.* *For why could not* the ſecond Legion *fight againſt* the Brigantes, *ſuppoſing them to be* Britains, *as well as ſuppoſing them to be* Iriſh? *But* Scaliger*'s Opinion was this,* "*The* Brigantes *and the* Britains *were two diſtinct Peo-* "*ple; while they continued at home, they were called by no other Name,* "*but when they made excurſions abroad, then they were called* Scoto-bri- "gantes *and* Scoto-britanni; *and ſo the Word* Scot, *he ſaith, is not a* "*proper Name, but Appellative; and not* Iriſh *but* Britiſh, *for thoſe who* "*go from home in hopes of Booty, as the Names of* Bedwin *and* Saracen; "*and ſo as the* Arabs *were after called* Saracens; *ſo theſe* Brigantes, *when* "*they ſo much infeſted* Britain *in* Claudian*'s time, and after were called* "Scoti. *Now what there is in all this, that ſhould ſo much pleaſe* the Advocate, *I cannot imagine. He is very angry with the Biſhop of St.* Aſaph *for repreſenting their Anceſtors as a company of* barbarous Pilferers and Robbers (*although he only produces the Teſtimony of* Gildas) *how then comes he to be ſo much pleaſed with* Scaliger, *who makes the Name* Scot *to ſignifie ſo much?* Defence, *&c.* p. 104, 106, 108. *I had thought he ſhould have been more concerned to have diſproved ſuch a reproachful Etymology than to have magnified this Diſcourſe of* Scaliger *ſo highly. But where is it that he mentions* the firſt Succeſſion of their Kings *with approbation, or Fergus* his coming into *Scotland* before Chriſt's Nativity? *All that he ſaith is, That the* Scots "*might be a Nation before they were known by that Name,* (*and who doubts it*) "*as the* Burgundians *and* Lombards *were; and that the* Bri- "gantes *out of* Ireland *might make inroads and excurſions into* Britain *in the flouriſhing times of the Empire. And I ſee no reaſon to deny this, although it be not ſufficiently proved. But the queſtion is about a ſtanding* Monarchy *in* Scotland *from the time of* Fergus I. *and of this* Scaliger *ſaith not a Word. For theſe* Brigantes *coming out of* Ireland,

land, *might fix there for ſome time, and return again to* Ireland, *as* Gildas *ſaith they did afterwards, or they might fix as a ſcatter'd People not united under a* Monarchy, *as* Fordon *ſaith, they did before* Fergus *his coming. So that if their* Antiquities *be no more applauded by other* Antiquaries *and* Criticks *than they are by* Scaliger, *this Argument will come to very little.*

Defence, &c.p.126. *And yet* Salmaſius *and the reſt he mentions, ſay much leſs than* Scaliger; Salmaſius *only uſeth* Scaliger's *Criticiſm about the* Scoto-Brigantes *without adding any thing.* Lipſius *unhappily calls* Galgacus *a* Scot; *which was an improper expreſſion, as I have proved in the proper place; becauſe it is ſo evident from* Tacitus, *that the* Caledonians *were not* Scots; *unleſs it be taken for* Scythians, (*of which afterwards*) *but by* Scots *here we mean ſuch as came out of* Ireland *to ſettle in* Britain; *and ſuch* Galgacus *and* Hiſt. de grand. Chemins, l. 1. c. 10. n. 9. *his Soldiers were not. And the like impropriety* Bergier, *though a* learned Antiquary, *fell into, when he interprets the* Caledonians *by* Scots; *but ſuch as* Dempſter *is frequently guilty of, when he calls the* Britains Engliſh, *becauſe the* Engliſh *dwelt in* Britain *afterwards. But improper Expreſſions, where they fall from learned Men by chance, ought rather to be paſſed over with ſilence than made uſe of as Arguments; unleſs thoſe who uſe them go about to prove what is implied in them.* Sigonius *his Name ſtands among the reſt, being indeed a* learned Hiſtorian, Antiquary *and* Critick; *but not one Word can I find produced out of him in his whole Book. What* Baronius *ſaith relates* to the Converſion of the Scotiſh Nation, *and not to theſe* Defence, &c.p.107. 1108. Antiquities; *of which I have treated at large in the following Book.* Andr. Favin *and* P. Æmilius *ſpeak only of* an Alliance between *Achaius* King of the *Scots* and *Charles* the Great; *and what is this to* Fergus *and the* Succeſſion of Kings for 330 Years before Chriſt's Nativity? *Which he* p. 2. 10. *ſaith in the beginning* was applauded by all Hiſtorians, Antiquaries *and* Criticks, *and as though this were not extravagant enough, he ſaith after-* p. 126. *wards*, that *Baronius*, *Scaliger*, *Salmaſius*, *Lipſius*, *Sigonius*, *Favin* and others of the firſt Rank (too many to be named) have paſſionately defended their Antiquity, and not only ſuſtained but praiſed their Hiſtories. *Whereas not one of theſe produced by him ſpeaks any thing to the matter in queſtion. But we hope to ſee theſe things better cleared in the* third Part *of Sir* R. Sibbald's Scotia Antiqua, *where he has promiſed to give a particular account of the State of the* Scots *in* Britain *before they had Kings, then under Kings from* Fergus I. *to* Fergus II. *and from thence to* Malcolm Canmore. *If he doth clear theſe Parts of their* Antiquities, *he will do a great thing; and for my part, I ſhall be as willing to believe* Fergus *to have come into* Britain *in the time of* Alexander *as any time after, provided there be ſufficient Evidence to prove it; which muſt be ſomewhat more convincing than his* Majeſty's Advocate *hath been pleaſed to make uſe of; but I remember* Scaliger's *Cenſure of* Claudian, addit de ingenio quantum deeſt materiæ.

Therefore from the Teſtimony of Hiſtorians, Antiquaries *and* Criticks, *I proceed to examine the Argumentative part of his Book; and ſetting aſide all* common Places *about* Hiſtorical Certainty, Tradition, common Fame, *&c. I ſhall keep cloſe to the Point before us, and examine the force and ſtrength of his Reaſoning, which conſiſts in theſe things.*

p. 6. (1.) That upon the ſame Reaſon we queſtion their Antiquities, we may call in queſtion the *Roman*, *Jewiſh*, *Greek*, *French*, *Spaniſh* Antiquities, all which depended upon Tradition without Records for a long time.

This is indeed a material Objection; for we ought not to give a partial Aſſent to ſome Antiquities, *and deny it to others, if there be the ſame ground either to give or deny Aſſent to all. But this muſt be examined.*

(1.) *As to the* Roman *Antiquities, he cites a paſſage in* Livy, *in which he ſaith*, that the uſe of Letters was not then ordinary; the only certain preſerver of the memory of things paſt (*ſo* Livy's *Words are to be underſtood*, raræ per ea tempora Literæ, una cuſtodia fidelis memoriæ rerum geſtarum, *and not as* the Advocate *with too much art, hath tranſlated them*, that the beſt Records were the faithful Remembrance of things paſt. *For if this were* Livy's *meaning why doth he complain of the want of* the common uſe of Letters, *when he ſaith*, Tradition is the beſt way to preſerve the memory of things? *Which is to make* Livy *ſpeak inconſequently.*) *But he goes on, ſaying*, that what Memorials were left by the High Prieſts, or were in publick or private hands were moſt part deſtroyed in the burning of the Town. *He doth not ſay* all were loſt, *but* the moſt part. *This* Livy *alledgeth to excuſe the ſhortneſs and obſcurity of his firſt Books for want of ſufficient Records; and he ſpeaks like a very judicious Hiſtorian in it. And when he gives an Account of the remote* Antiquities *of* Rome, *he is far from confident aſſerting them; but he ſpeaks with great Modeſty and Diſcretion about them; ſaying*, “*That he would neither affirm nor deny them; being rather built on* Poetical *Fables than any certain Monuments of Affairs at that time, that an allowance muſt be made to* Antiquity; *which was wont* conſecrare Origines ſuas, *to make their beginnings as ſacred and venerable as they could. But as to ſuch things he would be no* Advocate *either for or againſt them. Then he proceeds to deliver* the common Tradition *about* Æneas *his coming into* Italy, *and* Aſcanius *ſucceeding him; but he cannot tell whether* Aſcanius *the Son of* Creuſa, *or another the Son of* Lavinia; quis enim rem tam veterem pro certo affirmet? *Who can be certain in ſuch remote* Antiquities? *And yet at that time it was thought a great diſparagement to* the Royal Line, *to have it queſtion'd whether it were the elder* Aſcanius, *becauſe the* Julian Family, *as* Livy *there ſaith, derived themſelves from him who was called* Iulus. *It is true,* Livy *after this, relates the* Roman Antiquities *down to the burning of the City, when ſo many Records were loſt; but we are to conſider, that the* Romans *had certain* Annals *before that time, and that ſome of them were preſerved, That they had* Annals both publick and private *appears by* Livy's *own Words, who mentions both the* Commentarii Pontificum *and the* publica & privata monumenta; *and* Cicero *affirms, that the* Romans *from the beginning had* Annals *made up by the* Pontifex Maximus *of the tranſactions of every Year; and theſe were publickly expoſed in a Table in his Houſe that the People might be ſatisfied about them; and theſe he ſaith were called* Annales Maximi; *which he adds were continued down to the time of* Mucius Scævola, *who was* Pontifex Maximus *about* A. U. C. 623. *Theſe, as* Servius *ſaith, were after made up into* 80 great Books, *and were the ſtanding Monuments of their* Antiquities. *And it is obſervable that the Author of the Book* de origine Gentis Romanæ, *as* Voſſius *and others take notice, inſerts ſeveral things as taken out of the* Pontifical Annals *which hapned before the building of* Rome; *from whence they do juſtly infer, that matters of more remote* Antiquity *were put into them, whether by the firſt* Pontifex Max. *in* Numa's *time or after it is impoſſible now to determine. It ſeems at firſt the* People *were not permitted to view theſe* Annals, *as* Canuleius *in* Livy *complains; but afterwards they were expoſed to all. And it appears*

Liv. l. 6. init.

De Orat. l. 2. c. 12.

Serv. in Virg. Æn. l. 1. v. 377.

Voſſ. de Hiſt. Lat. l. 1. c. 1.

Liv. l. 4. c. 3.

by

c. 7. *by* Licinius Macer *in* Livy, *that the* Libri Lintei (*which ſeem to have been*
c. 20. *for the ſame purpoſe with the* Annales Maximi, *but compoſed by the Magiſtrates*
) were preſerved in Æde Monetæ, *and in them the Names of the*
Magiſtrates were inſerted; *and in the ſame place* Livy *takes notice of*
the Annales priſci, *and the* Libri Magiſtratuum *for determining a Point*
about the Conſuls of a Year long before the burning of Rome; *which ſhews*
that Livy *did not think all their Records then deſtroyed. And afterwards*
c. 20. *he ſaith in the ſame Book, diſputing about another Conſul, that* Auguſtus *rebuilding*
the Temple of Jupiter Feretrius, *found there* in thorace linteo
the name of that Conſul. So that the Romans *had not only the* Pontifical
Annals *but* Civil *too, being made up by the Magiſtrates, and therefore called*
Libri Magiſtratuum *by* Livy, *which he diſtinguiſhes from the* Annales
In Bruto, Priſci. *And beſides theſe* Livy *mentions* private Records *among them*; *of*
c. 16. *which* Cicero *ſpeaks, which belonged to* particular Families: *and there is*
no probability theſe ſhould be all loſt in the burning of the City; *for the* Capitol
was not burnt, in which probably after the Romans *found the* Gauls
coming upon them, they preſerved their ancient Annals. *And it is conſiderable,*
Dionyſ Antiq. Rom. l. 1. *that* Dionyſius Halicarnaſſæus *quotes a paſſage of* Antiochus Syracuſanus,
(*who lived before the burning of* Rome, *and wrote concerning*
the affairs of Italy) *wherein he ſaith,* that he took his Hiſtory out of
ancient and undoubted Records; *which ſhews that there were certain*
written Annals *both at* Rome *and in other* Cities *of* Italy *very early*; *and*
l. 2. *the ſame* Dionyſius *quotes the* Domeſtick Annals of the *Sabins*, and *Feſtus*
Feſt. v. Roma. the Hiſtory of *Cuma. So that the* Roman Hiſtories *were built on better*
foundation than the very uncertain Tradition *of the* Natives; *which*
p. 7. the Advocate *is pleaſed to make* the ſureſt Foundation of all Hiſtories;
but I am ſo much of another Opinion, that I think it (*ſince the ſhortening*
of Mens Lives) *the certain foundation of none. Let now* the Reader
judge whether the caſe of the Antiquities *in diſpute be the ſame with that*
of the Romans; *for here are no* ancient Annals *pretended near the time*
of Fergus I. *nor in the time of any King of the firſt Race*; *no nor from*
Fergus II. *till after the Deſtruction of the* Picts; *nor any* Record *yet produced*
for a long time after that; *how then can any Perſons pretend that if*
we reject their Antiquities *we muſt reject the* Roman?

But this is not all, for he goes higher, and ſaith the ſame Objections will lie,
p. 6. (2.) *Againſt the* Jewiſh Antiquities. *For ſaith he,* the *Jewiſh* Hiſtory
had no hiſtorical Warrant for the firſt 2000 Years but Tradition, and
after that time their Tranſactions were mentioned in very few foreign
Hiſtories; and Annals of their own Prieſts were thought good Hiſtorical
Foundations in the Opinion of *Joſephus* even for the Sacred Hiſtory.
And not long after he ſaith, that the *Jewiſh* Hiſtory was challenged
p. 9. by *Appion* upon the ſame ground that theirs is now quarrell'd by the Biſhop
p. 132. of St. *Aſaph. This looks ſomewhat ſtrange among us, for the* Antiquities
of any particular Nation ſo far ſhort of the Jewiſh, *to be parallell'd*
with them in point of Credibility; *ſince the Records of Scripture are own'd*
to be divine and ſacred, and not merely built on the authority of Tradition,
or the Annals *of the* Jewiſh Prieſts. *Whatever* Joſephus *or other* Jews
might ſay in defence of their Antiquities *againſt the* Greeks, *we that own*
our ſelves to be Chriſtians *ought to look on* Moſes *and* the Prophets *under*
a higher Character. I know a late Critick *in great Vogue among ſome, hath*
endeavoured to reduce the Sacred Hiſtory *to the* Authority *of* the ancient
Annals of the *Jews*, *but withall adding* that we have only ſome imperfect
Abridgments of them, *much like that which the* Rector of Ranfrew

made of the Book of *Paſley, which* the Advocate *ſaw in Sir* R. Sibbald's *Library.* p. 32, 33. *A Doctrine ſo unreaſonable and miſchievous in the Conſequences of it, that I wonder it hath hitherto paſſed ſo eaſily through ſo many hands. But this is not my preſent buſineſs. I am now only to ſhew the vaſt diſparity of* theſe Antiquities *in queſtion, and thoſe of the* Jews. *It's very true that* Appion *did object againſt them, becauſe* the Greek Writers *took ſo little notice of them. But how doth* Joſephus *anſwer him? He ſhews,* "*That the* Greeks *were very late* Writers of Hiſtory, *and therefore* incompetent Judges *of matters of ſo great* Antiquity; *and he proves that the more ancient Nations as the* Egyptians, Chaldeans, Phœnicians *had a moſt laſting way of preſerving* their Hiſtories, *for they had* publick Annals *made by their wiſeſt Men, and kept in ſacred Places, but the* Greeks *were very defective in thoſe things; having no publick Writings in their Temples or elſewhere; and that they had not the uſe of* Letters *in the time of the* Trojan *War; and their firſt Hiſtorians were little elder than the* Perſians *War againſt the* Greeks. *And this reaſon he gives of the diſſonancy of the* Greek *Hiſtorians, becauſe they had no publick* Annals, *which would have prevented Errors, and kept Men from a power of deceiving. But great care, he ſaith, from the moſt ancient times was taken of ſuch things among* the Egyptians *and* Babylonians. *And for* their Anceſtors, *he ſaith they* exceeded *all others in their exactneſs this way, committing the care of theſe things to* their High Prieſts *and* Prophets. *But the* authority of Writing *was not allow'd promiſcuouſly to all, but certain* Prophets *were pitched upon who wrote the moſt remote* Antiquities *by divine* Inſpiration, *and* the matters *in their own times plainly and according to Truth; and therefore, ſaith he, we have no ſuch multitude of Books differing from each other, as the* Greeks *have, but only* 22, *containing on* Account *of all times paſt,* written *with great* Fidelity *and* Authority. *Afterwards* their Annals *were continued, but not with equal* Authority, *the Succeſſion of* their Prophets *failing. And to ſhew of how great* credit theſe Books (*of the firſt ſort*) *are among us; in ſo long time, ſaith he, no Man hath dared either to add, or to take away, or to tranſpoſe any thing. Which is utterly inconſiſtent with the* Principles *of* the late Critick; *for without a liberty of abridging and tranſpoſing, and inſerting his new* Inventions *come to nothing. But as to the ſilence of other* Nations *about them, he ſhews,* "*That they were a People who lived in a great* Retirement, *that the* Romans *themſelves were a conſiderable* People *before the* Greeks *knew them; and after all he ſhews they were known to the* Egyptians, Babylonians *and* Greeks, *which he proves from many particular Teſtimonies. Now what is there parallel to theſe things in the preſent caſe? Have they produced any ſuch publick and ſacred* Annals, *written and preſerved with ſo much care, as the ancient* Jews *had? Have they had a Succeſſion of* Prophets *among them whoſe Books are preſerved to this day with great Veneration without addition or diminuetion? What mean then ſuch ſtrange Compariſons? Can they produce any one Author contemporary with* Fergus I. *and his Succeſſors, who mention that Succeſſion? As* Joſephus *brings the* Egyptian, Phœnician, Chaldean *Writers to atteſt the Story of the Scripture.*

(3.) *As to* the Greek Antiquities, *he ſaith,* the *Greeks* could have no Records for many hundreds of Years before they wrote. p. 7. *And what follows, but that therefore there is great uncertainty in the* Antiquities *of* Greece *till that time? For which reaſon* Varro, *that great and judicious* Antiquary *rejected two Parts in three, of the Times of the* Greeks; the *Cenſor. de die Natali, c.* 21.

one he ſaid was wholly in the dark for want of Records, and the other Fabulous; *becauſe, as* Joſephus *obſerves,* they had no publick Annals, *but their firſt* Writers were Poets, *who minded to write rather things entertaining than true. But we are of late told,* that this ſaying of *Varro* might hold as to the *Greek* Antiquities; but it is unjuſtly applied by *Camden* to the Antiquities of other Nations; for the utmoſt Eaſtern Nations the *Chineſes*, and the utmoſt Weſtern, the *Iriſh* have preſerved their Antiquities far beyond the time which *Varro* allows for true Hiſtory. *I grant* Varro *intended this chiefly for the* Greeks, *who made the greateſt noiſe with their* Antiquities *then; and yet* Varro *himſelf, as St.* Auguſtine *tells us, began his account of the* Roman Antiquities, *with* the Succeſſion of the *Sicyonian* and *Athenian* Kings; *not as though he would deliver it for certain Hiſtorical Truth, but as the moſt common received Opinion. And in the* Fabulous Times, *he might endeavour to pick out what* Antiquities *he thought came neareſt to Hiſtory. As to the* Chineſes, *they are very remote from us, and we have had different accounts of them, as appears by comparing* Gonſales Mendoza *and* Martinius *together; and of their* Antiquities *as delivered by the former, a learned Man hath ſaid,* that they ſeem to him like *Manetho's Egyptian* Dynaſties. *However* Scaliger *thought fit to inſert the Succeſſion of their Kings in his* Chronological Canons, *and makes the beginning of that Empire coincident with the end of the thirteenth* Egyptian Dynaſty; *but in his Notes upon it, he complains of the want of farther information about them. Which the World hath ſince in great meaſure received by* Martinius, *both in his deſcription of the Countrey, and the* firſt Decad *of the* Hiſtory *from the beginning of the Empire to the Nativity of Chriſt. But their way of preſerving* Antiquities *was peculiar to themſelves, and therefore theſe cannot very well be made a Parallel for the* Scotiſh *or* Iriſh Antiquities. Martinius *hath indeed given a very plauſible account of the remote* Antiquities *of* China, *but in ſuch a manner, as ſhews that even the* Chineſes *had a* dark and fabulous time *as well as the* Greeks, *and he tells us,* that themſelves acknowledge that before the Reign of *Fohius* they have no certain account of things becauſe then they had no uſe of Letters; *but afterwards, they look upon the Succeſſion of their Kings as delivered down to them with great Fidelity. But there are two things this certainty of their Hiſtory depended upon.* (1.) *A fixed Rule for the computation of Times, without which it is impoſſible any Nation ſhould have an exact account of the ancient Succeſſion of their Kings. And herein lay the great accuracy of the* Chineſes *that they were very early given to the finding out the beſt methods for Calculation; and they uſed a Cycle of* 60 *Years,* 2670 *Years before Chriſt's Nativity; and therefore* Martinius *magnifies the* Chineſes, *eſpecially for* their Skill and Exactneſs in the Succeſſion of their Princes; *which it is impoſſible to give a certain account of without a fixed meaſure of time; and therefore it hath been ſo often ſaid,* that the *Greeks* had no certain Hiſtory before the Olympiads. (2.) *The* Chineſes *did not ſuffer any Perſons to write Hiſtory that would, but ſome of great Reputation were appointed after the Emperor's deceaſe to write his Life; which being approved, was allowed as the only authentick Hiſtory of him, and theſe being put together made up their* publick Annals, *which are preſerved to this day. For, notwithſtanding the Perſecution of their Hiſtories in the time of* Chingus, *who endeavoured to ſuppreſs them, that he might be thought the Founder of the Empire; yet his Son oppoſing his deſign, and many learned Men being baniſhed upon it, there were means uſed to preſerve their* Annals; *but* Semedo *ſaith,*

Preface to the Proſpect of *Ireland.*

Aug. de Civit. Dei, l. 18. c. 2.

Mendoza de Reg. China. l. 3. c. 1.

Ubb. Em. Rer. Chronol. l. 5. p. 214.

Scalig. Canon Iſagog. l. 2. p. 158.

Martin. Sinic. Hiſt. l. 1. p. 12. 20.

Martin. Sinic. Hiſt. l. 6. p. 241.

ſaith, they could never recover a perfect Account of the firſt beginning of that famous Empire.

Semedo Part I. ch. 22.

Now before any other Nation can preſume to vye with the exactneſs of the Chineſes *in their* Antiquities, *they muſt firſt ſhew us what means they had for the computation of times, by which we may judge of their* Antiquity *and Succeſſion of their Kings; and next they muſt give an equal Account of the Care taken time enough to preſerve their Hiſtory of* publick Annals, *as the* Eaſtern People *and the* Romans *did.*

For inſtance, we are told from a late Iriſh *Antiquary* Geoffrey Keting, *that the Poſterity of* Gathelos *and* Scota, *or the* Mileſian Race *ſettled in* Ireland, A. M. 2736. *after the Flood* 1086. *after* Moſes *paſſing the Red Sea* 192. *before* Chriſt's Nativity 1308. *from whence* the Antiquity of the *Iriſh* Nation, is ſaid not be parallell'd, unleſs by the *Chineſes* only.

Proſpect of *Ireland* by *P. W.* p. 6. p. 15.

Here is a pretence to very great Antiquity, *and an appearance of exact* Calculation; *but I only ask by what* Cycles *the* Iriſh *proceeded when they began; how they could adjuſt the time ſo well to the Age of the World; or what other certain way they had which might be reduced to it. If they had none, all this might be only Fancy and Opinion, unleſs there were ſome Characters of Time fixed, and certain by Eclipſes and Aſtronomical Obſervations, or certain Periods of time, or coincident paſſages, which might connect the Year of their deſcent into* Ireland, *with ſuch a Year of the World, or after the Flood. If nothing of this kind be produced, we muſt be excuſed if we do not yet think the* Iriſh Antiquities *parallel to thoſe of* China. *For if there be no ſuch* Characters *of Time which may direct us in comparing one thing with another, it is poſſible that there may be one or two thouſand Years difference in the Computation, and yet neither able to confute the other. For ſuppoſe I ſhould ſay, that the Poſterity of* Gathelos *came into* Ireland *juſt* 308 *Years before* Chriſt's Nativity, *here is* 1000 *Years difference.* That is a ſmall matter, *you will ſay,* in ſo great Antiquity; *but as ſmall as it is, ſome account ought to be given of* a thouſand Years. *Now I deſire to have ſome evident proof brought me of ſome Event in the World which happened* 1308 *Years before* Chriſt's Nativity, *to which the* Iriſh *deſcent muſt be coincident. To make this more plain by Example, ſuppoſe the Queſtion be in what Age of the World the* Peloponneſian *War began; we ſhould by no means think it ſufficient for any Man preſently to ſet down, it was ſuch a Year of the World, ſuch a Year from the Flood, ſo long before Chriſt; but we demand ſome certain* Character *of this time,* i. e. *ſuch which agrees to that and to no other; and here, whoſoever intends to give ſatisfaction, will ſearch* Thucydides, Diodorus *and* Ptolemy *to find out ſome undoubted Character; as that* Thucydides *ſaith, that* Pythodorus *was then* Archon *at* Athens, *and it was the Year of the* Olympick Solemnities. Diodorus *ſaith, this was the* 87 Olympiad, *and that* Apſeudes *was* Archon *the Year before;* Ptolemy *ſaith he was* Archon *in the Year of* Nabonaſſar 316. *So by comparing the* Olympiads *and the Years of* Nabonaſſar *with the Years of the World, we may come to a certainty in this* matter. *And beſides* Thucydides *mentions a great Eclipſe the firſt Year of the War, which the* Aſtronomers *ſay, was* 317 *of* Nabonaſſar, *when* Euthydemus *ſucceeded* Pythodorus *at* Athens. *Such a method of proceeding by certain* Characters *of time, is a way to convince reaſonable Men; but without any of theſe to think to impoſe upon Mankind, under a pretence of exact Calculation, argues too great preſumption upon the Credulity of Mankind. Thus as to the coming of* Fergus I. *into* Scotland *juſt* 330 Years before Chriſt, *which* the Advocate *ſaith* all their Hiſtorians affirm; *let them produce any one certain Character of that time out of ſuch* Annals *as were written within the compaſs of knowing the Truth of it, and we will never diſpute this matter more.*

But to proceed,

p. 7. (4.) *As to the* French Antiquities; *which the* Advocate *ſaith,* may be more juſtly queſtioned on theſe Grounds than theirs, *we only deſire them to be as ingenuous as the late learned* Writers *of* their Antiquities *have been, who reject all before the* Merovingian Race, *as either Fabulous, or ſo doubtful and uncertain, that they make no Account of it, unleſs it be* Rer. Francic. To. 1. *what they find in the* Roman Authors *concerning the* Franks, *as may be ſeen in* Hadrianus Valeſius, *a learned* Hiſtorian, Antiquary *and* Critick.

(5.) *As to the* Spaniſh, *which are joined with the* French; *what relates to* their Antiquities *before* the Romans War *in* Spain, *we grant to be parallel with theirs. For although* Strabo *ſaith,* they had the uſe of Letters, Strab. Geogr. l. 3. p. 96. and had ſome Records of ancient times among them; *yet they are utterly loſt. And although* Reineſius de Deo Endovellico *ſeems to think, that* Annius *had ſome Fragments of thoſe* Antiquities *which he mixed with his own* Inventions, *yet I can ſee no reaſon for it; becauſe he would then have alledged the old* Spaniſh Records, *and not have fathered his* Antiquities *on Perſons ſo remote as* Beroſus *and* Manetho.

But if they had the uſe of Letters and Records among them, might not the *Iriſh* and *Scotiſh* derive both from them? *I anſwer, That the coming of the* Iriſh *immediately from* Spain *and not from* Britain *is not ſo evidently proved that any thing can be built upon it.* Camden *and Sir* Camd. Brit. p. 728. James Ware *two learned* Antiquaries *both think* Ireland *firſt peopled from* Antiq. Hibern. c. 2. p. 11. Britain; *and* Camden *offers good Reaſons for his Aſſertion,* " *as the agreement of* the Britiſh *and* Iriſh *Languages in very many Words*; the " ſimilitude *of Cuſtoms and Manners*; *it's being anciently called* the leſſer " Britain, *and* the Inhabitants Britains; *the conveniency of paſſage from* " Britain *thither*; *which ſeem to be of far* greater moment *than any thing brought to prove* the Legend *of* Gathelos *and* Scota *and* their Poſterity *coming out of* Spain. *But becauſe* this Opinion *doth not ſeem to give any* account *of the* Scoti *in* Ireland (*from whence they certainly went into* Scotland, *as is now confeſſed on all hands*) *therefore I ſhall endeavour to clear* this Matter, *by propoſing what ſeems moſt probable to me concerning the firſt* Peopling *of* theſe Iſlands.

Arab. Geogr. l. 1. p. 23. *We are then to conſider, that the moſt* ancient Geographers, *as* Strabo *obſerves out of* Ephorus, *divided* the then known World into four Parts, *the Eaſtern they called* India, *the Southern* Æthiopia, *the Weſtern* Celtia, *and the Northern* Scythia. *And in* the European Parts *they knew but of* two Nations *beſide the* Greeks, *and thoſe are the* Celtæ *and the* Scythæ. Strab. l. 1. p. 22. Thoſe that inhabited Northward, *ſaith* Strabo, were called *Scythæ*, and thoſe to the Weſt *Celtæ*; *who were likewiſe called* Iberi *and* Celtiberi, *as he affirms; and theſe peopled* Spain *and* Gaul, *and from thence ſpread into* the Neighbour Countries; *and among the reſt came over into* Britain: *Which in the Book* de Mundo *commonly* attributed to Ariſtotle, *but by* Buchanan *to* Theophraſtus, *is ſaid,* together with *Ireland*, (*which are both there called* the Britiſh Iſlands) to be ſituate in the Ocean, not far from the *Scythæ* and the *Celtæ*. *But* the latter *were ſo much nearer in* Gaul, *that it is very reaſonable to believe* the firſt Habitation Vit. Agric. here *was by the* Celtæ, *who came from thence. And* Tacitus *truly obſerves,* the agreement was ſo very great between the *Gauls* and the old *Britains*,that although he ſuſpected the *Silures* might come immediately from *Spain*, (*or rather from the* Iberi, *which* Strabo *ſaith was a more general Name, and ſome of theſe went into* Ireland) yet upon the whole matter, he concluded all the Southern Parts of *Britain* to have been peopled immediately from *Gaul*. *But as to the* Caledonians *he affirms them to have been of a* German Extraction : i. e. *taking* Germany *in* the extent *he took it in, which went as far as* Sarmatia, *and took in* Scandinavia ; *from whence in probability* the Northern Parts *of* Britain, *were firſt peopled. It is true that* Tacitus *calls them* Britains *as well as the* Celtæ ; *and however they were* united in Intereſt *againſt the* Romans, *as* Galgacus *ſhews in his* excellent Speech *to them, yet* Tacitus, *we ſee, makes them of a* different Extraction. *And theſe were originally from the* European Scythæ, *or from* Scandinavia, *which was abundantly peopled, and ſupplied other Countries, as* Jornandes *ſaith ; and that they were provided of Shipping very early, I have proved in* the following Book, *where I ſpeak of the* Original *of* the Picts. *And beſides what is there ſaid to ſhew that thoſe who dwell in* thoſe Northern Parts, *were then called* Scythians, Scymnus Chius *lately publiſhed out of* Holſtenius *his Papers, affirms,* that the *Scythians* extended from the *Palus Mæotis* to Countries wholly unknow to the *Greeks*. *For being tempted by* the Rivers, *as* Olaus Rudbeck *conjectures, having no Skill in* Navigation *or* Aſtronomy, *and* the Woods *in the firſt Ages of the World being unpaſſable, the People ſtill went farther and farther by* the Rivers ſide, *till at laſt finding themſelves bounded by the vaſt* Mountains *in* thoſe Northern Parts *and the Sea beyond them, they ſat down there, and in time ſo repleniſhed* thoſe Parts, *that they were willing to diſcharge themſelves by ſending Colonies abroad. To which end they accuſtomed themſelves to the Sea, and ſo from thence theſe* Scythians *came into* the Northern Parts *of* Britain, *where they had the Name of* Caledonians ; *and upon new Supplies coming after* the Romans *had ſubdued* the Southern Parts *of* Britain, *were then called* Picts. *But of theſe things afterwards. That which I now deſign, is to ſhew that ſome of theſe* Scythæ *being encouraged by* the Adventures *of others, who had* ſettled *in* Britain, *paſſed by* the Northern Iſlands *and went into* Ireland ; *and ſo the* Celtæ *from* Britain, *who were called* Iberi *in* Strabo, *and theſe* Scythæ *met there as they did in* Britain. *But* Britain *ſtill retained its Name ; and therefore to diſtinguiſh themſelves from thoſe who remained there, their Countrey was called* Ibernia *from the* Iberi, *and* Scotia *from theſe* Scythæ ; *for ſaith* Walſingham, Scythæ, Scythici, Scoti, Scotici *are all one ; which he took from* Radulphus de Diceto, Imag. Hiſtor. ad A. 1185. *and* Nennius *expreſly calls them* Scythæ, *and* Gildas *the* Iriſh Sea, Vallem Scythicam ; *and* Alfred *in* the Engliſh Tranſlation *of* Oroſius *calls the* Scots Scyttan ; *and the* Germans *both* Scythians *and* Scots Scutten, *and the old* Britains Yſcot, *as* Cambden *hath already obſerved.*

Jornand. de Rebus. Get. l. 1. c. 4.

Holſten. Not. in Steph de Urbibus, p. 378.

Atlantic. c. 3. § 10.

Walſingh. in Hypodigm. Neuſtriæ.

Britan. p. 86.

And it is conſiderable that a late Iriſh Antiquary *tells us that a part of their Countrey in their own Language is called* Gæthluighe, i. e. Gothland, *from the* Goths *or* Scythians *who took poſſeſſion of it. He rather thinks the* Getuli *a People of* Africa *gave the Name ; but of their coming into* Ireland *there is no probability. And in the ſame place he ſaith,* that *Lamfinnus* was the firſt who brought a Colony thither out of *Scythia* ; *which he proves out of one of their moſt ancient* Monuments. *And* Colganus *obſerves on the Life of St.* Cadroe, that whereas they are ſaid to be derived from *Scota* who is ſaid to be *Pharaoh*'s Daughter, the true Name, *he*

Flaberty Ogygi, p. 67.

ActaSanct. Hib. Mart. 6. p. 502. n. 40.

he ſaith, was *Scytha*; and that Name was given her becauſe her Husband came from *Scythia*. *And the ſame* Antiquary *confeſſes*, that it appears by all their ancient Records, that they had their original from the *Scythians*, *and* Keting *himſelf he ſaith at laſt yields it*, *and* that the Name of *Scota* was given becauſe the *Mileſian* Race came out of *Scythia*.

Ogyg. p. 350.

And to confirm the Peopling of Ireland *from* Britain *and* Scandinavia, *we are to obſerve that the* Iriſh Antiquaries *from their beſt Records do ſpeak of two great Colonies which came thither from* Britain, *the one of the* Belgæ, *of which* Slangius *or* Slanius *was the Head*, *who was the firſt* Monarch *of* Ireland; *wherein* Giraldus Cambrenſis *is confeſſed to agree with* their own Antiquities; *and another of the* Dannanæ *from the Northern Parts of* Britain *under* Nuadus. *But beſides both theſe, and long after them they place the Dynaſty of the* Scots *or* Scythians *under* Herimon; *and the* Pſaltir Na-rann, *a Book of great* Authority *among them*, *ſaith*, that *Herimon* was the firſt King of the *Scots* in *Ireland*. And in his time, *they ſay*, the *Picts* follow'd them thither. *But that ſeems to be too ſoon. However that they came from the ſame* Parts *will appear very probable from what* Bede *ſpeaks of* the *Picts* coming from *Scythia* (*i. e. Scandinavia*) in their long Boats, and being carried by Tempeſt to the Northern Parts of *Ireland*, *he ſaith*, they there found *gentem Scotorum*, i. e. *their Countreymen the* Scythians; and they would fain have ſettled there with them. *And when they came to* treat, *we find no difficulty as to their underſtanding one another*, *which there would have been*, *if the* Scots *had come out of* Spain, *and the* Picts *out of* Scandinavia. *I know* Bede *there makes the* Picts *and* Scots *Languages to be different*; *but ſo they might be in continuance of time*, *although at firſt of the ſame Original*; *as appears by the ſeveral Languages now in* Europe, *derived from the Original* Gothick *or* Scythick Tongue, *which is Mother to moſt of them*; *only the* Celtick *and* Latin *being mixed with it. But to return to* Bede, *he ſaith*, the *Scots* perſuaded the *Picts* to go to *Britain*, and take Poſſeſſion of the Northern Parts, as the *Britains* had done of the Southern. *After this* they obtained Wives from the *Scots* in *Ireland*; *which ſhews familiarity and mutual confidence* (*as being of the ſame extraction*) *and the* Picts *engaged that in a diſputable Caſe*, *the* Scotiſh Line ſhould be preferr'd to their own. In proceſs of time, *ſaith* Bede, ſome of the *Scots* themſelves, hearing of the Goodneſs of the Weſtern parts of *Scotland*, went thither under the Conduct of *Reuda*, and either by Force or Friendſhip took poſſeſſion of them; and from thence they were called *Dalreudini*, from this *Reuda* and *Daal* which ſignifies a ſhare or portion. *This is all the Account* Bede *gives of this matter*; *wherein there is not a Word of* Gathelos *and* Scota, *or of* Fergus *his coming in the time of* Alexander, *or any time after. And it is ſomewhat ſtrange, that ſuch a Man as* Bede, *ſo inquiſitive into theſe* matters, *ſo well acquainted with the Story of* Icolmkill, *or of the Monks of* Hy *or* Jona, *ſhould ſay nothing of all this. For he ſeems to have concealed nothing he knew or had heard of*; *and ſtuffs out his Books with ſome not very probable Relations. And therefore it is not likely he would have omitted the former Stories if he had heard of them.*

Ogyg. p. 171. c 8, 9. part 3.
Cambrenſ. Everſ. c. 8. p. 57.
Ogyg. part. 3. c. 10.
Part 2. p. 85, 86.
War. Antiquit. Hibern. c. 2.
Bed l. 1. c. 1.

(2.) *The ſecond Argument of any ſeeming force in the* Advocate's Diſcourſe *is*, “ *That their Hiſtories were firſt tranſmitted to Poſterity by the* “ Druids *in Verſes*; *and it is probable ſome of theſe* Druids *being con*“*verted*, *became their* firſt Monks, *and ſo it was eaſie for them to inform* “ their Monaſteries, *and that the* Monks *at* Jona *or* Icolmkill *kept the* “ *Records there from the foundation of the Monaſtery about* A. D. 560.

p. 13.

“ *where their Kings were buried until the Reign of* Malcolm Can more;
“ *that they had* Annals *in other Monaſteries, as at* Scoon, Paſlay, Pluſcardin
“ *and* Lindesfern, Abercorn *and* Melroſs; *and that they had* p. 24.
“ Hiſtorians *who compiled Hiſtories from them*; *among whom he reckons* p. 25.
“ *as the moſt ancient* Veremundus *a* Spaniard, A. D. 1076. *who dedicated*
“ *his Hiſtory to* Malcolm Can-more; *and* Joh. Campbell, Turgott
“ *and* Alredus Rivallenſis, *who wrote of their Affairs before* Fordon. p. 29.
“ *And he goes about to prove* Veremundus *could not be counterfeited by*
“ Hector Boethius, *becauſe he is cited by* Balæus, Holinſhed, Geſner,
“ Chambers; *and becauſe* Hector *gives an account* to James V. that he
“ was ſent him from *Icolmkill. Which is the ſubſtance of what he ſaith*
about their old Hiſtories before Fordon.

To which I anſwer,

(1.) *That here we have a very formal* Pedigree *of* Hiſtorians, *which*
might with equal probability have been carried back to Gathelos *his firſt*
coming out of Egypt. *For it is very hard to ſuppoſe ſo great a Prince, and*
Son to a King of Athens, *ſhould be without his* Druids, *or* Sanachies, *or*
Bards, *who would tranſmit to Poſterity his famous Actions*; *and therefore I*
cannot but wonder, that the learned Advocate *ſhould ſeem to ſtick at* their
ancient Origination and Deſcent; *and be ſo unwilling to go any farther* p. 15.
back than their firſt Settlement in *Scotland. For no doubt the Hiſtory of*
Gathelos *and* Scota *were tranſmitted to* Poſterity *the very ſame way that*
the other was; *and the ſame Arguments will indifferently ſerve for both.*
Nay, why ſhould the Britiſh *Hiſtory be queſtioned? ſince no doubt the*
Britains *had* Druids, Sanachies *and* Bards, *as well as the* Scots *or* Iriſh.
And yet the Advocate *will by no means allow the* Britiſh Antiquities, *although*
they pretend to the very ſame Grounds which he makes uſe of to ſupport
the Scotiſh. *If the* Druids *were good Hiſtorians in* Scotland, *why not*
much rather among the Britains; *where* Cæſar *ſaith they had their* Original
Inſtitution *and* the moſt ſacred Authority. *But* Buchanan *abſolutely* Buchan.
denies that the *Druids* ever wrote Hiſtories; *and he affirms from* Cæſar, l. 2.
that when he came hither they had no Records or way of preſerving
the memory of things paſt; *and* Tacitus *and* Gildas *could meet with no*
certain Account from Domeſtick Hiſtories. And as to his Sanachies *and*
Bards, *I ſhall only give him* Buchanan's *Anſwer in his own Words.* Quod
autem ad Bardos & Seneciones veteris memoriæ cuſtodes quidam confugiunt,
prorſus perridicule faciunt. *Which he proves,* “ *becauſe the*
“ Bards *were an ignorant ſort of People, that had no Monuments of* Antiquity;
“ *and the* Sanachies *were Men wholly without Learning, and who*
“ *lived by flattering great Men*; *and therefore no certain Account of*
“ *things can be expected from them. And withall, ſaith he, ſince we find*
“ *Hiſtorians liable to ſo many Miſtakes after all the pains and care they*
“ *take to ſearch after the Truth of things, what credit can be given to thoſe*
“ *who pretend to deliver Hiſtory merely by their Memories?*

But the Advocate *objects,* That the Laws of *Lycurgus* were preſerved p. 16.
in the Memories of Men for 600 Years, as *Plutarch* obſerves; and the
Scots and other Nations have preſerved Laws for much longer time,
without the help of Letters.

But is there no difference between Laws of daily Practice, and Antiquities,
which depend merely upon Memory, where there is no uſe of Letters?
And as to Laws themſelves I ſhall only deſire the learned Advocate *to give*
an Account of their Macalpine *Laws, which* Fordon *ſaith,* were compoſed Scotic.
by *Kenneth,* who ſubdued the *Picts. I know that* Hector Boethius, l. 4. c. 9.
who

Hect. Boeth. Hiſt. l. 10. f. 207.
Leſle. de Orig. Scot. l. 1. p. 71.
Buch. l. 7. p. 71, 2.

who ſtands out at nothing, pretends to deliver them as exactly as if he had lived at that time; *and* Leſly *who follows him very carefully, ſetts them down as he found them in him. But what ancient Copy do they produce for theſe Laws? Not one Word of that. But was it not fit that he who had made ſo many Kings ſhould make a Body of Laws too?* Fordon *never pretends to know them, only* he thinks there were ſome of them ſtill remaining. Joh. Major *takes no notice of them*; Buchanan *juſt mentions them, and ſaith,* they continued long after him, *but how long he could not tell. But it is obſervable, that when he comes to mention the Laws of* Alexander III. *ſo long after him* (*for he died* A. D. 1285. *and the other, according to him,* A. D. 854.) *he ſaith,* they were all antiquated by the negligence of the People and the length of Time. *Now if the Laws ſo much later were quite forgotten, how come the* Macalpin *Laws to be ſo exactly preſerved? But it may be there was another Cheſt of Laws at* Icolmkill, *beſides that of* MSS. *which* Hector Boethius *ſaith* Fergus *brought from the Sacking of* Rome *in the time of* Alaric. *Yet even that would prove that Records are the beſt preſervers of Laws; and one would think no* Advocate *in the World could be of another Opinion.*

(2.) *From the* Druids *I proceed to the firſt* Monks *of* Scotland, *who are ſaid* to have left Records in their Monaſteries of the Hiſtory of former times. *The firſt* Monaſtery *there, is confeſſed to be* that of the Iſland *Jona*, or *Hy*, or *Icolmkill*, *i. e. Hy* the Cell of *Columba*, founded about the Year 560. and there, *the Advocate ſaith,* their Records were kept from the Foundation to the Reign of *Malcolm Can-more. Now we are fallen into an Age of ſome Light, ſuch as it is, but whether it will be to the* Advocate's *ſatisfaction I know not. For* Cummeneus Albus *and* Adamnanus, *both Abbats of* Hy *not long after* Columba, *have given an Account of* Columba *the Founder of that Monaſtery; and both wrote before* Bede's *time. By them it appears that* Columba *came out of* Ireland *thither; and* Adamnanus *ſaith,* he was the Son of *Fedlimid* the Son of *Fergus, which* Fergus, *ſay the* Iriſh Antiquaries, *was ſecond Husband to* Erica *Daughter of* Loarn, *Brother to* Fergus, *who carried the firſt Colony into* Scotland; *and that* Fergus, *Grand-father to* Columba, *was Son to* Conallus, *Grandchild to* Niellus Magnus *King of* Ireland *about* A. D. 405. *in whoſe time St.* Patrick *was carried captive into* Ireland. *And ſo from the time of* Columba's *coming, and his Relation to the Kings both of* Scotland *and* Ireland, *they have endeavoured to fix the time of* Fergus *his coming with the firſt Colony into* Scotland. *The account they give in ſhort is this, that* Carbre Riada *was one of the Sons of* Conar II. *King of* Ireland, *about* A. D. 165. *from him the Family and Countrey where they lived was called* Dalrieda (*and they while in* Ireland *were ſtyled* Kings *of* Dalrieda) *from him deſcended* Eric *the Father of* Loarn, *and* Fergus *who went into* Scotland. *To this* Fergus *ſucceeded* Domangardus, Comgallus, Gauranus *and* Conallus, *the Son of* Comgallus, *in whoſe time* Columba *came into* Scotland; *for* Adamnanus *ſaith,* he converſed with *Conallus* the Son of *Comgill*; *who according to* Tigernacus *and the* Ulſter Annals *gave the Iſland* Hy *to* Columba. *But* Bede *ſaith,* it was given by the *Picts* whom *Columba* converted to the Chriſtian Faith. *Which muſt ſeem ſtrange, if the* Scots *then had the Poſſeſſion of thoſe Parts; and therefore the learned* Primate *of* Armagh *inclines to the former Opinion. The ſame* Tigernacus *in the* Iriſh Annals *makes* Fergus *the Son of* Eric *to have carried over the* Dalreidians *into* Britain *ſix Years after the death of St.* Patrick; *and the old* Author *cited by* Camden *confirms the Succeſſion of* Fergus

p. 23.
Ogyg. p. 471.
Cambrenſ. Everſ. p. 69.
Ogyg. p. 468.
Bed. l. 3. c. 3. c. 4.
Primord. p. 703.
p. 610.
Camd. Britain p. 707.

gus from Conar, *and* his being the firſt King of *Albany*; *which agrees with the* Iriſh Antiquaries, *ſaying, that* Carbre Riada *the Anceſtor to* Fergus, *was the Son of* Conar *Monarch of* Ireland.

“ *But ſuppoſe all this, that* Columba *was deſcended from one* Fergus, *and related to the other, who went over with the* Dalredians *into* Scotland; *and that he was there in the time of* Conallus *Son to* Comgill, *Grandchild to this* Fergus, *how doth it hence appear that there was not another* Fergus *long before, and a Succeſſion of Kings in* Scotland *from him?*

To this the Iriſh *Antiquaries reply, that their* ancient Annals *do give a clear Account of this* Fergus *his Race and Time of going into* Scotland, *but although they have the Succeſſion of the Kings of* Ireland *long before, and the remarkable things done in their time, yet there is no mention at all of any* Fergus *or his Succeſſors going to ſettle in* Britain *before this time. They do believe that there were Excurſions made by ſome of the Kings of* Ireland *before; and I ſee no reaſon to queſtion it, even before the times mentioned by* Ogyg. Gildas; *but they utterly deny any foundation of a Monarchy there by* Scots p. 464. *going out of* Ireland *before the time of* Fergus *the Son of* Eric, *and that* 100 *Years later than the* Scotiſh *Antiquaries do place his coming; for they* p. 472. *make the firſt coming of this Colony to be* A. D. 503. *juſt the time which the Biſhop of St.* Aſaph *had pitched upon; but according to their* Antiquities, Loarn *the elder Brother was firſt King, and he dying* Fergus *ſucceeded* A. D. 513. *and becauſe his Race ſucceeded in that Kingdom, therefore* Fergus *is ſuppoſed to have been founder of the* Monarchy.

The Queſtion now comes to this, whether the Iriſh *or the* Scotiſh Antiquaries *go upon the better Grounds? For, here* the Advocate's *Common Places of* Hiſtorical Faith, Common Fame, Domeſtick Tradition, *&c. can determine nothing, ſince theſe are equal on both ſides, and yet there is a contradiction to each other about a matter of Fact. We muſt then appeal to the Records on both ſides; and thoſe who can produce the more* Authentick Teſtimonies *from thence are to be believed. The* Advocate *pleads that it is very credible that they had ſuch,* becauſe they had Druids and Sanachies and Monks as well as thoſe in *Ireland*; and that *Columba* founded a Monaſtery at *Icolmkill*, and their Kings were buried there for a long time. *But where are the* Annals *of that Monaſtery? Or of any other near that time? To what purpoſe are we told of the Monaſteries that were at* Scoon, *and* Paſley, *and* Pluſcardin, *and* Lindesfern, *and* Abercorn, *unleſs their Books be produced? It is by no means ſatisfactory to ſay,* they had two p. 25. Books, their Regiſter or Chartulary, and their Black Book wherein their Annals were kept, *for we deſire to ſee them of what colour ſoever they be, and to be convinced by Teſtimonies out of them, if they appear of ſufficient authority. But if theſe cannot be produced, let them print* the full Account of *Iriſh* Kings, *which* the Advocate *in his* Advertiſement *ſaith,* he had lately ſeen in a very old MS. brought from *Icolmkill*, written by *Carbre Lifachair*, who lived ſix Generations before St. Patrick, and ſo about our Saviour's time. *St.* Patrick *died about the end of the fifth Century, being above* 100 *Years old, if the* Iriſh *Hiſtorians may be believed; but how* ſix Generations will reach from his birth to about our Saviour's time, *is not eaſie to underſtand. For although the ancients differ'd much in computing* Generations; *yet* Cenſorinus *ſaith, they generally called* 25 or 30 Years by the Name of 3 Generations. *Cenſor. de die Natal. c. 17.* Herodotus *indeed extends* a Generation *to* 100 *Years, yet even that will not do here. But who was this* Carbre Lifachair, *who wrote ſo long ſince? I*

Cambr. Everſ. p. 71. Ogyg. p. 341. p. 464. *find one of that Name among the Kings of* Ireland, *about* A. D. 284. *and therefore I am apt to ſuſpect that ſome body not very well verſed in the* Iriſh *Language, finding this Name among the Kings, made him the* Author *of the Book. And the* Iriſh Antiquaries *ſpeak with ſome indignation againſt thoſe* Scotiſh Writers, *who pretended to debate theſe matters of Antiquity relating to the* Iriſh Nation, *without any skill in the* Iriſh Language. *For* Camd. Brit. p. 85. *this Debate doth not concern the* Saxons *in* Scotland (*as all the* Low-landers *are ſtill called by the* High-landers) *and many of the beſt Families of their Nobility ſettled there in the time of* Malcolm Canmoir, *after he had married the Siſter to* Edgar; *but it relating wholly to thoſe who came out of* Ireland, *the* Iriſh Antiquaries *think it reaſonable it ought to be determined by the* Iriſh Annals.

“ *But will not the ſame Objections lie againſt the* Iriſh Antiquities *which*
“ *have been hitherto urged againſt the* Scotiſh? *For why ſhould we believe*
“ *that the Original* Iriſh *were more punctual and exact in their* Annals
“ *than thoſe who went from thence into* Scotland?

I anſwer, that a difference is to be made concerning the Iriſh Antiquities. *For they either relate to what hapned among them before Chriſtianity was received in* Ireland *or after. As to their remote* Antiquities, *they might have ſome general* Traditions *preſerved among them, as that they were peopled from* Britain *and* Scythia, *and had Succeſſions of* Kings *time out of mind; but as to their exact* Chronology, *I muſt beg leave as yet* Act. Sanct. Mart. 17 Vit. Patric. §. 4. *to ſuſpend my Aſſent. For* Bollandus *affirms* that the *Iriſh* had no uſe of Letters till St. *Patrick* brought it among them; *at which their preſent Antiquary is much offended, and runs back to the* Druids, *as the learned Advocate doth. But neither of them have convinced me that the* Druids Ogyg. part 3. c. 30. p. 214. *ever wrote Annals. All that* Cæſar *ſaith, is, that in* Gaul *they* made uſe of the *Greek* Letters, *which they might eaſily borrow from the* Greek Colony *at* Marſeilles; *but how doth it appear that they uſed theſe Letters in* Ireland *or* Scotland? *Or that they any where uſed them in any Matters of Learning; which ſeems contrary to the Inſtitution of the* Druids, *who were all for Memory, as* Cæſar *ſaith,* and thought Books hurtful to the uſe of it. *So that nothing could be more repugnant to their* Diſcipline, *than the* 150 Tracts of the *Druids*, which St. *Patrick* is ſaid to p. 219. have caſt into the Fire. *But I do not deny that they might have* Genealogies *kept up among them by their* Druids, *and* Sanachies, *and* Bards, *who made it their Buſineſs; and ſo it was in* Scotland, *as appears by the* High-landers *repeating the Genealogy of* Alexander III. *by Heart. But the great Error lay in fixing Times and Places, and particular Actions, according to the Names of thoſe Genealogies. And this was the true Reaſon of the Miſtake as to the* Scotiſh Antiquities. *For the* Genealogiſts *carrying the* Pedigree *of* Fergus *the Son of* Erc *ſo much farther back, ſome afterwards either imagined themſelves, or would have others think, that all thoſe mentioned before him were Kings in* Scotland, *as* Fergus *was; which by degrees was improved into a formal Story of* forty Kings. *And I am very much confirmed in this Conjecture, becauſe I find in the* Genealogy *in* Fordon, *the deſcent of* Fergus, *the Son of* Erc *from* Conar *the* Iriſh *Monarch, as it is in the* Iriſh *Genealogies, and that by* Rieda, *called by them* Carbre Riada, *by the other* Eochoid Ried, *and ſeveral other Names are the very ſame we now find in the* Genealogy *of the* Iriſh *Kings; as* Eochoid, *Father to* Erc; Ængus, Fedlim, Conar, *the Son of* Ederskeol; *and ſo up to* Fergus, *called in the* Iriſh *Catalogue of Kings,* Ferguſius Fortamalius, (*whom the Author of the* Synchroniſm *makes contemporary with* Ptolemy Philometor.) *From whence I conclude, that the original miſtake lay in applying the* Iriſh Genealogy *to the Kings of* Scotland.

Ogyg. p. 114.

But if we go beyond theſe Genealogies *in* Ireland, *and come to examine the matters of Fact relating to their remote* Antiquities, *we ſhall find no more certainty there, than we have done in* Scotland. *And it is ingenuouſly confeſſed by* Tigernacus *in his* Annals, that all their Antiquities to the Reign of *Kimbaithus*, their 73d *King*, are very uncertain; *but he might have gone farther, and done no injury to Truth. However we cannot but acknowledge it to be a great piece of Ingenuity to own ſo much in thoſe times when fabulous* Antiquities *were ſo much cried up and believed. But what becomes then of* Cæſarea, Baronna *and* Balba, *with* fifty other Women and but three Men coming from *Ireland* juſt forty Days before the Flood; and the fifteenth day of the Moon? *What becomes* of *Partholanus* and his Company, who arrived in *Ireland* the 312th Year after the Flood, in the Month of *May*, 14th of the Moon, and upon *Wedneſday*? *Is not this wonderful exactneſs at ſuch a diſtance of time? And the late* Antiquary *confeſſes he doth not know*, how they came to underſtand the day of the Week and the Month ſo well. *How come they to underſtand*, that the ſecond Colony under *Nemethus* came to *Ireland*, when it had been 30 Years deſolate; and after the deſtruction of that Colony, that it remained ſo 200 Years? *As to the* Mileſian Colony *from* Spain, *I diſcourſe at large afterwards of it, and the Authority of thoſe* Annals *theſe* Antiquities *depend upon.*

Ogyg. p. 258.

Ogyg. Domeſt. Part 3. c. 1, 2.

c. 6.

c. 7.

But then as to later times, ſince Chriſtianity *was among them, and ſome kind of Learning did flouriſh in* Ireland *for ſome time, there is greater reaſon to have a regard to the Teſtimony of their moſt* ancient Annals. *Such are thoſe of* Tigernacus, *who died* A. D. 1088. *and the* Synchroniſms *of* Flannus, *who died* A. D. 1056. *the Hiſtorical Poems of* Coemannus, *who is celebrated as their chief* Antiquary, *and he deduces his Hiſtorical Poem of the Kings of* Ireland *to* A. D. 1072. *which is ſuppoſed to be the time he lived in*; Modudius *continues the Hiſtory of their Kings from* A. D. 428. *to* A. D. 1022. *and he lived* A. D. 1143. *But beſides theſe, the* Iriſh Antiquaries *have found an* Iriſh Poem *of the Kings of* Scotland, *in the time of* Malcolm Canmoir, *with their Names and the time of their Reigns. Which* Poem *begins with* Loarn, *and* Fergus *the Son of* Erc *as* the firſt King of *Scotland, but takes notice of Kings among the Picts before; without the leaſt intimation of any among the* Scots; *which being join'd with the Teſtimony of their* Genealogies *and the* Annals *of* Tigernacus, *and of* Jocelin *in the* Acts *of St.* Patrick, *they conclude ſufficient to prove that there was no Monarchy in* Scotland, *till the time of this* Fergus *of the* Dalredian *Family. And it is not improbable that* Bede *ſhould underſtand this Colony under the Conduct of theſe Brethren, by his* Duce Reuda; *becauſe they being equal, the Denomination was taken from the Head of the Stock; who was* Rieda *or* Reuda; *and* Daal *the* Iriſh Antiquaries *ſay, originally ſignifies a* Stock, *and only by conſequence a* Share *or* Portion.

Ogyg. p. 466.

But the Advocate *ſtill inſiſts upon it*, that in their chief Monaſteries they had ancient Annals kept; *which muſt be of greater* Authority *than theſe* Iriſh Hiſtorical Poems. *This is a matter of Fact, and there can be no Argument drawn from the bare probability that there were ſuch* Annals; *but when they are produced and compared with the* Iriſh Annals *of* Tigernacus, *the* Annals *of* Ulſter, Yniſfallin, Dungall *and others which the* Iriſh Antiquaries *quote ſo often, beſides their* Hiſtorical Poems, *we ſhall then be* *able to judge better between them in point of* Antiquitiy *and* Credibility. *At preſent it doth not ſeem ſo probable, that they have any ſuch that are conſiderable, ſince they have not been alledged by ſo learned an* Advocate *for their* Antiquities, *who would not omit ſo material an evidence for his Cauſe. And there is a paſſage in the Concluſion of the Continuation of* Fordon *which makes it more than probable, they had no ancient* authentick Annals *in the* Monaſteries. *For there it is ſaid,* "*That in other Countries, and as he heard in* England, *in all their* Monaſteries *of Royal Foundation, there was a certain Perſon appointed to write the paſſages of the preſent times, and after the King's death, at the next great Council all theſe* Writers *were to meet and to bring in their Papers, which were to be compared and examined by skilful Men appointed for that purpoſe, and out of all one* authentick Chronicle *was to be made, which was to be laid up in the* Archives *of the Monaſteries as ſuch, from whence the Truth might be known : The like he wiſhes were done in* Scotland." *From whence it follows, that there were no* authentick Annals *in their Monaſteries before that time to his knowledge.* Buchanan, *I know, doth ſeveral times quote the Book of* Paſley, *but it had been far better to have printed the Book it ſelf, ſince* Dempſter *ſaith,* it was in the hands of the Earl of *Dumferlin, that others might have been better able to judge concerning it. But* Fordon *tells us, that Monaſtery was founded* A. D. 1168. (*or a Year after, ſaith the* Chronicle *of* Melros) *now, the very foundation of the Monaſtery is here ſo late, that no great matter can be expected as to remote* Antiquities. *That at* Scone, *as* Fordon *ſaith, was founded not much ſooner,* A.D. 1107. *As to* Abercorn, *though mentioned by* Bede, *yet* Buchanan *ſaith* no one could find out ſo much as the Footſteps of it; *and ſo we are not like to expect much light from thence. It is very ſtrange that* Buchanan *only ſhould ſee* the famous Book of *Pluſcardin : For Books do not eaſily grow* famous *by one Man's ſeeing them. But no great matter of* Antiquity *is to be expected from thence, ſince that* Monaſtery *at the ſooneſt was founded by* Alexander II. *in the thirteenth Century; but* Dempſter *rather thinks,* it was 200 Years *after. I never heard that* Aidan, Finan *and* Colman *left any Annals at* Lindesfern; *nor* Columba *or his Succeſſors at* Icolmkill. *If any ſuch be ever found, it will be a great favour to inquiſitive Men to oblige the World by publiſhing them, that if we are guilty of miſtakes, we may rectifie them upon ſuch great Authorities when they vouchſafe to let them ſee the light.*

Scotich l. 16. c. 39.

Buchan. p. 392. 45.1.50 2. *Dempſt. Hiſt. Scot.* l. 15. n. 1011. *Scotich.* l. 8. c. 13.

l. 5. c. 36. *Buch.* l. 5. p. 40. 2.

Apparat. ad Hiſt. Scot l. 1. p. 78.

As to the Chronicle *of* Melros, *lately publiſhed at* Oxford, *we find no advantage at all to* the Advocate's Cauſe *by it. But here is an odd kind of Reflection either on the* MS. *or the worthy Publiſher of it,* as though it were very unfaithful in the things relating to the *Scotiſh* Nation. *Whereas I have frequently peruſed the Original* MS. *in the* Cotton Library, *which is a very fair and ancient one. And thoſe Verſes he ſpeaks of, which are omitted, are not there in the* ſame hand, *but added in the Margin by another, and ſeem tranſcribed from ſome other Book; ſuch Verſes being frequent in* Fordon, *and it may be are the greateſt Monuments of* Antiquity *they have, being agreeable to the* Iriſh Hiſtorical Poems. *But ſeeing the firſt produced by* the Advocate *go no farther back than* Alpin *the Father of* Kenneth *who ſubdued the* Picts, *they can afford very little light in theſe matters. And it had been but a reaſonable piece of Juſtice in* the Advocate, *before he had charged ſuch* unfaithfulneſs upon the *MS.* Copy of *Melros, as it appears in* the *Oxford* Edition, *to have looked either on the* Beginning *or the* End *of the Book; and then he might have ſpared his Cenſure.*

p. 24.

ſure. For in the Preface an Account is given of the Verſes *relating to the Succeſſion of the* Kings of *Scotland: And in the end the very Verſes themſelves are printed, and more at large than he quotes them.*

From the Annals *of their* Monaſteries *I proceed to their* Hiſtorians;
and the firſt mentioned by the Advocate, is *Veremundus* a *Spaniard*, Arch- p. 25.
deacon of St. *Andrews*, *A. D.* 1076. who dedicated his Hiſtory to
Malcolm Canmoir; and in his Epiſtle appeals to the *Druids* and Monks p. 16.
and the Monuments of Antiquity kept by them in the Iſles of *Man*
and *Icolmkill*. *This is an Evidence to the purpoſe, and ſpeaks home to
the point. But the Biſhop of St.* Aſaph *hath unhappily queſtioned, whether
there ever were ſuch a Writer; and I do not think* the Advocate *hath cleared
the point. There may be two things in diſpute, with reſpect to this* Vere-
mundus; *firſt, whether there ever were ſuch a Hiſtory appearing under the
name of* Veremundus: *And then ſuppoſing there were, whether it were ge-
nuine, or made under his Name by* Hector Boethius, *or rather by his Phy-
ſician of* Aberdeen, *who was ſo helpful to him, ſaith* Dempſter, in texenda
Hiſtoria, i. e. *in weaving the Materials for his Hiſtory? I will not diſ-
pute ſo much the former, and the Teſtimony of* Chambers, a Lord of *Seſſion* p. 26.
and learned Man, *as* the Advocate *tells us*, who wrote *A. D.* 1572. *goes
no farther, nor any other produced by him. But as to the ſecond point I am
very much unſatisfied, for theſe Reaſons.*

(1.) *It is very well known, that it was no unuſual thing in that Age to publiſh Books under the Names of ancient Authors, which coſt* the Criticks *a great deal of Pains to diſcover the Impoſture, as is apparent in the* Beroſus, Manetho, Metaſthenes (*or* Megaſthenes) Philo, Cato, Xenophon, Archilochus, Sempronius, *publiſhed by* Annius, *who lived in the* fifteenth Century, *and was buried during the Popedom of* Alexander VI. *And not only Authors, but other Monuments of* Antiquity *were then counterfeited, as appears by many in* Gruter's *Collection of* Inſcriptions, *by thoſe of* Annius *in* Italy; *and by the* Tuſcan Inſcriptions *publiſhed by* Inghiramius *under the Name of* Proſper Feſulanus; *which were the Invention of* Thomas Fœdrus, *who lived at the ſame time with* Hector Boethius. *For, in that Age Men began to be inquiſitive into Matters of* Antiquity; *and therefore ſome who had more Learning and better Inventions than others ſet themſelves to Work, to gratifie the Curioſity of ſuch who longed to ſee ſomething of the* Antiquities *of their own Countrey. And ſuch things were ſo greedily ſwallowed by leſs judicious Perſons, that it proved no eaſie matter to convince ſuch of* the Impoſture. *For even* Annius *and* Proſper Feſulanus, *as well as* Veremundus *have had* their Advocates *to plead for them.*

(2.) *We find as to the* Scotiſh Antiquities *many ſuch Authors pretended* *Dempſter.*
to, who never wrote concerning them. As for inſtance, three Books of the *Hiſt. Ec-*
Hiſtory of *Scotland* by St. *Adam* Biſhop of *Cathnes*. Auminus *of* the *cleſ.* l. 1. n. 2.
Right of the Culdees. *King* Achaius *his* Hiſtory *of his* Predeceſſors. n. 45.
Aldarus *his* Hiſtory *of* Scotland *and* Ireland. *St.* Convallanus *his Hiſto-* n. 52. n. 92.
ry of the Kings of Scotland. *The* Chronicle *of* Dumfermlin. Elvanus n. 259.
Avalonius *his Hiſtory of* Scotland. *St.* Faſtidius *his* Chronicle *of* Scotland. n. 415. n. 490.
Fergus the Great, *his* Epiſtles *to the* Scots. Fulgentius *his Epiſtle to* Do- n. 530.
nald *King of* Scotland *in the time of* Severus. *St.* Glacianus *his Hiſtory of* n. 532. n. 547.
Scotland. *St.* Glodianus *his* Chronicle *of the* Picts, *cited by* Veremun- n. 561.
dus, *ſaith* Dempſter. Galdus *his Epiſtles to the* Britains. Hunibertus n. 567.
his Scotiſh *Chronicle*. Kenneth's *Epitome of his Laws. St.* Machorius n. 592. n. 667.

n. 761. *of the Deſtruction of the* Picts. *St.* Minnanus *of the Union of the* Scots *and*
n. 839. Picts. Marcerius *of the coming of the* Scots *into* Albion: *He is ſaid to be*
n. 819. *their firſt* Author, *and out of him* Veremundus, *ſaith* Dempſter, took the
n. 881. Foundation of his Hiſtory; *but I do not find that any Man beſides ever*
n. 1065. *ſaw him. King* Reuther's Scotiſh *Hiſtory.* Saliſax Bardus *his* Genealogy
n. 2057. *of their Kings in King* Reuther's *time. Here we have no leſs than* 20
Authors *relating to* their Antiquities, *every one mentioned as genuine by*
Dempſter; *and yet as far as we can find, not one of the whole number was*
ſo. Is it then any wonder, that Veremundus *ſhould be reckon'd among the*
reſt?

(3.) *No ſuch* Author *was known to* Fordon, *as far as appears by his Hiſtory; and he is very punctual in quoting the* Authors *he makes uſe of, and ſometimes tranſcribes large paſſages out of them; as out of* Baldredus, *as he calls him, and* Turgot's *Life of* Malcolm, &c. Jocelin de Furnes, Vincentius, Adamnanus, *and any old Legends or* Chronicles *he could meet with, as* Chronica de Abernethy, & variæ Chronicæ *upon many occaſions. I do not therefore deny that* Fordon *doth appeal to* Chronicles *before him; but I think* the Argument *ſo much ſtronger againſt* Veremundus; *when one who gathered all he could meet with never once takes notice of him, as far as I can find.*

Hiſt. Scot. (4.) William Elphinſton, (*Chancellor of* Scotland, *Biſhop of* Aber-
l. 11. deen, *and Founder of the Univerſity there, a Man highly commended by*
f. 254. Hector Boethius) *did, as* Hector *himſelf tells us in his Epiſtle to* James V.
ſearch all *Scotland* for Monuments of Antiquity, and gave the firſt inti-
l. 7. f. 118. mation of *Veremundus* in the Iſland *Jona*, and followed him exactly in
2. writing his Hiſtory. *Now as it happily falls out, this very Hiſtory of* El-
phinſtoun *is in being among us, and I have at this time by me* Eight
l. 1. c. 8. Books *of it, which go as far as the* thirteenth Century. *He tells the Story of* Gathelos *and* Scota, *as others had done before him; or rather, juſt as* Fordon *had ſet it down. For there is very little variation from him in all the firſt Book, only the eighth* Chapter *in* Fordon *is very much contracted; the fifteenth about* Gathelos *his building the City* Brigantia *in* Spain *is tranſpoſed, another* Chapter *being ſet before it. In the* ſeventeenth *he follows* Fordon *exactly about the Poſterity of* Gathelos *coming into* Ireland; *and whereas* Fordon *only quotes* Groſſum Caput *for ſaying,* that *Scotia* had its Name from *Scota*, the moſt noble Perſon in that Colony; *he ſaith,* it was in ſome *Chronica*; *but what* Chronica *was ever written by* Groſt-
Scotichron head, *deſerves to be enquired. For it is certain* Fordon *quotes him in o-*
[illegible] c. 14. *ther Places about* Scota *and the* Scots. *Which makes me wonder that* Dempſter *doth not put him in among his* Scotiſh Writers; *but as far as I can perceive, he never read* Fordon; *nor ſaw* Elphinſton. *In Chap.* 20. *where* Fordon *quotes an old* Chronicle *which affirms,* that *Gathelos* gave the ſame Laws to his People which *Phoroneus* did to the *Greeks*; and that the *Scots* to this day glory that they have thoſe Laws; *this laſt Clauſe* Elphinſtoun *left out; and he paſſes over Chap.* 21. *where* the miſerable condition of the Poſterity of *Gathelos* in *Spain* for 240 Years *is ſet down. In ſome following* Chapters *he confutes* Geoffrey *of* Monmouth *in the very Words of* Fordon, *and uſes his very Expreſſions about* the firſt Peopling of *Scotland* from *Ireland*, the coming of the *Picts*, and the hard uſage of the *Scots* by them, and *Fergus* his going over out of *Ireland*; *in all which not one* Authority *is cited which is not in* Fordon, *and not the leaſt intimation of any ſuch* Author *as* Veremundus.

In the ſecond Book he follows Fordon, *not only in other things before, but when he deſcribes the* Iſlands *of* Scotland, *and particularly* Jona; *only he leaves out* Fordon*'s Hebrew* Etymology, making *Jona* and *Columba* the ſame; *and he ſaith not one Word of any* Library *or* Records *kept there, or any* old Hiſtories *and* Annals *to be there found, as* Hector Boethius *affirms*; *all that he ſaith is*, that there was a Sanctuary for Tranſgreſſors. *About* Fergus *and* Rether *he varies not a tittle from* Fordon, *and never mentions any other Kings of that Race, which he would never have omitted if he had known ſuch an* Author *as* Veremundus. *And he doth not ſuppoſe, that* Rether *ſucceeded* Fergus *in the Kingdom of* Scotland, *but that he came afreſh from* Ireland; *and ſo makes this* the ſecond coming of the *Scots* out of *Ireland: Which plainly overthrows the conſtant Succeſſion of the* Monarchy *from* Fergus *in* Scotland: *And he names no one King of* Scotland *from* Rether *to* Eugenius, *who was baniſhed with all the* Scots.

Scotichron. l. 2. c. 10.

In the beginning of the third Book *he gives an account after* Fordon *of* Fergus *the Son of* Erc *coming into* Scotland, *and he reckons* 45 Kings between the two *Ferguſſes, juſt as* Fordon *doth*; *and he deſires to be excuſed, as he did*, for not ſetting down diſtinctly the times of their ſeveral Reigns, becauſe he could not then find any Writings about them; *his Words are*, ad præſens non in Scriptis reperimus. *Now from this Expreſſion I thus argue againſt* Hector Boethius *his* Veremundus: *He ſaith*, that *Elphinſtoun* gave the firſt intimation of him, and that he followed him in his Hiſtory; *either therefore* Veremundus *gave no account of this firſt Succeſſion, which* Hector *pretends to have from him*; *and ſo his* Authority *ſignifies nothing at all in this matter*; *or* Elphinſton *never ſaw him*; *for he ſaith*, he never could find any Hiſtory of this firſt Succeſſion. *And therefore if ever there were ſuch a Book under the Name of* Veremundus, *it was after* Elphinſton*'s days. For having ſearched the whole Nation for ancient Writings, and particularly* Jona, *as* Hector *teſtifies, and finding no Hiſtory of the Succeſſion from* Fergus, *as himſelf declares, it is a plain Evidence, that* Hector Boethius *hath given a falſe account of* Elphinſton *in relation to* Veremundus, *and in all probability of* Veremundus *too. But this is not all, for* Elphinſton *doth not only ſay*, that he could not find any Books relating to the Succeſſion of the Kings from *Fergus, but he refers his Readers to the* old Iriſh Annals; *his Words are*, ad antiquos Hiberniæ Libros referimus. *So that according to* Elphinſton*'s Judgment, the moſt certain account of their* Antiquities *is to be taken from the* Iriſh Authors. *And ſo we may obſerve both in him and* Fordon, *the* Iriſh Legends *of* S. Brendan *and others, ſerved them for very good* Authorities.

And ſo much for the Advocate*'s ancient Hiſtorian* Veremundus *the* Spaniard. *For I ſuppoſe the mention of him by* Bale, Geſner, Hollinſhed, &c. *after he was ſo much celebrated by* Hector Boethius, *deſerves no farther conſideration. But* Voſſius *did not think him worth mentioning*; *and although he blames* Luddus (*as* the Advocate *calls him*) *or* Humphry Lhuyd, *for being too ſevere upon* Hector Boethius, *yet it is evident that he looked on him as a* fabulous Writer, *and ſo durſt not ſet him down on his* Authority. *The* Advocate *would excuſe this Cenſure of* Voſſius, *as though it related only* to his credulity in point of Miracles, *whereas there is not the leaſt intimation that way*; *and* Voſſius *ſaith* that *Leland* on the account of his fabulouſneſs wrote ſharp Verſes upon him. *What! for* his having believed too many Miracles? *No certainly, but for his fa*-

f. 12.
Voſſ. de Hiſt. Lat. l. 3. c. 13.
p. 31.

bulous Antiquities. *But he hopes to bring* Hector Boethius *better off from the Cenſure of Biſhop* Gavin Dowglas, *which the Biſhop of St.* Aſaph *takes notice of from* Polydore Virgil, *becauſe* Biſhop *Dowglas* died *A. D.* 1520. and *Boethius* his Hiſtory was not publiſhed till 1526. and he had not his Records from *Icolmkill* till 1525. *To which I anſwer, that this looks like one of the* Miracles *the* Advocate *confeſſes that* Hector *did too eaſily report. For if he had* the Records *on which this Hiſtory was built but in* 1525. *how came his Hiſtory to be publiſhed the following Year? For he makes uſe of* Veremundus *his Authority in the very beginning of his Hiſtory, for* the *Scotiſh* Antiquities both in *Spain*, *Ireland* and *Albany*. *In his ſecond Book he ſaith*, whatever he had written of the ancient Kings of *Scotland*, he had taken out of *Veremundus*, *Campbell* and *Cornelius Hibernicus*; *all which he pretended to have had from* Icolmkill. *In his* third Book *about* Cæſar'*s* Expedition, *he ſtill pretends to follow* Veremundus. *And in his* ſeventh Book *he declares* he had kept cloſe to him in the whole ſeries of his Hiſtory. *Now how was this poſſible if he had never ſeen* Veremundus *till* A. D. 1525. *and his Hiſtory was publiſhed by* Badius Aſcenſius *at* Paris, A. D 1526. *It would take up that Year in ſending it thither, and reviſing and correcting and publiſhing ſo large a Volume as his Hiſtory makes. So that there muſt be ſome great miſtake, as to the Year of his receiving thoſe Records, if ever he did. But if this were not the Hiſtory Biſhop* Dowglas *cenſured, what other was there at that time which could deſerve it? It could not be* Joh. Major, *for his Book was printed by* Badius Aſcenſius *after* Dowglas *his death*: (*if he died, as he ſaith*, A. D. 1520.) *and he pretends to no new Diſcoveries, as* Boethius *doth. But why ſhould* the Advocate *imagine his Hiſtory was not known by the learned Men at home, ſuch as Biſhop* Dowglas *was, before it was printed?*

p. 30.

Hect. Boeth. Scot. Hiſt. l. 1. f. 12. l. 2. f. 22. 2. l. 3. f. 35. l. 7. f. 118. 2.

Leſle. l. 9. p. 378. *Dempſter. Hiſt. Eccl.* l. 4. n. 405.

But to return to Voſſius, *who is not ſparing in mentioning any of our* MSS. Hiſtorians *which he found well atteſted: and particularly* Aelredus, *Abbat of* Rhieval, *who wrote the Life of* David *King of* Scots. *But* the Advocate *tells us ſome news concerning him*, viz. That he was Abbat of *Mailros*, which was called *Ryval* before King *David*'s time. *But* Fordon *expreſly diſtinguiſheth the two Monaſteries of* Rieval *and* Melros; the one, *he ſaith*, was founded by King *David*, *A. D.* 1132. and the latter four Years after. *And in the Chronicle of* Melros *it appears that* Richard *was the firſt Abbat there; to whom* Waltheof *ſucceeded, Uncle to King* Malcolm, A. D. 1148. (*who ſucceeded King* David A. D. 1153.) *After* Waltheof William *was Abbat of* Mailros, A. D. 1159. *after him* Jocelin, A. D. 1170. *In the mean time* Aelredus *dies Abbat of* Rieval, A. D. 1167. *and* Silvanus *was choſen in his place. From whence it is plain that the* Abbies *of* Melros *and* Rieval *were always diſtinct from their firſt foundation, and that* Aelredus *was never Abbat of* Melros. *This* Aelredus *may be called a* Scotiſh Hiſtorian, *for his Lamentation of King* David, *extant both in* Fordon *and* Elphinſton; *but I can find nothing of his* writing *relating to the* Scotiſh Antiquities. *I know he wrote a* Chronicon, *which* Boſton *of* Bury (*who calls him* Adelredus) *ſaith*, was deduced from *Adam* to *Henry* I. *but if there had been any thing in it to their purpoſe, thoſe* Authors *who cite a great deal out of it, relating to our* Saxon *Kings, would never have omitted what had been much more material to their Hiſtory.*

p. 22.

Scotich: l. 5. c. 43.

Turgot *is likewiſe mentioned by* Voſſius, *though a* MS. Hiſtorian; *becauſe he ſaw very good evidence for his writing ſome part of the* Scotiſh Hiſtory. *He lived ſaith* the Advocate A. D. 1098. *I grant that he is frequently*

Voſſ de Hiſt. Lat. l. 2. c. 48.

quently cited by Fordon *and* Elphinſton, *for the* Acts of *Malcolm* and *Margaret which he wrote*; *but I can find no more out of him than out of* Aelred *as to their remote* Antiquities; *although they ſeem to have left out very little of what* Turgott *wrote. But I wonder how the* Advocate *came to diſcover* Turgott *to have been* Archbiſhop of St. *Andrews*; *when* Dempſter *could have informed him* that there was no Archbiſhop of St. *Andrews* till 300 Years after. *And he might have found in* Fordon, *that there was no Archbiſhop of St.* Andrews *till after* James Kennedy, *who was Biſhop of St.* Andrews, A. D. 1440. *and was Nephew to* James I. *but after his death* Patrick Graham *firſt obtained the Metropolitan Right to the See of St.* Andrews, *but it was not quietly enjoyed till his Succeſſor* Will. Sheues *came into poſſeſſion of his place.*

p 35.
Dempſt. Hiſt. Eccleſ. l. 18. n. 1143.
Scotich. l. 6. c. 48.
Leſlæ. l. 8. p. 304, 306.

But there is in Fordon *an account of the Succeſſion of the Biſhops of St.* Andrews *from the time of the expulſion of the* Picts; *which is wholly left out in* Elphinſton; *and there* Turgott *is ſaid to be conſecrated Biſhop,* A. D. 1109. *and to continue there ſeven Years. St.* Andrews *was before called* Kilremont, *as appears by* Fordon, *who calls them the Biſhops of St.* Andrews de Kilremont; Kil, *as appears by the* Scotiſh *Hiſtorians, was a place of Devotion*; Kilruil *was the Church of* Regulus (*as* Hector *ſaith St.* Andrews *was called in the time of the* Picts) *and* Kilremont, *as being the* Royal Seat *and the* principal Church, *for* Remont *is* Mons Regis; *and from hence the Clergy of this Church were called* Killdees (*from which title the fiction of the ancient* Culdees *came, as the Biſhop of St.* Aſaph *hath truly obſerved.*) *Theſe* Killdees *had the ancient Right of chuſing the Biſhop, and were firſt excluded, as* Fordon *ſaith by* William Wiſhart, A. D. 1273. *and next by* William Fraſer, *after him by* William Lamberton; *upon which* William Cumyng, Keldeorum Præpoſitus, i. e. *Dean of the Church, appealed to* Rome, *but was overruled there. But the learned Primate of* Armagh *following* Dempſter *too much, calls him* Auminus; *and yet* Dempſter *quotes the* Scotichronicon *for it, where it is plainly* William Cumyng. *But that the* Killdees *were nothing but the* Dean *and* Chapter *of St.* Andrews, *not only appears by their Right of Election of the Biſhop, but by the exerciſe of the Juriſdiction in the* vacancy of the See, *which* Fordon *ſaith was in them.*

Dempſt. Appar. l. 1. p. 63.
Scotichron. l. 6. c. 24.
Scotich. l. 6. c. 42.
c. 43.
Uſſer. Primord. p. 659.

I ſhould not ſo much have inſiſted on this miſtake of the Advocate *in making* Turgott *Archbiſhop of St.* Andrews, *if he had not ſo ſeverely reflected on the Biſhop of St.* Aſaph *for making* Fordon *a* Monk, *as though he did it* merely for his own conveniency, to ſhew him intereſted for the independency of Monks and *Culdees* from the *Biſhops*. *I grant it was a miſtake, but not deſigned, and a very pardonable one, ſince* Dempſter *ſaith,* ſome thought him a Monk, and he could not find of what condition he was; *and yet he ſaith* he read him; *and* Voſſius *makes* Joh. de Fordon *a* Monk *in* King John*'s time, Author of the* Scotichronicon.

p. 34.
Dempſt. Hiſt. Eccleſ. l. 6. n. 543.
Voſſ. de Hiſt. Lat. l. 2. c. 56.

This Book of Fordon *the* Advocate *ſaith* was ſo eſteemed that there were Copies of it in moſt of their Monaſteries; and *he ſaith* did agree with their ancient Annals; *which I think will appear by the precedent Diſcourſe, not to be much to the advantage of his Cauſe.*

p. 34.

And ſo much for the Authority *of their* Annals *and* Hiſtorians, *from the Original* Druids *and* Bards, *to* Fordon *and* Elphinſton.

Having thus gone through the moſt material points, which I have not diſtinctly anſwered in the following Book, there remain only ſome few things, which ſtand in need of being farther cleared. As, (1.) *The Teſtimony of* Eumenius *in his* Panegyrick *to* Conſtantius, *from whence* the Advocate *proves* that in the time of *Cæſar* there was another p. 68. Nation beſides the *Picts* who then inhabited *Britain*, and were a Colony of the *Iriſh*; and theſe muſt certainly have been *Scots*. *The queſtion is not, whether there were not, according to* Eumenius, Picts *and* Iriſh *which* Carm. 7. v. 90. *the* Britains *fought with in* Cæſar'*s time* (*juſt as* Sidonius Apollinaris *ſaith*, that *Cæſar* conquer'd the *Picts* and *Saxons* in *Britain*, *which is ſuch another* Prolepſis *as* Sirmondus *obſerves*, who makes the coming of the *Scots* into *Britain* after the *Saxons*; *and he was a* judicious Critick *and* Antiquary) *but the true queſtion is, whether* Eumenius *affirms that thoſe* Buch. Rer. Scot. l. 2. Iriſh *then dwelt in* Britain? *Yes, ſaith* Buchanan, ſoli Britanni, *are to be underſtood in* the Genitive Caſe, *and ſo theſe Words relate* to the *Picts* and *Iriſh* of the *Britiſh* Soil. *No, ſaith the Biſhop of St.* Aſaph, *they are to be underſtood in the* Nominative Caſe; *and ſo they ſet forth the advantage in* Conſtantius *his* Victory *over a* Roman Legion *above that of* Julius Cæſar, *who fought only with* the Britains, a rude People, and accuſtomed to no other Enemies but *Picts* and *Iriſh*, a half naked People. *The Words are thus printed in the late* Paris Edition, *after the comparing of ſeveral* MSS. *by* Claudius Puteanus, *and therefore more correct than* the Plantin Edition. Ad hoc Natio etiam tunc rudis, & ſoli Britanni Pictis modo & Hibernis aſſueta hoſtibus, adhuc ſeminudis, facile Romanis armis ſigniſq; ceſſerunt.

The deſign of the Orator, *was to leſſen* the Reputation *of* Cæſar's Victory *in* compariſon of that *of* Conſtantius; *and to that purpoſe it was very material to ſhew, that he fought with* the Britains *alone, who were themſelves* a rude People, and had no other Enemies but ſuch as were as rude as themſelves, the *Picts* and *Iriſh*. *Now to what great purpoſe was it for him to ſay that* the Britains *fought with* the *Iriſh* of the *Britiſh* Soil? *Were they ſo much better diſciplined and ſo much more famous among the* Romans *for deeds of Arms than* the original *Iriſh*, *that ſuch an* Emphaſis *muſt be* p. 72. *laid upon that?* *But* the Advocate *ſaith*, the compariſon lies in this, that then they had been uſed only to the *Picts* and *Iriſh*, but *Conſtantius* overcame them when they had been long trained up in War. *But if he had been pleaſed to have read* the next Paragraph *he would have found* the Orator *taking no notice of* the Britains *greater experience in War, but of* a *Roman* Legion corrupted, foreign Soldiers and *Gallican* Merchants drawn out of the Provinces to ſtrengthen *Carauſius* and *Allectus* in their Rebellion; *ſo that* the Compariſon *lies between* the Britains *alone in* Cæſar'*s time, and* the ſtrength *of a well diſciplined* Roman *Army in the time of* Conſtantius. *And it is to be obſerved, that according to* Eumenius *his own manner of ſpeaking, if he were to be underſtood in* Buchanan'*s ſenſe, it ſhould have been* Soli Britannici *for* the Britiſh Soil. *For ſo he hath* Victoria Britannica *at the end of the ſame* Oration; *and in another* Britannica Trophæa. *So that neither Senſe nor Grammar do favour* Buchanan'*s Con-* p. 70. *ſtruction. But he ſaith, Joſeph Scaliger* approves *Buchanan*'s Conſtruction in his Notes on *Tibullus*. *I have ſearched the place and can find no ſuch thing; but I am afraid he miſtook his own Notes; for there* Scaliger *ſpeaks about the* Scoto-Brigantes, *and which is more, he ſaith*, the *Scots* were yet in *Ireland*. *And becauſe he is ſo accuſtomed to Maxims of Law, I ſhall put him in mind of one*; that a Witneſs which a Man brings for himſelf, he is bound to receive againſt himſelf.

(2.) *As to* Claudian*'s Expreſſion,*

Scotorum cumulos flevit glacialis Ierne.

he ſaith this is not to be underſtood of *Ireland*, but of a Countrey of *Scotland* of that Name, near to which the *Romans* had a Camp, the remainders whereof are ſtill diſcernible; and in which there are Stones found with *Roman* Inſcriptions deſigning the Stations of the Legions; and *Strathern* in *Scotland* is more ſubject to long Froſts than *Ireland* is.

p. 85.

This I confeſs is ingenuouſly obſerved. But I do not underſtand what the Roman Inſcriptions *prove as to the* Scots *being in thoſe Parts of* Britain; *if the queſtion were about the* Romans *they would be of ſome uſe. I do not deny that* Strathern *had its Name from the River* Ern, *and the Countrey might in* Latin *be called* Ierne *from thence. But how doth it appear that* Claudian *or the* Romans *knew it by that Name? We are certain that* Ierne *commonly paſſed for* Ireland *among them; and that it was then accounted the* Country of the *Scots*; *as appears by the expreſs Teſtimony of* Oroſius, *who lived in that Age. And* Dempſter, *who fixes the* Scots *in* Britain *long before, yet is ſo convinced by theſe Words of* Claudian *that they were in* Ireland, *that he ſuppoſes them driven thither by* Theodoſius, *and there deſtroyed by him. And* Claudian *explains himſelf elſewhere, when he ſaith,*

Oroſ. Hiſt. l. 1. c. 2. *Dempſt. Appar.* l. 1. c. 3.

———Totam cum Scotus Iernen
Movit, & infeſto ſpumavit remige Tethys.

De laud. Stilich. l. 2. v. 251.

Where it ſeems ridiculous to ſay, that the *Scots* put all *Strathern* into Commotion; *and this* Ierne *had the Sea lying between it and* Britain, *in whoſe Name* Claudian *ſpeaks; and* Buchanan *underſtands this of* Ireland.

Buch. l. 2. p. 16.

(3.) *He urges* the great improbability that the *Scots* ſhould manage ſo long a War, for 600 Years, and not ſettle in *Britain*. *But this is that which is called* begging the Queſtion; *for the diſpute is how long the* Scots *in* Britain *did make War upon the* Britains? Claudian *ſaith in his time,* the *Scots* came from *Ierne*, and made the Sea foam with their Oars; Gildas *ſaith* the *Iriſh* uſually returned home, intending to come back, and the *Picts* then reſted for a time in the farthermoſt parts of the Iſle. *Why ſhould not* Gildas *have ſaid that the* Iriſh *and* Picts *went back to the remote parts of the* Iſland, *if they both inhabited there at that time?*

p. 101, 103.

Gild. Epiſt.

If Gildas *his Authority be allowed in this caſe, I think it is clear enough to decide the Controverſie. For,* (1.) Upon *Maximus* his withdrawing the *Roman* Legions and *Britiſh* Infantry which never returned, *he ſaith,* the *Britains* were then firſt infeſted with two cruel tranſmarine Nations, the *Scots* from the Southweſt, and the *Picts* from the North. *If there had been* a War of 600 Years from before *Julius Cæſar*'s time, *as the Advocate ſaith, how comes* Gildas *to be ſo extremely miſtaken as to ſay, the firſt War began after* Maximus *his withdrawing the* Roman Militia? (2.) *He ſtill ſpeaks of* their coming by Sea, and carrying away their anniverſary Prey beyond the Seas; *and* trans Maria fugaverunt, *ſaith he, of the* Roman *Forces driving them back. How comes* Gildas *ſtill to mention the Seas, if they then inhabited the ſame Iſland?*

Gild. Epiſt. p. 13. *Ed. Joſſel.*

p. 14.

p. 102, 103. *But the Advocate ſaith*, that by Seas the *Friths* are underſtood; and that in their old Laws the *Frith* of *Forth* is called *Mare Scotiæ*, the Sea of *Scotland*; and the *Frith* of *Dumbritton* is called one part of the *Mare Scoticum* by the *Engliſh* Authors; and this paſſage to and fro he makes to be eaſie, but the other home to *Ireland* almoſt impoſſible with their Boats in the *Iriſh* Seas; from whence he ſaith, that the Biſhop of St. *Aſaph*'s Hypotheſis is abſurd and incredible, but his very conſiſtent.

To clear this we may obſerve, (1.) *That to make theſe Friths to be called* p. 103. Seas not improperly, *he ſaith,* they are 40 Miles broad in ſome places; *and ſo makes the Paſſage more difficult over them than from* Ireland *to* Scotland; *for, as* Camden Camd. Brit. p. 706. *obſerves, there is hardly* 13 *Miles diſtance between ſome part of* Scotland *and* Ireland. *But this is to demonſtrate the conſiſtency of his own* Ogyg. part. 3. c. 34. p. 254. Hypotheſis, *and the abſurdity of the Biſhop's.* (2.) *The* Iriſh *Writers ſay,* their Curroghs or light Boats cover'd with Leather were Adamn. Vit. Columb. l. 2. apud Caniſ. To. 5. Antiq. Lection. very convenient for tranſporting an Army, though not ſo proper for a Sea-fight. Adamnanus *in the Life of St.* Columba *deſcribes one of them in which St.* Cormac *went to Sea, with all the Parts of a Ship, and with* Sails *and* Oars, *and a Capacity for Paſſengers; and he ſaith,* he was out at Sea 14 Days Northward in it. *Now what abſurdity or incredibility is there in it, that ſuch Veſſels ſhould convey the* Iriſh *forwards and backwards over ſo narrow a Paſſage as that between* Ireland *and thoſe parts of* Scotland *which lay neareſt to it? Why might not the* Iriſh *paſs thoſe Seas as well in theſe as the* Britains *did in* Cæſar*'s time the Sea between* Gaul *and* Britain; *for he ſaith,* they gave Aſſiſtance to the *Gauls*, *and they had then no other* Cæſar. de Bell. Gallic. l. 3. *kind of Ships? And* Cæſar *himſelf* was *ſo far from deſpiſing them, that he thought them a very uſeful Invention and made uſe of them himſelf in* Spain *to tranſport his Soldiers.* The Keel and Maſts, *he ſaith,* were made De Bel. Civ. l. 1. of the lighteſt Wood, and the Bodies of them of Wicker, cover'd over with Leather; which he had learnt from the *Britains*. Lucan *calls them* little Ships, *and not* a miſerable little kind of ſhapeleſs Boats, *as the Advocate doth.* p. 101.

Lucan. l. 4. Primum cana Salix madefacto vimine, parvam
Texitur in Puppim, cæſóq; induta juvenco, &c.

and in theſe he ſaith, the Britains *were wont* to paſs the Ocean.

——fuſóq; Britannus
Navigat Oceano.——

In the old MSS. Gloſſaries *in the Margin of* Joſſelin*'s* Gildas, Curuca *is* Solin. c 35. *rendred by* Navis, *and not* a little ſhapeleſs Boat. *And* Solinus *expreſly ſaith (even in the place quoted by him)* that it was common to paſs between *Ireland* and *Britain* with theſe Curroghs. *And ſuch kind of Veſſels covered with* Leather *were not only uſed by the* Britains *and* Iriſh, *but by the* Æthiopians, Ægyptians, Sabeans, Romans *and* Spaniards; *as might be ſhewed from the Teſtimonies of* Agatharchides, Strabo, Virgil, Pliny *and others. How comes it then to be almoſt impoſſible for the* Iriſh *to paſs the Seas in ſuch Veſſels? And wherein lies the Abſurdity and Incredibility of the Biſhop's* Hypotheſis, *when he makes them to croſs but* 13 *Miles from* Ireland *to* Britain *in theſe* Curroghs, *and the Advocate allows the* Friths *over which they were to paſs to be* 40 Miles broad in ſome places? *And how*

how could they be ſecure they ſhould not be driven into the broadeſt places? *If theſe Veſſels then could convey them ſafely over the* Friths, *why not as well from* Ireland *to the neareſt Parts of* Scotland?

But I have another Argument from Gildas *that the Seas cannot be underſtood of the* two Friths, viz. *That* Gildas *ſaith*, when the *Roman* Legion Gild. Epiſt. first defeated the *Picts* and the *Scots*, they commanded a Wall to be p. 13. 2. built between the two Seas to hinder their Incurſion: *which is confirmed by* Bede, *who ſaith*, this Wall began at *Penneltun*, not far from *Abercorny*, Bed. l. 1. c. 12. and ended at *Alcluith*, and was deſigned to keep out their Enemies. *Now I deſire to know to what purpoſe this Wall was built between the* two *Friths*, to keep out the *Scots* and *Picts*, *if their Cuſtom was, as the Advocate ſuppoſes, to croſs over* the two Friths *and to land on this ſide the Wall? Did the* Romans *and* Britains *ſo little underſtand the way of their Enemies coming, to put themſelves to ſo much pains and trouble for no purpoſe at all? And* Buchanan *thinks* the laſt Stone Wall made by the *Romans* Buch. p. for the Security of the *Britains*, *mentioned by* Gildas *and* Bede, *was made* 40. 2. *in the ſame place where he thinks Severus* his Wall ſtood before. Gild. p. 15. Bed. l. 1. *And it had been madneſs to erect a Stone Wall there to keep out the* Scots *and* Picts, c. 12. *if they came out of* Scotland *over* the two Friths, *and landed where the Wall could do the* Britains *no Service. But* Gildas *and* Bede *ſay*, they attempted the Wall, and forced themſelves *a Paſſage over it*; irrumpunt terminos *ſaith* Bede; *and* with their Iron hooks drew the *Britains* from the Wall, *ſaith* Gildas. *What need all this if they came over the* Friths, *and ſo left the Wall between the* two Friths *behind them? But from hence it is very plain, that* Gildas *knew nothing of their paſſing the* Friths, *and therefore muſt be underſtood of their croſſing the Seas from* Ireland *to* Scotland, *and there joining with the* Picts, *and ſo marching towards the Wall between the* two Friths *in order to their paſſing into the* Roman *Province. And it is obſervable, that* Gildas *ſaith after the making the ſecond Wall*, the *Scots* and *Picts* upon the *Romans* withdrawing grew more confident, and took poſſeſſion of the Northern part of the Iſland as far as the Wall, *pro indigenis*, in the Place of the Natives; *which ſhews that he looked on them as late comers, and then newly entred into poſſeſſion there.*

The laſt thing I ſhall take notice of is, concerning the early Converſion *of the* Scotiſh *Nation to the* Chriſtian Faith. *And here I am particularly concerned to anſwer* his *Arguments, ſince in the following Book I have re-* Ch. 2. *jected the Tradition of* the *Scots* Converſion under King *Donald*, *and aſ-* p. 52, 53. *ſert* Palladius *to have been ſent to the* original *Scots* in *Ireland*. *But the Advocate thinks it ſo clear* that they were converted before *A. D.* 503. p. 112. that from thence he concludes, that they were ſettled in *Scotland* before that time. *And it were a piece of very ill Nature to deny this* Concluſion, *if the* Premiſſes *be well proved.*

(1.) *As to the* Converſation *under King* Donald; *he ſhews*,

1. That it is very probable the *Britiſh* Chriſtians being perſecuted by p. 113. the *Roman* Emperors in the Southern Parts, would go into the Northern and propagate their Religion there. *But this proves only the probability of the Converſion of the* Northern Britains, *and not of the* Scots.

2. *He ſaith*, the *Druids* were prepared to receive Chriſtianity, and p. 114. ſo would be eaſie to be converted themſelves, and ready to convert the People. *He ſpeaks ſoon after of a double* Converſion *of their Nation from* p. 117. Paganiſm *and* Pelagianiſm. *Methinks theſe Words do not argue the latter*

Converſion *to have been ſuch, as to have left no* Dregs *behind it. For how came the* Druids *natural improvements to facilitate their Converſion more than the Philoſophers at* Athens *or* Rome? *And the* Iriſh Antiquaries *ſay, the* Druids *there* were the great oppoſers of the Goſpel. *But ſtill theſe* Druids *might be among the* Britains *and not the* Scots. Ogyg. p. 203.

p. 118. 3. *He ſaith*, That *Donald* was their firſt Chriſtian King, *A. D.* 203. ſeems moſt fully proved. *Not by any thing yet ſaid. But what then is the full Proof? In ſhort it is this.* It was a matter of Fact. *Very true*; Matters of Fact muſt be proved by Witneſſes. *True again. But who are theſe Witneſſes? Even* the Hiſtorians of their Countrey, and the Annals of their Monaſteries. *And ſo we are thrown back upon the debate of their Authority, which I have gone through already. Let it therefore reſt upon their Credibility; only remembring that no ſuch King as* Donald *doth appear in their moſt ancient Genealogies.*

p. 115. 4. *He affirms*, That *Baronius* allows their Converſion by Pope *Victor*, and he made Eccleſiaſtick Hiſtory more his Task than the Biſhop of St. *Aſaph*, and was more diſintereſted. *It is poſſible, the Biſhop of St.* Aſaph *may have conſidered* Eccleſiaſtical Hiſtory *with as much Care as* Baronius *himſelf; but I dare ſay, with greater judgment and impartiality. And of all things I cannot but wonder at* the Advocate's *looking on* Baronius *as* more diſintereſted, *when the Converſion from a Pope was in queſtion. Which ſhews him to be ſuch a ſtranger to* Baronius, *that one would think he had never looked into him. For* Dempſter *is diſpleaſed with* Baronius, *as* one injurious to their Nation, as to this firſt Converſion, *ſaying*, that there were no Chriſtians in *Scotland* before *Palladius* but ſuch as fled thither out of this part of *Britain* becauſe of Perſecution. *And* Baronius *doth wonder that ſuch a* Converſion ſhould be omitted not only by *Bede* but by *Marianus Scotus*. Dempſt. Appar. l. 1. c. 6. Bar. A. D. 429. n. 2.

p. 117. 5. The *Magdeburgian* Centuries, *he ſaith*, agree with *Baronius*; and theſe are the Standards of Eccleſiaſtick Hiſtory to the Profeſſors of both Religions. *He had as good have ſaid they were the* Hercules Pillars *and there is no paſſage beyond them. But no learned* Profeſſors of either Religion *allow theſe to be* Standards. *How many Errors in* Baronius *have been diſcovered by the learned* Antiquaries *of his own Communion? What Complaints have been made of his partiality to the Court of* Rome, *not only by the* Sorboniſts *but by the King's* Advocates *in* France? *And as to the* Magdeburgians, *we commend them for their noble attempt, and great diligence and induſtry; but matters of Eccleſiaſtick* Antiquity *are extremely improved ſince that time. More ancient* Authors *having been publiſhed out of* MSS. *and better Editions by comparing the* Authors *before printed with MSS. and many counterfeit* Authors *diſcovered, and far greater Enquiries have been made into all parts of* Eccleſiaſtick Antiquities; *ſo that after ſo many new diſcoveries to make theſe the* Standards, *were almoſt as abſurd as to make* Ptolemy *the* Standard *for modern Geography. We do not diſparage what he hath done, when we ſay, many things have been found out ſince his time.*

p. 114. (2.) *As to the miſſion of* Palladius *into* Scotland, *the* Advocate *inſiſts on theſe three things*, 1. That *Bede* affirms that he was ſent to the *Scots* in *Britain*. p. 119. 2. That there is no probability in the Circumſtances of his being ſent into *Ireland*. p. 122. 3. That Dr. *Hammond* yields that the *Scots* were converted before *Celeſtine*'s time; and therefore it is more probable that *Palladius* was ſent Biſhop to them.

To theſe particulars I ſhall give a diſtinct Anſwer.

(1.) *To* Bede'*s Teſtimony, he affirms,* that in the eighth of *Theodoſius* l. 1. c. 13. the younger, *Palladius* was ſent by *Celeſtine* the firſt Biſhop to the *Scots* believing in Chriſt. *Wherein* Bede *only applies* Proſper'*s Words to the eighth of* Theodoſius, *which he had placed under* Baſſus *and* Antiochus *Conſuls; but he doth not determine whether theſe* Scots *were in* Ireland *or in* Britain. *But the Advocate ſaith,* all that which *Bede* ſaith before and after concerning the *Scots* relates to the *Scots* in *Britain,* and therefore theſe Words are ſo to be underſtood. *Whereas* Bede *in the very beginning declares,* That *Ireland* was the proper Countrey of the *Scots;* and that l. 1. c. 1. *Dumbritton Frith* did anciently ſeparate the *Picts* and the *Britains;* but the *Scots* coming afterwards to the Northern part of that *Frith,* there ſettled themſelves. *Which Words do evidently prove, that* Bede *did not look on the* Scots *as* ancient Inhabitants *there; for then he would have ſaid, that the* Frith *did* antiquitus gentem Britonum à Scotis ſecernere; *but he never mentions the* Scots *but the* Picts *as the* ancient Inhabitants *on the Northern part of the* Frith. *But, ſaith the Advocate,* Bede's p. 60. Title of his Chapter is of the ancient Inhabitants of *Britain,* and he mentions the *Scots* among them. *Very true; but ſhall not* Bede *explain himſelf whom he means by* the ancient Inhabitants, viz. *the* Britains *and* Picts? *For, by the Advocate's reaſoning the* Saxons *will be proved to have been in* Britain *before* Julius Cæſar, *as well as the* Scots, *for they make up one of the* five Nations *ſpoken of in that* firſt Chapter. *And ſo* Bede *doth not only* ſettle the *Scots* and the *Picts* in this Countrey, by his firſt Chapter, *but the* Engliſh *too. And it is an extraordinary ſagacity that can diſcover this* Chapter *in* Bede, *to be* clear to a Demonſtration *that* he makes p. 65. the *Scots* to be ancient Inhabitants in *Britain; whereas, to my dull apprehenſion* Bede *is clear the other Way.*

But the Advocate proceeds to ſhew, that the Name of *Scots* doth originally belong to the *Scots* in *Britain,* and only by way of Communication to thoſe in *Ireland.* p. 146. *This were indeed to the purpoſe if it were proved. And there ought to be the more care in doing it, ſince it is ſo new and ſingular an Opinion. For even* Buchanan *ſaith,* that the *Iriſh* were at firſt called *Scots;* Buch. l. 2. and from thence they paſſed into *Albany;* and that by the p. 16. Name *Scots* their coming from the *Iriſh* is declared. p. 18. 2. Joh. Major *ſaith,* Major. that *Scotia* among their Anceſtors was the common Name for *Ireland.* H.ſt. Scot. *And if their* ancient Annals *may be believed, the Name of* Scot *came from* l. 1. c. 9. Scota *the Wife of* Gathelos, *whoſe Poſterity went firſt into* Ireland, *and then carried the Name into* Scotland. *In* Fordon *and* Elphinſton *there is another* Scota *mentioned, as a Leader of the firſt Colony into* Ireland, *who gave the Name to that Countrey of* Scotia; *and* Joh. Major *ſaith,* She was the Mother of *Hiber. But whichſoever of theſe ſtands, unleſs the Advocate will at laſt give up the Cauſe of their* ancient Annals, *which he hath contended ſo warmly for, he muſt renounce this Opinion of his,* that the Name of *Scots* doth originally belong to the *Albian Scots,* and only by way of communication to the *Iriſh; ſo that there is no need to produce the plain Teſtimonies of* Oroſius, Bede *and* Iſidore, *which make* Ireland the Oroſ. l. 1. c. 2. proper Countrey of the *Scots. But it is a wonderful ſubtility from hence* Bed. l. 1. c. 1. *to infer, as the Advocate doth,* as if it might have been juſtly doubted, and were not true in all ſenſes. Iſidor. Orig. l 14. c. 6. *Doth he mean* proper *or* improper ſenſes? p. 151. *Their Words are plain that* Ireland *in a ſtrict and* proper ſenſe *was the* Countrey *of the* Scots, i. e. *the* Patria Originis, *though the other might afterwards be* Patria incolatus & Domicilii; *as the Advocate himſelf doth*

p. 152. *diſtinguiſh*; *but that which follows from hence is, that if the* Scots *came originally from* Ireland, *then the Name of* Scots *doth not originally belong to the* Scots *in* Britain, *but to thoſe in* Ireland, *unleſs he can ſhew that the reaſon of the Name doth agree to them only upon their removal into* Britain. *As, to take his own inſtance; no one will queſtion that the Colony of* Virginia *are called* Engliſh, *becauſe the Inhabitants of the Countrey from whence they came are ſo called. But were not the* Iriſh *called* Scots *before they went into* Scotland? *If not, that could not be* propriè Scotorum Patria, *as* Oroſius *and* Bede *and* Iſidore *affirm; as* England *could not be ſaid to be the proper Countrey of the* Engliſh *unleſs the Inhabitants were called* Engliſh; *and the Colony of* Virginia *received its denomination of being* Engliſh *becauſe they came from hence. Unleſs therefore the Advocate be pleaſed to ſhew, that the Name of* Scots *doth ſo belong to the* Iriſh *upon their remove into* Britain, *that it could not agree to them in* Ireland, *it will be impoſſible for him to make out, that the Name of* Scots *doth originally belong to the* Iriſh *in* Britain, *and only by way of communication to thoſe in* Ireland. *I have already ſhewed that* Joſ. Scaliger *doth aſſign ſuch a Reaſon of the Name of* Scoti *as agrees only to thoſe who came over upon* Expeditions; *but I believe the* Scots *will take it far better to receive their Name from the* Iriſh Scots, *than to have had the* original *Name given them on ſuch an Account.*

p. 19. (2.) *As to the Circumſtances of* Palladius *his Miſſion, the main difficulty objected, is* from St. *Patrick's* being ſent ſo ſoon after into *Ireland*; which needed not have been if *Palladius* were ſent before thither and not rather into *Scotland*, whither *Bale* ſaith he went and died not, *A. D.* 431. but 434. *This is the force of what the Advocate ſaith upon this matter. But the Biſhop of St.* Aſaph *had proved from* Proſper, *that* Palladius *was ſent to the* Scots *in* Ireland; *becauſe he diſtinguiſhes* the two Iſlands, *the one he calls* Roman, *i. e.* Britain, *the other* Barbarous *where the* Scots *lived, to whom* Palladius *was ſent; which could be no other than* p. 116. Ireland. *To which the Advocate anſwers,* that the Northern part of *Britain* was by *Tacitus* and *Bede* ſaid to be reduced into an Iſland by the *Roman* Wall from Sea to Sea; and *Bede* in other places calls the *Scots* Iſlanders. Tacitus *indeed ſaith, that by* Agricola's *Fortifications between the two* Friths, the *Britains* were driven as into another Iſland; *but this is a very different way of ſpeaking from that of* Proſper, *who makes a diſtinction between* two proper Iſlands. *And* Proſper *could not be ignorant that* Feſtus Avienus *not long before,* viz. *in the time of* Theodoſius, *had diſtinguiſhed the* two Iſlands, *the one inhabited by the* Hiberni, *and the other he calls* Inſula Albionum, *which takes in all that we now call* Britain. *But according to the old* Geographers, Ireland *was accounted one of the* Britiſh Iſlands; *as appears by the Teſtimonies of* Pliny, Apuleius, Ptolemy, Diodorus Siculus *and* Marcianus Heracleota, *which have been produced by others, and need not to be repeated here.* (*Uſſer. Primord.* p. 722, &c. *War. Antiq. Hib.* c. 1.) *But no one ever mentioned* Scotland *as a* diſtinct Iſland, *and therefore it is unreaſonable to underſtand* Proſper *in that Senſe.* Bede *mentions the* Inſulani *in the Chapter referr'd to;* (*Bed.* l. 1. c. 12.) *but nothing can be plainer, than that he ſpeaks of* the *Britains* on this ſide the Wall; who raiſed up the Wall of Turf between the two Friths for their own ſecurity againſt their Enemies beyond the Wall. *In the other* l. 4. c. 26. *place of* Bede, *the* Inſulani *are to be underſtood of thoſe of* Ireland, *as* Bede *clearly expreſſeth himſelf,* miſſo in Hiberniam exercitu. *But the ingenious Advocate hath a fetch beyond this, for he ſaith,* that *Bede* by *Ireland* meant *Scotland, which he ſets himſelf to prove from this very paſſage. For, ſaith he,* *he*, the ſame thing that is firſt ſaid to be done in *Hibernia* is afterwards p. 153. ſaid to be done in *Scotia*. *And might it not be ſo if* Ireland *were then called* Scotia, *as appears by the former Teſtimonies?* *But that* Bede *could not mean any other than* Ireland *appears from hence, that he ſaith,* the Nation which *Egfred* invaded had been always kind to the *Engliſh*; *and the* Iriſh Annals *give an account of the very Place and Time of* Egfred's *landing* Ogyg. *in* Ireland, *and the Captives he carried away from thence. But* Bede *elſewhere* p. 230. *ſaith, the* Scots *in* Britain *had been great Enemies to them, as appeared* l. 1. c. 34. *by the Battel at* Degſaſtan, *where the whole Army of the* Scots *was almoſt cut off by* Edilfredus *King of* Northumberland, *and their King* Edan *fled; from which time none of the Kings of* Scotland *durſt appear in the Field againſt the* Engliſh. *Which argues no great kindneſs between them; but* Bede *ſaith, that theſe had been* Nationi Anglorum gens ſuper amiciſſima; *and therefore his Words muſt relate to the* Scots *in* Ireland.

" *But doth not* Bede *ſay,* that *Columbanus* came from *Ireland* to *Hy*, p. 153. " and ſo to *Britain*; and afterwards that *Colman* returned to *Scotland*, " *i. e.* to *Hy* from whence *Columba came*; therefore *Scotland* was called *Ireland*; *or rather,* Ireland *was called* Scotia; *which is ſo clear in* Bede, *that I wonder that any that carefully read him can diſpute it. He ſaith indeed,* that the *Scots* had a Kingdom in *Britain*, *but where he ſpeaks of the Religion of the* Scots *he then means the* Scots *of* Ireland; *as will eaſily appear by the ſeries of his Diſcourſe. When he ſpeaks of* Laurentius *his care* l. 2. c. 4. *not only of the* Britains *but of the* Scots *too, he explains himſelf to mean thoſe who lived in* Ireland, *an* Iſland *near to* Britain. Columba, *he ſaith,* l. 3. c. 4. *came from* Ireland *to convince* the Northern Picts, *and obtained from their King the Iſland* Hy, *where he founded his Monaſtery, which he ſaith,* was c. 3. the chief of all the Northern *Scots*, *not of thoſe in* Scotland *but in* Ireland. *For in the ſame Chapter he diſtinguiſheth* the *Scots* in the Southern Parts of *Ireland*, *from thoſe in the* Northern; *the former following the* Roman *Cuſtom of* Eaſter, *and the Northern refuſing it. From theſe* Aidanus *came, the firſt* Scotiſh *Biſhop who ſettled among the* Engliſh, *being ſent for by King* Oſwald. Furſeus, *ſaith he afterwards,* came from *Ireland*, c. 3, 5. being of the moſt noble Race of the *Scots*; *and there he mentions* the c. 19. *Scots* of his own Nation, *and ſaith,* he had preached a great while in *Scotia* before he came into *England*; *but he never takes notice, after his coming over, of his being any where, but among the* Britains *before he went to the* Eaſt Angles. *After* Aidan's *death* Finan *came from the ſame* Scots, c. 25. *who perſiſted in the old way of the keeping* Eaſter; *after* Finan Colman *ſucceeded, who was* miſſus à Scotia, *who maintained the ſame practice; and afterwards he returned home,* in Scotiam regreſſus eſt; *but what he means* c. 26. *by it* Bede *preſently informs us, when he ſaith,* that *Tuda* ſucceeded, who had been brought up among the Southern *Scots*, i. e. *in the* Southern Parts *of* Ireland. Tuda *died of the Plague, which* Bede *ſaith paſſed into* Ireland, *whither many* Engliſh *went in the time of* Finan *and* Colman, *who* c. 27. *were all kindly received by the* Scots. *When* Colman *returned,* Bede *ſaith,* l. 4. c. 4. he went firſt to *Hy*, then to an Iſland on the Weſt of *Ireland*; *but not a Word of the* Northern Parts *of* Britain. *Afterwards he ſheweth how the* l. 5. c. 16. *greateſt part of the* Scots *in* Ireland *were brought to compliance in the point of keeping* Eaſter *by means of* Adamnanus, *who endeavoured to reduce thoſe of* Hy *but could not; but upon* Egbert's *coming to them from* Ireland, *the* c. 13. Scotiſh *Monks of the Iſland* Hy *or* Jona *yielded, when* Duunchadus *was* *Ab-*

Abbat there. *And now let any indifferent Reader judge, whether by* Scotia Bede *underſtands the* Northern Parts of *Britain* or *Ireland*.

p. 156. “ *But after all*, doth not *Bede* ſay, That the Iſland *Hy* did belong to “ *Britain* as a part of it? *And what then follows? Doth not* Bede *in the ſame place, ſay, it was given be the* Picts *not by the* Scots *to the* Scotiſh *Monks who came from* Ireland? *So that upon the whole matter, that which* Bede *underſtands by* Scotia *ſeems to be* Ireland, *although he affirms the* Scots *to have ſettled in the* Northern Parts *of Britain, and to have ſet up a Kingdom there.*

From whence there appears no probability of Palladius*'s being ſent to* the Scots *in* Britain; Bede *ſaying nothing of* their Converſion, *when he ſo* l. 3. c. 4. *punctually ſets down the* Converſion *of* the South Picts *by* Ninias *a* Britiſh Biſhop *and of* the Northern Picts *by* Columba, *a* Scotiſh *or* Iriſh Presbyter.

“ *But if* Palladius *were ſent* to the Scots *in* Ireland, *how came St.* Patrick *to be ſent ſo ſoon after him?* *To this* the Biſhop *of* St. Aſaph *anſwers*, that Palladius *might die ſo ſoon after his* Miſſion that Pope *Celeſtine might have time enough to ſend* St. Patrick *before his own* death. *And* this *he makes out by laying* the ſeveral Circumſtances *of* the Story together, *as they are* reported by Authors, *which* the Advocate *calls* a laborious Hy- p. 120, 121. potheſis, and elaborate contrivance to divert all the unanſwerable Authorities, proving that *Palladius* was ſent to them in *Scotland, A. D.* 431. *What* thoſe unanſwerable Authorities *are*, *which prove* Palladius *ſent* to the Scots *in* Britain *I cannot find*. *And for all* that I ſee by this Anſwer, *the only* fault *of* the Biſhop's Hypotheſis *is*. *that it is* too exact, *and doth* too much *clear* the appearance *of* contradiction *between* the two Miſſions.

(3.) *As to Dr.* Hammond's Teſtimony (*who is deſervedly called by* the p. 122. Advocate, a learned and Epiſcopal *Engliſh* Divine) *it is very eaſily an-* Vindication of the Diſſertation about Epiſcopacy, p. 160, &c. *ſwered*. *For*, 1. *He looks on* the whole Story *of* the *Scots* Converſion as very uncertainly ſet down by Authors. 2. *He ſaith*, That *Bozius* applies the Converſion under *Victor* to *Ireland*, then called *Scotia*; for which *he quotes* Bede. 3. *That neither* Marianus Scotus *nor* Bede *do take* the leaſt notice of it. 4. *That if* Proſper*'s Words be underſtood of the* Scots *in* Britain, *yet they do not prove* the thing *deſigned by his Adverſaries*, viz. *That* the Churches there *were governed by* Presbyters without Biſhops; *for* Proſper *ſuppoſes* that they remained barbarous *ſtill, and therefore* the Plantation *was very imperfect, and could not be underſtood of any formed* Churches. *But* the Advocate *very wiſely conceals one paſſage* which overthrows *his* Hypotheſis, *viz.* That they could not be ſuppoſed to receive the firſt Rudiments of their Converſion from *Rome*, *viz.* under Pope *Victor*, ſince the *Scots* joined with the *Britains* in rejecting the *Roman* Cuſtoms. *From whence we ſee, that Dr.* Hammond *was far from being of* the Advocate's *mind in this matter; and what he propoſes as to ſome* Rudiments *of* Chriſtianity *in* Scotland *before* Palladius *his coming* thither, *was only from an uncertain* Tradition, *and for reconciling the ſeeming differences between* Bede *and* Proſper; *or rather for reconciling* Proſper *to himſelf.*

p. 135. *But I remember* the Advocate*'s Obſervation in* the Caſe *of* their Predeceſſor's Apology *againſt* Edward I. *viz.* That they deſigned, as moſt Pleaders do, to gain their Point at any rate; *and how far* this eloquent Advocate *hath made good this Obſervation through* his Diſcourſe *I leave* the Reader *to determine.*

Having thus gone through all the material Parts *of* the Advocate*'s Book, I ſhall conclude with a ſerious* Proteſtation *that no* Pique *or* Animoſity *led me to* this Undertaking, *no* ill Will to the *Scotiſh* Nation, *much leſs to* the Royal Line, (*which I do believe hath* the Advantage *in point of* Antiquity *above any other in* Europe, *and as far as we know in* the World.) *But I thought it nececeſſary for me to enquire more ſtrictly into* this Defence *of ſuch pretended* Antiquities; *both becauſe I owed ſo much ſervice to ſo worthy and excellent a Friend as* the Biſhop *of St.* Aſaph, *and becauſe if* the Advocate*'s Arguments would hold good, they would* overthrow *ſeveral* things *I had aſſerted in the following Book*; *and withall, I was willing to let* the learned Nobility and Gentry of that Nation *ſee how much they have been impoſed upon by* Hector Boethius *and his followers*; *and that* the true Honour and Wiſdom of their Nation *is not concerned in defending ſuch* Antiquities, *which are univerſally diſeſteemed among all judicious and inquiſitive Men. And it would far* better *become Perſons of ſo much* Ingenuity *and* Sagacity, *to follow the Examples of other* European Nations, *in rejecting* the Romantick Fables *of* the Monkiſh Times, *and at laſt* to ſettle their Antiquities *on firm and ſolid* Foundations.

As to the following Book, it comes forth as a Specimen *of a* greater Deſign, (*if* God *gives me* Life *and* Opportunity) *which is to clear the moſt* important Difficulties *of* Eccleſiaſtical Hiſtory. *And becauſe I look on a* General Church Hiſtory, *as too heavy a* Burthen *to be undergone by any Man, when he is fit for it by Age and Conſideration, I have therefore* thought it the better way *to undertake ſuch* particular Parts of it *which may be moſt uſeful, and I have now begun with* theſe Antiquities *of* the Britiſh Churches; *which may be followed by others as I ſee occaſion. But I hope none will have juſt cauſe to complain that I have not uſed diligence or faithfulneſs enough in this preſent Work, or that I have ſet up Fancies and* Chimæra*'s of my own inſtead of* the true Antiquities *of* the Britiſh Churches. *I have neither neglected nor tranſcribed thoſe who have* written *before me; and if in ſome things I differ from them, it was not out of the Humour of oppoſing any great Names, but becauſe I intended not to deliver other Mens Judgments, but my own.*

THE

THE ANTIQUITIES OF THE Britiſh-Churches.

107:1:12.

CHAP. I.

Of the firſt Planting a Chriſtian Church in *Britain* by St. *Paul.*

NO Chriſtian Church planted in Britain, *during the Reign of* Tiberius.
Gildas *his Words miſ-underſtood.*
The Tradition concerning Joſeph *of* Arimathea *and his Brethren coming to* Glaſſenbury, *at large examined.*
No Footſteps of it in the Britiſh *times.*
The pretended Teſtimonies of Britiſh *Writers diſproved.*
St. Patrick's *Epiſtle, a Forgery.*
Of the Saxon *Charters, eſpecially the large one of King* Ina.
The Antiquity of Seals in England.
Ingulphus *his Teſtimony explained.*
All the Saxon *Charters ſuſpicious, till the end of the ſeventh Century.*
The occaſion of this Tradition, from an old Britiſh *Church there.*
The Circumſtances about Joſeph *of* Arimathea *and* Arviragus *very improbable.*
Sir Henry Spelman *vindicated.*
The State of the Roman *Province in* Britain *about that time.*
No ſuch King as Arviragus *then.*
Not the ſame with Caractacus.
A Chriſtian Church proved to be Planted here in the Apoſtles times.

The Authentick Teſtimonies of Euſebius, Theodoret, *and* Clemens Romanus *to that purpoſe.*

St. Paul *in Probability, the firſt Founder of a Church here.*

The Time and Opportunity he had for it, after his Releaſe.

Of Pomponia *and* Græcina, Claudia Rufina, *Chriſtians at* Rome, *and their influence on his coming hither.*

St. Peter *and St.* Paul *compared, as to their Preaching here, and the far greater Probability of St.* Paul's.

IT is an Opinion generally received among our later Writers, as (*a*) one of them tells the World, *That the Converſion of the* Britiſh *Nation, to the Chriſtian Faith, was performed towards the latter end of the Reign of* Tiberius Cæſar, *i. e.* about thirty ſeven years after Chriſt's Nativity. But whoſoever compares the Circumſtances of thoſe times, and conſiders the ſmall number of the years between our Saviour's Paſſion, and the death of *Tiberius*, will find very little Probability, of the founding a *Chriſtian* Church ſo ſoon, in a place ſo remote as *Britain*.

(*a*) *Animadverſ. on the Church Hiſt. of* Britain, *p.* 5, 6.

To make this appear, I ſhall not inſiſt upon the Teſtimony of *Apollonius* in (*b*) *Euſebius*, concerning the ancient Tradition, *That our Saviour commanded his Apoſtles, not to depart from* Jeruſalem *within twelve Years after his Aſcenſion*; nor on that of the (*c*) *Alexandrian Chronicle*, wherein it is ſaid, *That the Apoſtles did not ſeparate, till after the Council at* Jeruſalem; nor on that of *Hippolytus Thebanus* in (*d*) *Glycas*, and of *Euodius* in (*e*) *Nicephorus*, who reckon *the Martyrdom of St.* Stephen, *to be ſeven Years after Chriſt's Reſurrection* (which ſome learned (*f*) Chronologers think more probable, than the common Computation which allows but one) before which time it is not pretended by any, that the Diſciples were diſperſed abroad.

(*b*) Euſeb. *Hiſt. Eccleſ. l.* 5. c. 18.
(*c*) Chron. Alex. p. 50.
(*d*) Glyc. *Annal.* p. 3. p. 227.
(*e*) Niceph. *l.* 2. *c.* 3.
(*f*) Cappel. *Cent. Eccleſ. Chriſtian.* A. D. 38.

But that which is of greater force and certainty, is, ſuppoſing the diſperſion to have been within the Reign of *Tiberius*, yet the Scripture gives ſuch an Account of the Extent, and Deſign of the Diſciples preaching upon it, as utterly overthrows any Probability of their coming hither, for the Words are, *Now they which were ſcattered abroad upon the Perſecution, that aroſe about* Stephen, *travelled as far as* Phenice, *and* Cyprus, *and* Antioch, *Preaching the Word unto none, but unto the* Jews *alone.* But the neareſt of theſe places, is at a great diſtance from *Britain*, and if they Preached to none but to the *Jews*, they were not likely to convert the *Gentile Britains*. (*g*) *Baronius* grants, *A. D.* 35. *That hitherto the* Jews *had only the Goſpel preached to them*; Although at the ſame time he pleads for the Tradition of *Lazarus*, *Mary Magdalen*, *Martha and Marcella, coming then with Maximinus in a Ship without Oars to Marſeilles*, with a deſign, no doubt, to ſpread the Goſpel among the *Gentiles* in *Gaul*, for (*h*) *Lazarus* is ſuppoſed to have been Biſhop of *Marſeilles*, and *Maximinus* of *Aix*. And he adds out of a Manuſcript in the *Vatican Library* (which not only, like the *Houſholder* in the Goſpel, *brings forth things New and Old*, but ſometimes things *New* for *Old*, as happens in the Caſe of this Manuſcript, it being lately written, as (*i*) *Archbiſhop Uſher* hath obſerved) *That* Joſeph *of* Arimathea *did bear them Company, and came over into* Britain, *to Preach the Goſpel*;

Act. 11. 19.
(*g*) Baron. *ad A. D.* 35. *n.* 5.
(*h*) Boſqu. *Hiſt. Eccleſ. Gallic. l.* 1. *c.* 3.
(*i*) Uſſer. *de Primord.* *p.* 15.

Which according to his own Suppoſition, muſt be only to the *Jews* in *Britain*, if there were any here; But if it be underſtood of the *Gentiles*, (*k*) *Jac. Sirmondus* ſaith in plain Terms, *This Tradition contradicts the Scripture*; *For* ſaith he, *If the People of* Marſeilles (or *Britain*) *had the Goſpel Preached to them ſo ſoon, how comes it to paſs, that ſix Years after*, Cornelius *is ſaid to be the firſt Fruits of the* Gentiles? *And that upon the Incouragement of his Example, thoſe of the Diſperſion, began to Preach to the* Gentiles *at* Antioch? Which is confeſſed by (*l*) *Baronius* himſelf. The ſtrength of which Argument hath prevailed ſo much in *France*, that the (*m*) Defenders of this Tradition, have been there contented to let go the Reign of *Tiberius*, and to place it a great deal later, *Anno Dom.* 62. (*n*) For they evidently ſaw, there was no Poſſibility of defending it upon other Terms, although hereby they make *Lazarus* and *Joſeph* of *Arimathea* of great Age, when they undertook this Voyage with their *Companions*: But when ſuch a Tradition is either wholly rejected there, as diſagreeing to the Scripture, or ſet ſo much later, on purpoſe to reconcile it to the *Acts* of the *Apoſtles*, it cannot but ſeem ſtrange among us, that there ſhould be ſuch an Opinion ſtill ſo generally received, *That the Goſpel ſhould be here Preached before the end of the Reign of* Tiberius.

(*k*) Sirmond. *de duobus* Dionyſiis, c. 1.

(*l*) Bar. *A. D.* 41. *n.* 15.

(*m*) *V.* Launoii *Opuſc. de* Lazaro, *&c.* p. 348.

(*n*) Natal. Alex. *Hiſt. Eccleſ Sæc.* 1. *Part.* 2. p. 80.

But that which hath miſ-led moſt of our Writers, hath been a paſſage in *Gildas*, which they have applied to *the particular Preaching of the Goſpel* in Britain, whereas it ſeems onely to be underſtood of the *General Liberty of Preaching it throughout the World*, as will beſt appear by conſidering, not barely the Words, but the Circumſtances of them. (*o*) *Gildas*, having undertaken to give ſome Account of the ancient *Britiſh* Church in the beginning of his *Epiſtle*, In the firſt place, ſadly laments the want of any Domeſtick Monuments, to give him certain information. *For*, ſaith he, *If there were any ſuch, they were either burnt by our Enemies, or carried ſo far by the Baniſhment of our Countrymen, that they no longer appear, and therefore he was forced to pick up what he could out of Foreign Writers, without any continued Series.* From hence, he proceeds to ſpeak *of the* Romans *eaſie Conqueſt of* Britain, *but Difficult keeping of it, the Inhabitants being ſo unable to withſtand the* Romans, *and yet ſo unwilling to obey them.* Of which he gives a Remarkable Inſtance, in the *Revolt* under *Boadicea*, and the harder uſage of the *Britains* after it. *Interea*, ſaith he,

(*o*) Gild. *Epiſt. ed.* Joſſelin. 1568.

Interea glaciali frigore rigenti Inſulæ, & veluti longiore terrarum receſſu, ſoli viſibili non proximæ verus ille non de firmamento ſolum (*L. Sol*) temporali, ſed de ſumma etiam cœlorum arce tempora cuncta excedente univerſo orbi præfulgidum ſui corruſcum oſtendens tempore (ut ſcimus) ſummo Tiberii Cæſaris (quo abſque ullo impedimento ejus propagabatur Religio comminata ſenatu nolente à Principe morte dilatoribus militum ejuſdem) radios ſuos primum in-

In the mean time, Chriſt the true Sun afforded his Rays, that is, the knowledge of his Precepts to this Iſland, ſhivering with Icy-cold, and ſeparate at a great diſtance from the viſible Sun, not from the viſible Firmament, but from the Supreme everlaſting Power of Heaven. For we certainly know, that in the latter end of the Reign of Tiberius, *That Sun appear'd to the whole World with his Glorious Beams, in which time his Religion was propagated without any impediment againſt the Will of the Ro-*

man

dulget, id eſt ſua præcepta Chriſtus. §. 6.

man Senate, death being threatned by that Prince, to all that ſhould inform againſt the Soldiers of Chriſt.

This I take to be *Gildas* his true meaning: For it is certain, he ſpeaks of a double ſhining of the Goſpel, one more *General* to the World, the other more *particular* to this Iſland: *The former,* he ſaith, was *in the latter end of* Tiberius; The *latter* was, *Interea, In the mean time,* of which he firſt ſpeaks, and that refers back to the time he had ſpoken of before, which was the fatal Victory over *Boadicea,* and the *Britains,* by *Suetonius Paulinus,* and the ſlavery they underwent after it. Which happen'd in the time of *Nero,* about the middle of his *Reign,* almoſt twenty years after *Claudius* had ſent *A. Plautius* to reduce *Britain* into the form of a *Province,* to whom ſucceeded P. *Oſtorius Scapula, A. Didius Gallus,* and *Veranius,* in the Government of *Britain,* before *Suetonius Paulinus* came into the Province. For after *Claudius* his *Triumph* for his Victory in *Britain,* the *Romans* began to deduce Colonies, to ſettle Magiſtrates and Juriſdictions here, after the manner of other *Provinces,* and ſo continual intercourſe was maintained between the *Roman City,* and the *Britiſh Colonies*; Cities of Trade were ſet up, and the *Roman* Merchants were very buſie in furniſhing new Provinces with neceſſaries, and Superfluities: And the *Province* of *Britain,* in the beginning of *Nero*'s Reign was thought to be in ſo ſettled, and flouriſhing a condition, that (*p*) *Dio* ſaith, Seneca, *had here at one time to the value of* 300000 *p.* as Mr. *Camden* computes it. A vaſt ſum for a Philoſopher! But that which I infer from hence is, That this was a very probable time, which *Gildas* hath pitched upon, for the bringing the Goſpel hither, *viz.* between the time of *A. Plautius*'s coming over, in the time of *Claudius,* and the Battel between *Boadicea,* and *Suetonius Paulinus,* as will more fully appear in the following diſcourſe, As to the more *General ſhining of the Goſpel to the World,* he pitches upon the *latter end of* Tiberius, as the certain time of it, in which he makes uſe of the very Expreſſions of (*q*) *Euſebius,* and that paſſage *concerning* Tiberius *and the Senate differing about Chriſt and his followers,* which *Euſebius* took from (*r*) *Tertullian,* who ſpeaks of it with great aſſurance; And (*s*) *Oroſius* gives a more particular account of it, all which is very agreeable to what *Gildas* had ſaid before, *That he muſt make uſe of Foreign Writers in ſo great a defect* of their own.

But to proceed clearly in this matter, there are three things I deſign, concerning the firſt planting a Chriſtian Church here.

1. To examine the *Tradition,* concerning *Joſeph* of *Arimathea,* and his Brethren coming hither to plant Chriſtianity.
2. To ſhew that there was a Chriſtian Church planted here, in the *Apoſtles times,* and within that compaſs *Gildas* ſpeaks of.
3. To prove the great probability, that St. *Paul* firſt founded a Church here.

1. As to the *Tradition* concerning *Joſeph* of *Arimathea*; I confeſs I look on it, as an *Invention* of the *Monks* of *Glaſſenbury* to ſerve their Intereſts, by advancing the Reputation of their Monaſtery. But becauſe

---

(*p*) Xiphilin. *in* Neron.

(*q*) Euſeb. *Hiſt. Eccleſ. l.* 2 *c.* 2.

(*r*) Tertul. *Apolog. c.* 5.

(*s*) Oroſ. *l.* 7. *c.* 4.

becauſe this *Tradition* hath met with better Entertainment than it deſerved, among the generality of our late Writers, who took it for granted, and believed that it is grounded on the Teſtimony of ancient *Records*; I ſhall, before I proceed farther, take the pains to examine it, both as to the *Authority*, and the *Circumſtances* of it.

It ſeems to be a little Suſpicious, at firſt view, that ſo conſiderable a part of the *Antiquities* of this Church ſhould be wholly paſt by, by the moſt ancient and inquiſitive Writers of our Affairs; So that neither the true *Gildas*, nor *Bede*, nor *Aſſerius*, nor *Marianus Scotus*, nor any of the ancient *Annals* ſhould take the leaſt notice of this Tradition. (*t*) *Sanders* indeed ſaith, *That* Polydore Virgil *proves it from the moſt ancient* Gildas, but he never attempted any ſuch thing: For having ſet down the Tradition of *Joſeph* of *Arimathea*, with the beſt advantage, he only proves from *Gildas*, *That the Chriſtian Religion was very early received here*, which might be very true, although *Joſeph* had never come from *Arimathea*. And yet, (*v*) *Card. Bona* quotes *Gildas* for this *Tradition*, on the credit of *Sanders*, unleſs he were deceived by thoſe who produce the Teſtimony of *Gildas Albanius*, in his *Book* of the *Victory* of *Aurelius Ambroſius* to the ſame purpoſe. But no ſuch Book of the true *Gildas* could ever yet be found by thoſe who have ſearched after it with the greateſt diligence. (*w*) *Leland* particularly relates, concerning himſelf, *What incredible pains he took to find out this piece of* Gildas, and ſaith, *That he hoped at laſt to have met with it in the Library at* Glaſſenbury, *where* Gildas *is ſaid by* William *of* Malmesbury, *to have ended his days, but not a Leaf of it was to be ſeen, either there, or in any of the Old Libraries in* Wales, *which he ſearched on purpoſe.* And after all, he refers us to the credit of (*x*) *Geoffrey* of *Monmouth*, for it, where it muſt reſt, till ſome better Authority be produced for it: Yet *Bale*, and *Pits*, keep up the Title of it, as they do of many others which were never in being, as the *Annals* of *Gildas Cambrius*, the *Epigrams* of *Claudia Rufina*, and the *Epiſtles* of *Joſeph* of *Arimathea*, &c. which *Bale* thinks Probable, *that he did Write*, and therefore ſets them down as *Written*: And from him a learned (*y*) Antiquary reckons them among our *Hiſtorical Antiquities*. And no better Foundation can yet be diſcovered for this Book of *Gildas*, it being *as probable, that he ſhould write a Book* of that *Victory of* Ambroſius, ſince *Gildas* ſaith, *He was born upon the day of his obtaining it*, if it were that on *Badon-Hill*. But ſuch *Probabilities*, are very far from *Teſtimonies*. It is true, as the (*z*) learned *Primate* obſerves, *That* Gervaſe *of* Tilbury, Nauclerus, Trithemius *and many others, ſay, That* Geoffery *followed* Gildas *in ſuch a Book written by him*: But they produce no Authority for any ſuch Book, but *Geoffrey* himſelf, and untill ſome better appears, I muſt ſuſpend my belief: It being common with ſuch Writers as himſelf, to pretend to ſuch Authorities, as no one elſe ever had the fortune to find. For it being their buſineſs to give an account of times long before their own, it were a vain thing to hope for any Credit, unleſs they could produce ſome *Teſtimonies* nearer thoſe times, which might be of ſome weight if they were Authentick. And this is the Reaſon, why theſe Inventers of Hiſtory have ſtill given out, that they met with ſome Elder Writers, out of whom they have pretended to derive their Reports. Thus (*a*) *Hunibaldus* pretends, as much to follow the Old *Sicambrian* Manuſcripts of *Waſthald*, for the remote *Antiquities* of the *Franks*, as *Geoffrey* doth the Old *Britiſh* Manuſcripts,

either

(*t*) Sanders *præf. ad libr. de Schiſm. Anglic.*

(*v*) Bona, *Rer. Liturgic. l.* 1. *c.* 7.

(*w*) Leland *de Scriptor. in* Gilda.

(*x*) Galf. Mon. *l.* 2 1. *c. ed.* Badii Aſ.

(*y*) Warts *Inſtrumento Hiſtoric. Manuſcript.*

(*z*) *Primord. c.* 5. *p.* 57.

(*a*) *Apud* Trithem. *Compend. Annal. l.* 1.

either for the Succeſſion of the *Britiſh Kings*, or the firſt bringing of Chriſtianity hither. But which makes this matter yet ſtranger, (*b*) *Nennius* himſelf, who ſometimes paſſes under the Name of *Gildas*, ſaith nothing of this *Tradition*, where he ſpeaks of the firſt receiving of Chriſtianity in *Britain*; and yet *Bale* ſaith of him, *That he collected his Writings out of the former* Britiſh *Hiſtorians*, ſuch as *Telieſin*, *Melkin*, *Gildas*, and *Elvodugus*; and it is not probable, he would have left it out, if he had found it in any of them. But (*c*) *Bale* quotes one of theſe *Britiſh* Authors, *viz. Melkinus Avalonius* for this Tradition about *Joſeph* of *Arimathea*, and *Arviragus*; but withall he confeſſes him to be a very *fabulous Writer.* (*d*) *Leland* ſaith, *That he met with the Fragments of* Melkinus *in the Library at* Glaſſenbury, *by which he underſtood that he had written ſomething of the* Britiſh *affairs, but more eſpecially concerning the Antiquity of* Glaſſenbury, *and* Joſeph *of* Arimathea; *Which, ſaith* Leland, *he affirms without any certain Author, and which himſelf could not approve, not thinking it at all Credible, that* Joſeph *of* Arimathea *ſhould be buried there, but rather ſome* Eremit *of that Name, from whence the miſtake firſt aroſe.* And (*) elſewhere, when he ſpeaks of the *Glaſſenbury Tradition*, He ſaith, *That twelve* Eremits *are reported to have come hither, with one* Joſeph *in the Head of them, but not he of* Arimathea *as he ſuppoſes.* But ſtill the *Teſtimonies* that concern this matter are derived from *Glaſſenbury*, inſomuch that even the Britiſh Hiſtorian hath the name of *Avalonius* from thence. But ſome make uſe of this Teſtimony however to prove the *Antiquity* of this *Tradition*, ſince this Author is ſaid to have lived *Anno Dom.* 550. under King *Vortuporius*, ſo *Bale*; but *Pits* places him ten years later, under *Magoclunus*: They might as well have made him contemporary with *Gildas Cambrius*, or to have been Secretary to *Joſeph* of *Arimathea*, when he wrote his *Epiſtles*, for they have no more Evidence to ſhew for the one than for the other. The truth is, there was an *old Legend* which lay at *Glaſſenbury*, which *Leland* ſaw, and out of which *Capgrave* hath tranſcribed that part which concerns this matter, from whom *Bale* took it. But it is ſo groſly fabulous, that even *Capgrave* himſelf (whoſe Stomach was not very nice as to Legends) put an *&c.* in the middle of it, as being aſhamed to ſet down the paſſage of *Abaddar*, *a great man in* Sephat, *and the hundred and four thouſand which were buried with* Joſeph *of* Arimathea *at* Glaſſenbury. Yet this ſenſleſs and ridiculous Legend is by (*e*) ſome thought to be the *Britiſh Hiſtory* which *William* of *Malmesbury* appeals to for the *proof* of this *Tradition*; and, which he found in the *Libraries* of St. *Edmund* and St. *Auguſtin*. But *Malmeſbury*, having deſigned to ſet the *Antiquity* of *Glaſſenbury* as high as he could, called that a *Britiſh Hiſtory*, which is now found to be written by an *Engliſh Monk*, as (*f*) *Archbiſhop Uſher* hath evidently proved (having ſeveral times peruſed it in the *Cotton Library*) there being the very ſame paſſage in it which *Malmesbury* quotes. And that he was no *Britain* is moſt certain, becauſe he calls the *Saxon* his *Mother-Tongue*, and *England* his *Country*. And yet after all, there is not a word of *Joſeph* of *Arimathea* or his *Companions* in it; all that is ſaid is, “That in
“ the Weſtern parts of *Britain* there is a Royal Iſland called *Gleſton*,
“ large and compaſſed about with Waters full of Fiſh, and having o-
“ ther conveniences of humane life; but, which was moſt conſidera-
“ ble, it was devoted to the Service of God. Here the firſt Diſciples
“ of the Catholick Law found an ancient Church, not built as was re-

---

(*b*) Nen. *c.* 18.

(*c*) Bal. de *Script. Brit. l.* 1. *p.* 57.

(*d*) Leland *de Script. in* Melkino.

* Leland, *in Eluano.*

(*e*) Spelman. Conc. *Brit. To.* 1. *p.* 11.

(*f*) Uſſer. *de Prim. p.* 107.

“ ported by mens hands, but prepared by God himſelf for the benefit of Men, and which by Miracles was ſhewed to be conſecrated to himſelf and to the Bleſſed Virgin. To which they adjoined another Oratory made of Stone, which they dedicated to *Chriſt* and to St. *Peter*. The queſtion is, Who are here meant by theſe *firſt Diſciples of the Catholick Law?* not *Joſeph* of *Arimathea* and his *Companions*, who are never mentioned by him, and who are never ſaid *to have found a Church there built to their hands*, but he ſpeaks of ſome of the firſt *Saxon Chriſtians* in thoſe parts, who might probably find there ſuch a low Wattled Church as is deſcribed in Sir *H.* (g) *Spelman*; a Remainder of the *Britiſh* Chriſtianity in that Iſland. And this Paſſage affords us the beſt light into the true *Original* of this *Tradition*, which was after ſo much heightned and improved, as the Monks of *Glaſſenbury* thought convenient for the honour and privileges of their Monaſtery.

(g) *Concil. Brit. p.* 15.

That which ſeems moſt agreeable to Truth from hence is, That in the latter times of the *Britiſh Churches*, when they were ſo miſerably haraſſed and perſecuted by the *Pagan Saxons*, they were forced to retire into places of moſt difficult acceſs for their own Security, and there they made them ſuch *Churches* as were ſuitable to their preſent condition, and lived very retired lives, being in continual fear of their barbarous Enemies. Such a place this *Iſland* of *Avalon*, or *Glaſſenbury* was; which might be of far greater requeſt among the *Britains*, becauſe it was the place where King *Arthur* was buried; for I ſee no reaſon to queſtion that which *Giraldus Cambrenſis* relates concerning the finding the Body of King *Arthur* there in the time of *Henry* II. with an Inſcription on a *Leaden Croſs*, which in Latin expreſſed, that *King* Arthur *lay there buried in the Iſland of* Avalon. For (h) *Giraldus* ſaith, *he was preſent, and ſaw the Inſcription and the Body*; which is likewiſe atteſted by the Hiſtorians of that time, as (i) *Leland* proves at large. And the account given that his Body was laid ſo deep in the Earth, for fear of the *Saxons*, farther confirms, That this was a place of retreat in the *Britiſh* times, but not without the apprehenſion of their Enemies Invaſion.

(h) Girald. *de Inſtit. Princ. & in Specul. Eccleſ.*
(i) Leland, *Collec. Vol.* 2. *p.* 14. *Aſſert.* Arthuri. *p.* 28. *&c.*

This Church, according to the Inſcription on the Braſs Plate on the Pillar in *Glaſſenbury* Church, was in length 60 Foot, in breadth 26, But that Inſcription, as the learned and judicious Antiquary * Sir *H. Spelman* obſerves, *was by the Character not of above* 300 *Years Antiquity*, and ſavours very much of the Legend. In it we read, “ That the Church was firſt built by *Joſeph* and his Companions, but was conſecrated by *Chriſt* himſelf to the Honour of his Mother. This being a very uſeful point, but not very agreeing with the ſimplicity of the primitive Chriſtians, wanted ſome more than ordinary confirmation, and ſuch we are told it had. “ For St. *David* having a deſign to conſecrate this Church, our Lord appeared to him in a Dream, and forbad him, having conſecrated both the Church and Church-yard before himſelf. And, for a Sign thereof, he thruſt his Finger through the Biſhop's hand. Which it ſeems was to paſs for the Token of a former Conſecration. But, as much as this looks like a Monkiſh Legend, (k) *Alford* and (l) *Creſſy* are much diſpleaſed with Sir *H. Spelman* for calling it in queſtion. But they who can in earneſt believe, *That* Chriſt *himſelf did then conſecrate a Church and Church-yard to the honour of his Mother*, are paſt all Confutation by reaſon, having their minds naturally framed to believe *Legends*; and to ſuch

* *Concil. Brit. p.* 14.

(k) *Annal. Eccl. A.D.* 63. *n.* 25.
(l) *Church Hiſt. l.* 2. *c.* 8.

ſuch, one *Legend* ſerves to confirm another; which is the way thoſe perſons take to confute Sir *H. Spelman*. For *Creſſy*, to prove the Antiquity of dedicating Churches to the *bleſſed Virgin*, brings the Tradition of the Temple at *Saragoſſa*, called *del Pilar, becauſe the Pillar on which her Image was placed was brought thither by the Miniſtery of Angels*. Now thoſe things are thought Proofs by ſome, which to others look only like bringing one Abſurdity to ſupport another. But as yet we find no Teſtimony to confirm this Tradition, but what is taken from *Glaſſenbury*, which is not the beſt Witneſs in a Cauſe which ſo nearly concern'd it ſelf.

But theſe now mentioned Authors (*m*) at laſt venture on a conſiderable Teſtimony, if it hold good, *viz.* of Auguſtin *the Monk, in an Epiſtle to* Gregory, but upon Examination, that which they quote out of St. *Auguſtin*'s Epiſtle is nothing elſe but the paſſage already mentioned by *Malmesbury*, which he found in a Book taken out of the *Library* of St. *Auguſtin* at *Canterbury*; and they might as well have quoted St. *Edmund*'s Epiſtle to the *Pope* to the ſame purpoſe. For *William* of *Malmesbury* ſaith, *He met with the ſame paſſage at St.* Edmund'*s as well as St.* Auguſtin'*s*, *i. e.* in the Libraries of thoſe Monaſteries; I will not diſſemble that they cite two conſiderable (*n*) Authors of our own for this miſtake; I wiſh they had been as ready to have followed them where they were in the right, as where they were guilty of an overſight, which the moſt careful Writers may ſometimes fall into. But it is an unhappy temper to follow Great Men only in their Errours and Imperfections.

So that upon the whole matter, we have not one Teſtimony which reaches to the point concerning *Joſeph* of *Arimathea*, which is not originally taken from the *Glaſſenbury Legends*, where it ſeems there was great choice of them; For (*o*) *Capgrave* mentions ſeveral, one, out of which the Life of *Joſeph* of *Arimathea* there is extracted, is ſaid to be taken out of a Book which the *Emperour* Theodoſius *found in the Palace of* Pilate *at* Jeruſalem; which is a very hopeful Introduction to a Legend; And there we find the Hiſtory of *Joſeph* of *Arimathea*, very diſtinctly ſet down, " How he was miraculouſly delivered out of " Priſon in *Jeruſalem* and conveyed to *Arimathea*, whither the chief " of the *Jews* ſent a ſolemn Embaſſy to him of ſeven Perſons, with an " Epiſtle, wherein they beg Pardon for his Impriſonment, and deſire " his Company at *Jeruſalem*, whither being come, upon their requeſt, " he gives an account of his Eſcape, the houſe being taken up by four " Angels, and *Chriſt* appeared to him, and carried him to the place " where he buried him, and ſhewed him the Linen Cloth about his " Head, after which he was baptized by *Philip*, and was preſent with him " at the Aſſumption of the Bleſſed Virgin, and fifteen years after he came " to *Philip* in *Gaul*, who ſent him over into *Britain* with twelve of " his Diſciples and his Son *Joſephus*. But another Tradition ſaith, " They were ſix hundred Men and Women who were to come over, " having taken a Vow of Abſtinence till they came to the Land, " which they did all break, but one hundred and fifty who paſſed the " Sea upon the Shirt of *Joſephus*, but the reſt repenting, a Ship was " ſent to convey them over which was built by King *Solomon*, and " with them came a Duke of the *Medes* called *Nacianus*, formerly " baptized by *Joſeph* in the City *Sarum*, with the King of it called " *Mordraius*, who valiantly killed a King of *North-Wales*, who kept

" *Joſeph*

(*m*) Alford. *ib. n.* 29. Creſſy, *l.* 2. *c.* 7.

(*n*) *Antiq. Brit. p.* 3. Godwin, *de Præſul. p.* 12.

(*o*) Capgr. *in vita* Joſephi.

“ *Joſeph* a Priſoner; After which he and his Companions preached “ here in the time of *Arviragus*. And then follows the common Tradition, “ of his giving the Iſland of *Avalon* to them, and the twelve “ Hydes of Land by the three Pagan Kings, *Arviragus*, *Marius* and *Coi*- “ *lus*. This is followed by another Tradition out of the *Acts* of King *Arthur*, and the Inquiſition of *Lancelot de Lac*; all which is concluded with the admirable Legend of *Melkinus Avalonius* already mentioned. Theſe are the choice Materials in *Capgrave*'s Collection to confirm this Tradition. And if he had found any better, he would no doubt have produced them. It muſt be confeſſed that Mr. *Creſſy*, with ſome ſcorn, rejects that part of the Tradition taken out of the *holy Graal* about the ſix hundred Companions and the Prince of *Media*, &c. But I can find no better Authority for one part than for the other; and for all that I can ſee, the *holy Graal* deſerves as much credit as the Book taken out of *Pilate*'s Palace, or *Melkinus Avalonius*, eſpecially ſince, (*p*) *Pits* hath given the ſuppoſed Author ſo good a place, among his *Britiſh* Writers, under the name of *Eremita Britannus*, and ſaith, he lived about the time of King *Ina*, *Anno Dom.* 720. And (*q*) *Helinandus* takes notice of the Viſion to the *Britiſh* Eremit about that time concerning *Joſeph* of *Arimathea*, and the Diſh wherein our Saviour eat the Paſſover with his Diſciples, which ſort of *Diſh* he ſaith was then called in French *Graal*; but others think the true name was *Sangreal*, being ſome of *Chriſt*'s *real bloud* which he ſhed upon the Croſs, which was ſaid to be ſomewhere found by King *Arthur*. And to confirm this, it is ſaid in the authentick Writing of *Melkinus*, That in the Coffin of *Joſeph* were two Silver Veſſels filled with the *Bloud* and *Sweat* of *Jeſus* the Prophet.

But leſt I ſhould ſeem to expoſe ſo ancient a Tradition, by ſetting down only the fabulous Mixtures which the *Monks* thought to adorn it with, I now proceed from their *Dreams* and *Viſions*, to what ſeems to have much more weight and authority in it, *viz.* their ancient *Records* which *William* of *Malmesbury* ſeems moſt to rely upon: Among theſe, In the firſt place he mentions the *Charter* of St. *Patrick*, as he calls it, which is at large printed in the (*r*) *Monaſticon*, and both in (*s*) *Alford* and (*t*) *Creſſy*, and is magnified by them as a ſubſtantial proof of the *Glaſſenbury Tradition*, which *Creſſy* ſaith *was tranſcribed out of a very ancient MS. belonging to* Glaſſenbury *by* Marianus Victorius; and for this he quotes (*u*) *Ger. Voſſius de Hiſt. Lat.* who ſaith only that *Bale* mentions a piece of his *de Antiquitate Avalonica*, but he adds, *that* Bale *deſerves no credit in Writers of great Antiquity*. But the perſon *Creſſy* means (or at leaſt his Author) was another *Gerard Voſſius*, Dean of *Tongres*, (*w*) who publiſhed part of this pretended piece of St. *Patrick* among other ancient Writings, which will have no great authority among conſidering men, if they have no other Characters of Antiquity than this *Charter* of Saint *Patrick*. However, Mr. *Creſſy* is pleaſed to call it, *a monument of the goodneſs of God towards this Nation, ſo early, in the very beginning of Chriſtianity*; becauſe therein mention is made of *ſome Writings of St.* Phaganus *and* Diruvianus *wherein it was declared that twelve Diſciples of the Holy Apoſtles* Philip *and* Jacob *built the ſaid ancient Church to the honour of the Bleſſed Virgin, by the appointment of the Archangel* Gabriel. *And moreover, That our Lord himſelf from Heaven dedicated the ſaid Church to the honour of his Mother. As likewiſe, That three Pagan Kings beſtowed upon them twelve Portions of*

(*p*) Pits, *de Script. A. D.* 720. 8°.

(*q*) *Apud* Vincent. *Spec. hiſtor. l.* 23. *c.* 147.

(*r*) *Monaſtic. vol.* 1. *p.* 11.

(*s*) Alford. *A. D.* 439. *n.* 9.

(*t*) Creſſy's *Hiſt. l.* 2. *c.* 5. *n.* 10.

(*u*) Voſſi. *de Hiſt. Latinis, l.* 2. *c.* 16.

(*w*) *Miſcellan. S.* Patr. *ad calc. Oper.* Greg. *Thaumaturg.*

Land. If this hold good, it goes a great way towards the proving the ancient Tradition, although *Joſeph* of *Arimathea* be not mentioned. But St *Patrick* goes on, and ſaith, *That in other Writings of a later date he found that* Phaganus *and* Diruvianus *obtained from Pope* Eleutherius *thirty years of Indulgence, as himſelf likewiſe procured from Pope* Celeſtine *twelve years:* And towards the Concluſion, *he grants a hundred days of Indulgence to thoſe who would clear the way to a certain Oratory there mention'd:* And to make all plain, it begins with the Date, *Anno Dom.* 425. in theſe Words. *In the Name of our Lord Jeſus Chriſt. I* Patr ick *the poor humble Servant of God, in the four hundred twenty fifth year of the Incarnation of our Lord, being ſent by the moſt holy* Pope Celeſtine *into* Ireland, &c.

I confeſs this Charter offers very fair play towards the diſcovery of it's own Forgery by ſuch open *Marks*, and *Characters* as theſe. For it is certainly known, that in St. *Patrick*'s time, no ſuch way of Computation was uſed from the year of our Lord. For *Dionyſius Exiguus*, writ his firſt Epiſtle to *Petronius*, *Anno Dom.* 525. where he firſt mentions, *The reducing the Cycle to the years of Chriſt's Incarnation, that People might be better acquainted with it*; after which it remained a great while in private uſe with the *Paſchal Cycle*, and was not publickly received, ſaith (*x*) *Bucherius* till about the time of Charles *the Great.* * *Joachim Vadianus*, ſaith, *He never ſaw the Year of our Lord in any ancient Charters, of which ſort he had ſeen many:* (*y*) Some obſerve, *That it was never uſed in Charters before the ninth Age*, and therefore the more ſubtile Pretenders to Antiquity always left it out. (*z*) *Joh. Aventinus* affirms, *that the uſe of it in Epiſtles and Charters, was brought in by* Carolus Craſſus, with whom (*a*) *Nic. Vignier* agrees, *as to the Imperial* Diplomata. But it ſeems probable to have been brought into *England* before that time, for in the (*b*) *Council* at *Celichyth*, Anno Dom. 816. *Every Biſhop was required to take an Account of the year of our Lord.* And by ſome *Charters* in *Ingulphus*, it appears to have been uſed here before it was uſed in *France*, or the *Empire*, but not long before the eighth Century; and the firſt publick Acts we find it applied to, were thoſe of *Councils*, as in that of *Becanceld*, under *King Withred*, *Anno Dom.*694. But the ſame King doth not uſe it in the *Years* of his Reign. The like Inſtances about Councils, eſpecially in the *eighth* and *ninth Centuries* are produced by (*c*) *Mabillon*: Who thinks, *That* Bede *was the firſt who brought it into the uſe of Hiſtory.* But that could not be before *Anno Dom.* 725. at which time he began to write his Hiſtory; and he adds, *That from him by the means of* Boniface, *it came into the uſe of the French Councils and Hiſtories; and at laſt of all publick Charters both in* France *and the Empire, as well as here.* But from all this it appears, that there is no Colour for this *Charter* of St. *Patrick*, which reckons from the *Incarnation*, a hundred years before *Dionyſius Exiguus* firſt introduced that way of Computation. Beſides, it cannot poſſibly agree with the time of St. *Patrick*'s going firſt into *Ireland*; for (*d*) *William* of *Malmesbury* confeſſeth, *He was made Biſhop by* Celeſtine, *and ſent by St.* German *into* Ireland *as an Apoſtle:* But it is on all hands agreed, that *Palladius* was ſent thither before him; and *Proſper*, who lived at that time, fixeth the ſending *Palladius*, to the year wherein *Baſſus* and *Antiochus* were Conſuls, which was *Anno Dom.* 431. the year of the firſt *Epheſine* Council. So that this *Charter* of St. *Patrick* cannot be true, no not although we allow the different Computation in *Capgrave*, who reads it, 430.

(*x*) Bucherius *Belg. Roman. l.* 2. *c.* 8. *n.* 4.

* *Rer. Aleman. To.* 3. *l.* 2. *p.* 32.

(*y*) Papebroch. *Propyl. ad To.* 2. *Apr.* §. 102.

(*z*) Aventinus *Annal. Boior. l.* 4. *p.* 461.

(*a*) *Chronic. Burg. ad A. D.* 885.

(*b*) Spelman. *Concil. p.* 330. *c.* 9.

(*c*) Mabillon *de Re Diplom. l.* 2. *c.* 2. *p.* 17. §. 23. *n.* 15.

(*d*) Gul. Malmeſ. *de Geſtis Pontif.* 2. *l. p.* 145.

430. But *Alford* confeſſes, both *Malmesbury* and the *Glaſſenbury Antiquities* have it, 425. It is ſtrange that *Alford* ſhould ſay, *He found no Exception againſt the Credit of this Charter*, ſince even (e) *Capgrave* himſelf mentions it not without doubt, and Suſpicion of the truth of it: And his own Brethren (f) *Henſchenius*, and *Papebrochius* deride his ſimplicity for believing it. And among other Arguments they produce that of *the mention of Indulgences* againſt it, which Name they Confeſs was not uſed for the Relaxation of Penance, till the eleventh Century; a very Competent time after the Date of this *Charter*. The queſtion is not as Mr. *Creſſy* would put it, *Whether every Biſhop, or Pope as Chief, hath a Power to relax Penance?* But, Whether the Name of *Indulgences* were then applied to ſuch a Senſe, as this *Charter* uſes it? Which thoſe learned Jeſuits deny. Add to all this, that St. *Patrick* ſaith, *He obtained from* Celeſtine *twelve years of Indulgence*, which being underſtood of *Glaſſenbury*, implies a plain impoſſibility: For St. *Patrick* is ſaid, to retreat thither towards the end of his Life, and *Celeſtine* dyed ſoon after his firſt ſending into *Ireland*: So that I need not to inſiſt on the *Style*, or the Names contained in this *Charter*, to prove the Forgery of it, it being ſo manifeſt by the *Arguments* already produced.

I now proceed to the *Charters*, whereof there are ſeveral extant in the (g) *Monaſticon*. The large *Charter* of King *Ina*, ſeems to be moſt conſiderable, and to favour the old Tradition, as it makes *the Church at* Glaſſenbury *dedicated to Chriſt and the Bleſſed Virgin, to be the Fountain of all Religion, and the firſt in the Kingdom of* Britain. But upon a ſtrict enquiry into the Circumſtances of this *Charter*, I ſee great reaſon to call in queſtion the Truth of it, and not merely from the diſſimilitude of *Style*, between this and other *Charters* of the *Saxon* times, which are allowed to be Authentick, ſuch as thoſe in *Ingulphus*, *William* of *Malmesbury*, the *Additions* to *Matthew Paris*, &c. But for theſe two Reaſons which ſeem to me to have weight in them.

1. Becauſe it refers to other ancient *Charters* of that *Church*, as to the *Exemption* of the *Monaſtery*. And the *Benedictin Monks* have a long time lain under ſo great a Suſpicion, among thoſe of their Religion, as to this matter of forging *Charters of Exemption*, that no prudent Perſons will think thoſe a ſufficient Foundation to build their Faith upon, as to any ancient Hiſtory, which muſt depend upon their Credibility. I ſhall not here mention what *Gallonius*, *Launoy*, *Naude*, and others abroad have ſaid upon this Subject, nor what inſufficient Anſwers (h) *Mabillon* hath lately made to their Objections; but it is reaſonable for us to conſider, how much they have been Charged here at home with this Crime, by the Biſhops of this Church, and how ill they have been able to defend themſelves. It appears by the Epiſtle of *Richard* Archbiſhop of *Canterbury*, to *Alexander* the Third, in (i) *Petrus Bleſenſis*, that there was a general Suſpicion of Forgery in the *Charters* of *Exemptions*, which the *Monaſteries* pretended to, *Ut falſitas in omnium ferè Monaſteriorum exemptione prævaleat*, &c. And he there particularly inſtanceth in the *Biſhop* of *Salisbury*, charging the *Abbot* of *Malmesbury*, with producing *falſe Charters* for his Exemption from the *Biſhop*'s Right of Election: But which is yet more conſiderable, in the time of *Gregory* the ninth, when St. *Edmond* was *Archbiſhop* of *Canterbury*;

(e) Capgr. *vit.* Patricii.

(f) *Acta Sanct. Mart.* 17. *vit. S.* Patricii *Proleg.* §. 10. *n.* 72.

(g) *Monaſtic. vol.* 1. *p.* 13.

(h) Mabillon. *de Rè Diplomat. l.* 3. *c.* 3.

(i) Petr. Bleſenſ. *Ep.* 68.

terbury, ſome *Monks* of *Canterbury* were Convicted of Forging a certain *Charter* of *Privileges:* But the Pope's Legate took up the buſineſs, and procured a *Diſpenſation* from the Pope, which put an end to the Cauſe. Which *Diſpenſation* Dr. (*k*) *Caſaubon* declares to the World, *He read in an Old Manuſcript belonging to the Church of* Canterbury, *wherein it was Regiſtred:* And wherein, as both he and Sr. *Henry* (*l*) *Spelman*, tell us, It is obſerv'd, *That that Church enjoy'd all its Lands and Privileges, only by Cuſtom and Preſcription*, ſine Chartis vel Munimentis Regiis, *without any written Charters, untill Anno Dom.* 694. When *Withred* King of *Kent* cauſed the firſt to be written, which was the ſame with the *Council* of *Becanceld*. From hence Sr. *Henry Spelman* gives a prudent Caution, concerning *the moſt ancient Charters, which the Monks pretended to, that they be not eaſily believed: There being ſo much Suſpicion of Fraud in them.* And that not only now, but was ſo of Old, as appears by what (*m*) *Gervaſe* reports of the *Monks* of St. *Auguſtin*, *That they produced very Suſpicious, and raſed Charters.* The Caſe was this, the *Monks* of St. *Auguſtine* pretended an Exemption from the *Juriſdiction* of the *Archbiſhop* of *Canterbury*, as thoſe of *Glaſſenbury* did from that of the *Biſhop* of *Wells*; upon an Appeal to *Rome*, a Commiſſion was granted to the *Biſhop* of *Durham*, and the *Abbot* of St. *Albans* to inſpect their *Charters*, and to let the Archbiſhop examine them: But after great Tergiverſation, they at laſt produced *two Writings*, which they called their *Originals*; the firſt was *ancient*, but *raſed* and ſubſcribed, as if it were amended, and *without a Seal*, which they called *King* Ethelbert's *Charter*. The other was of much later Writing, with a *Leaden Bull* hanging at it, and the Figure of a Biſhop upon it, which they called *St.* Auguſtine's *Charter*. Againſt the Firſt, The *Raſure* was objected, and the *manner* of *Subſcription*, and *want of a Seal*. Againſt the Second, *The lateneſs of the Writing, and the novelty of hanging Leaden Bulls to Charters, eſpecially by Biſhops on this ſide of the Alpes: And beſides, the Style was very different from the Roman.* Both theſe *Charters* are extant in the (*n*) *Monaſticon*, and a third of *Ethelbert*, with an *Inſpeximus* of 36. *Edw.* III. But another Charter of *Ethelbert* is ſet down together with theſe in the (*o*) *MS. Chronicle* of St. *Auguſtine*'s, the Author whereof was certainly a Monk there, being ſo zealouſly concern'd to defend theſe *Charters*, and to anſwer ſome of the former Objections againſt them. As to the want of a *Seal* to *Ethelbert*'s *Charter*, he anſwers truly, *That hanging Seals upon Wax were not then uſed, but only a Subſcription of the Name of the perſon with a Sign of the Croſs before it, in token of their Converſion.* For (*p*) *Ingulphus*, a very competent Witneſs, declares, *that the ancient Engliſh Charters to the time of* Edward *the Confeſſor were atteſted by Witneſſes who ſet their Names with Golden Croſſes, or other Marks before them. But the* Normans *brought in the uſe of Seals by Impreſſions upon Wax.* But that *MS. Author* will not allow the *uſe* of ſuch *Seals*, *till after the Conqueſt*, *except in the time of* Cnut, *who was a ſtranger.* Whereas in the Conteſt between the Biſhop of *Lincoln* and the *Abbot* of St. *Albans*, before *Henry* II. when the (*q*) *Saxon Charters* were diſputed for want of *Seals*, the other Party knew not what to anſwer; but the King inſiſted on their Confirmation by *Henry* I. And the Monk who writes the account of this Proceeding, alledgeth the *Seal* of *Edward* the *Confeſſor* to the *Church* of *Weſtminſter:* But *Edward* brought in ſeveral *Norman Cuſtoms*, as *Ingulphus* ſhews, againſt the practice of his Predeceſſours. And this the *Normans* borrow'd from the

(*k*) *Of Uſe and Cuſtom p.* 93.

(*l*) Spelman. *Concil. p.* 125.

(*m*) Gervaſ. *Doro. A.D.*1181. *inter* 10. *Script.* 1458.

(*n*) *Monaſtic. p.* 23. 24, 25.

(*o*) *Chronic. MS. in Bibl. A. T. C.*

(*p*) Ingulph. *Hiſt. p.* 512. *ed.* Sav.

(*q*) *Vit. Abbat. S.* Alban. *p.* 79, 80.

the *French*, whoſe *Seals* were generally affixed on the right ſide of the *Charter*, and not pendent with *Labels*, as they began to be about the Reign of *Lewis* VI. as (*r*) *Mabillon* hath ſhewed at large. And ſo ſome of our Learned (*s*) *Antiquaries* have thought, *that pendent Seals were not brought into uſe here, till the time of* Edward I. For in a *Charter Henry* I. granted to *Anſelm*, the great Seal was affixed on the left ſide of the Parchment. And (*t*) *Brian Twyne* affirms that he ſaw a Charter of *William the Conquerour* ſo ſealed in the *Lumley Library*. But that this Obſervation is not certain, appears by contrary Inſtances, as of the *Pendent Seal* to the *Charter* of *Battel Abby*, printed by (*u*) Mr. *Selden*; and of the *Charter* of *Henry* II. to *Glaſſenbury Abbey*, which (*w*) Dr. *Caius* ſaith he ſaw *with a Seal of green Wax hanging to it by a ſtring of red and white Silk*. But from hence we may ſee how dangerous it is to make general *Rules*, as to theſe matters, from ſome particular Examples, when the Cuſtom might vary. And, notwithſtanding the Teſtimony of *Ingulphus*, there might be *Seals* ſometimes uſed to *Charters* though not ſo frequently. Mr. (*x*) *Selden* hath produced ſome Inſtances to that purpoſe, as in that of King *Edgar* to the Abby of *Perſore*, which he ſaith had plain Signs of *three Labels* by the places cut for their being hanged on; which is atteſted in a Letter from *Godfrey*, Archdeacon of *Worceſter*, to *Alex*. III. And Among the *Chartæ antiquæ*, *There are ſome*, ſaith he, *cum Sigillo*; and one particularly *cum Sigillo* of King *Cnout*, which very much confirms what this Hiſtorian obſerves concerning *Canutus* his *uſing a Seal*. And our great (*y*) Lawyer hath produced the *Deeds* of King *Edwin*, Brother to King *Edgar*, and of King *Offa*, with *Seals* to them. And therefore, I think, *Ingulphus* ought not to be taken in ſo ſtrict a Senſe, that there were no *Seals* in uſe before the *Norman* time, but that *Deeds* or *Charters* before were *good* or *valid* by bare *Croſſes* and *Marks*, with *Subſcriptions* without *Seals*; But that the *Normans* would allow none that had no *Seals* to them. And this upon due conſideration will appear to be the true meaning of *Ingulphus*.

And the ſame *MS. Author* commends the diſcretion of the *Saxon* way of confirming *Charters*, above that of the *Normans*, *a Seal of Wax being ſo apt to decay, or to be loſt or taken off*. And he obſerves one partilar Cuſtom of the *Normans*, *That they were wont to put ſome of the hair of their Heads or Beards into the Wax of their Seals*. I ſuppoſe rather to be kept as Monuments than as adding any ſtrength or weight to their *Charters*. So he obſerves, *That ſome of the Hair of* William, *Earl of* Warren, *was to his time kept in the Priory of* Lewes.

To that of the *Leaden Bull appending to the Charter of St.* Auguſtine, he makes a pitiful Anſwer, viz. *That he being deputed hither by the Pope, might uſe the ſame Seal which he did at* Rome. And ſo every *Legate* might *grant Bulls* with *Leaden Seals*, which would not be well taken at *Rome*. But it is much more to the purpoſe which he adds, viz. *That when in the time of* Henry III. *this Privilege was queſtioned by the Archbiſhop of* Canterbury, *becauſe of this Leaden Bull*, *the Earl of* Flanders *produced ſuch another*, *given him by a foreign Biſhop*, *which he and his Predeceſſours had uſed*; the Faſhion whereof he ſets down, and the *Bull* it ſelf was preſerved as a *Monument* in St. *Auguſtine*'s. But if this were then ſo common a Cuſtom, eſpecially at *Rome*, why had they no ſuch *Bulls* of *Gregory* the Great, who ſent *Auguſtine*? To that he gves a frivolous Anſwer, viz. *That* Gregory *died the ſame year of the endowment of St.* Auguſtine'*s*.

(*r*) Mabill *de Re Diplomat. l.* 2. *c.* 16. *n.* 10. 12.

(*s*) *Antiquit. Britan. in* Anſelmo.

(*t*) *Antiquit.* Oxon. *l.* 1. §. 81.

(*u*) Seld. *Not. ad* Eadmer. *p.* 166.

(*w*) *De Antiq.* Cant. *Academ. l.* 1. *p.* 54.

(*x*) *Seld.* of the Office of Lord Chancellor, *ch.* 2.

(*y*) Inſt. f. 7. a.

guſtine's. But, did he leave no Succeſſour? And, had it not been more to their purpoſe to have produced one *Leaden Bull* of the *Pope*'s at that time, than twenty of *Auguſtine*'s the *Monk?* But he gives no manner of anſwer to the *Raſure* of the *firſt Charter*, nor to the *late Writing of the ſecond:* And although the uſing of *Leaden Bulls* were not ſo ſoon appropriated to the *Conſiſtorial Grants* of the *Biſhop* of *Rome*, but Princes and Biſhops might uſe them, as Sir *H. Spelman*, and *Monſieur du Cange*, and *Mabillon* have all proved; yet there ought to be better proof brought of the matter of Fact, as to St. *Auguſtine*'s Privilege, for it is ſtill very ſuſpicious, not only on the account of the *Leaden Bull* (which (z) *Polydore Virgil* could not find ſo early uſed even at *Rome*, and he allows it to be no elder than *Anno Domini* 772. and all the Inſtances brought before by (a) *Dom. Raynaldus* are confeſſed to be ſuſpicious by (b) *Mabillon* himſelf) but there are ſeveral things in it which in (c) Sir *H. Spelman*'s Judgment ſavour of the *Norman times*, as the *Jus conſuetudinarium*, *Judicia intus & foris*, and the very Title of *Archbiſhop*, as it is there uſed, was hardly of that *Antiquity* in the Weſtern Church, and was never given to *Auguſtine* by *Gregory*. But according to (d) *Iſidore*'s explication of it, who was *Gregory*'s Diſciple, and underſtood the Language of that Age, *Auguſtine* could not properly call his *Succeſſors Archbiſhops*, for he ſaith, *That Title belong'd to them who had power over Metropolitans as well as other Biſhops*, and it was not before the ninth Age, as (c) *Mabillon* and others obſerve, that it came to be commonly uſed for a Metropolitan.

It was therefore a judicious Rule laid down by the Learned Authour of the (f) Preface to the *Monaſticon* concerning the *Charters* of *Monks*, *that the older they pretend to be, the more they are to be ſuſpected*; For which he is deſervedly praiſed by (g) *Papebrochius*; but (h) *Mabillon* is very unwilling to allow it, *as overthrowing at once the authority of all their ancient* Charters. And therefore he hath endeavoured with mighty Induſtry to defend chiefly the old *Benedictin Charters* in *France*; But he cannot deny many of them to be counterfeited (*Papebrochius* ſaith almoſt all) and at the Concluſion of his Diſcourſe he vindicates the Monks * *by the commonneſs of the fault in elder times:* Which is an Argument of Caution to us, rather than of any credit to be given to them. And it cannot be denyed, that he hath laid down many uſeful Rules for diſcerning the true and falſe, with reſpect to the Cuſtoms of *France*. But we are ſtill as much to ſeek as to our pretended *Charters*, ſince the Cuſtom of making *Charters* cannot be made appear to be ſo old here as it was there. He doth indeed endeavour to prove from † *Bede*'s Epiſtle to *Egbert*, that in his time *there were written Privileges granted to Monaſteries among the* Saxons, and ſomething before that, among the *Britains*, by the *Synod* of *Landaff*, *Anno Dom.* 660. But he cannot prove, nor doth he attempt it, that there were any *Charters* among the *Saxons* before that of *Withred*, *Anno Dom.* 694. and if not, all the ancient *Charters* referr'd to in this *Charter* of *Ina* muſt be Falſe and Counterfeit.

2. How comes King *Ina* to have ſo great authority over all the Kings of *Britain*, the Archbiſhops, Biſhops, Dukes and Abbots, as this *Charter* expreſſeth? In the beginning of the *Charter*, he mentions *Baldred* as one of his *Vice-Roys*. In the middle he ſpeaks of *Baldred* as one of his *Predeceſſors*, and joins him with *Kenewalchius*, *Kentwin* and

(z) Polyd. Virg. *de Invent. l.* 8. *c.* 2.

(a) *Apud* Leon. Allat. *de Conſenſ. Eccleſ. Orient. & Occident. l.* 1. *c.* 6. *n.* 2.

(b) Mabillon. *de Re Diplomat. l.* 2. *c.* 14. *n.* 9.

(c) Spelman. *Concil. p.* 124.

(d) Iſid. *Orig. l.* 7. *c.* 12.

(e) Mabill. *l.* 2. *c.* 2. *n.* 13.

(f) *Propulæ. ad Monaſt. Angl.*

(g) Papebroch. *Propyl. ad To.* 2. *Apr. c.* 10. *n.* 125.

(h) Mabillon. *l.* 1. *c.* 4. *l.* 3 *c.* 2.

* *l.* 3. *c.* 6. *n.* 10.

† *l.* 1. *c.* 4. *n.* 4.

Cedwalla. But in the end he makes him to confirm what *Ina* has granted, *Ego*, Baldredus *Rex*, *confirmavi*. But who was this King *Baldred*? In the Kingdom of *Kent*, *Edricus* was in the beginning of *Ina*'s Reign, according to the *Savilian Faſti*, and *Withredus* from the ſixth to the end. In the Kingdom of the Eaſt *Saxons* there were *Sighardus*, *Senfredus*, *Offa* and *Selredus*. In the Kingdom of Eaſt *Angles*, *Beorna* and *Ethelredus*. In the Kingdom of *Mercia*, *Adelredus*, *Kenredus*, *Ceolredus*, *Athelbaldus*. In the Kingdom of *Northumberland*, *Alfredus*, *Oſfredus*, *Kenredus*, *Oſricus*, But among all theſe not one *Baldredus* appears. There was indeed one of that Name King of *Kent* near an hundred years after; but what is that to the time of *Ina*? But ſuppoſe *Baldred* then in being, and only a *Vice-Roy* in ſome part of *Ina*'s Dominions, how comes *Ina* to this *Univerſal Monarchy* or Power to command all the Kings of *Britain*, which is expreſſed in the *Charter*? *Sed & omnibus Regni mei Regibus*, &c. *præcipio*. By what Authority did the King of the Weſt *Saxons* at that time make ſuch a Precept to all other Kings in *Britain*? But, I remember, (*i*) *Geoffrey* of *Monmouth* makes him *Grandchild* to *Cadwallader*. And the (*k*) Authour of the Additions to King *Edward*'s Laws ſaith, *he had the Kingdom of* Britain *with his ſecond Wife* Wala, *Daughter of* Cadwallader; *and then* Ina *called a Parliament for the Intermarriage of* Britains *and* Saxons. So that there was an Opinion among ſome, that *Ina* had the Monarchy of *Britain*, which Opinion was certainly follow'd by the Contriver of this *Charter*. But Mr. *Lambard* confeſſeth, that theſe Paſſages are not in the ancient *MS*. of King *Edward*'s Laws, and it is a wonder they ſhould ever come into them, being ſo deſtitute of any colour of authority, and ſo remote from the deſign of his Laws.

(*i*) Gal. frid. *l.* 9. p. 101. *ed. Bad. Aſcenſ.*

(*k*) *LL. Ed. Confeſſ. c.* 35.

As to theſe counterfeit *Charters*, the Opinion of (*l*) *Papebrochius* ſeems moſt probable to me, that they were for the moſt part framed in the eleventh *Century*, when there was Ignorance enough to make them paſs, and occaſion enough given to the Monks to frame them for their own ſecurity, againſt the encroachments of others upon their Lands, and the Juriſdiction of Biſhops over their Monaſteries. And *William* the *Conqueror* having given ſuch invidious Privileges to *Battell Abby*, as may be ſeen in his *Charter*, the *elder Monaſteries* thought much to be ſo far behind them, and therefore made themſelves as great *Privileges* by the favour of *Saxon* Kings. From hence in the next Age aroſe ſo many Conteſts about *Juriſdiction* between the *Biſhops* and the ſeveral *Monaſteries*, of which we read not before, as we have already obſerved between the *Abbey* of St. *Auguſtine* and the *Archbiſhop* of *Canterbury*; between the *Abbey* of *Malmesbury* and the *Biſhop* of *Salisbury*; and the *Abbey* of St. *Albans* and the *Biſhop* of *Lincoln*. And at that time thoſe *Abbies* were charged with forging their *Charters*: And when they were ſo charged were not able to defend them, as was remarkable in the caſe of St. *Auguſtine*'s, as it is related by (*m*) *William Thorn*, a *Monk* of that *Abbey*: He confeſſeth *the Archbiſhop chargeth their Privileges with Forgery, and that the* Monks *appealed to* Rome, *and that upon their Appeal ſeveral Commiſſions were granted to examine them*; but by his own relation, they ſhamefully declined to produce them as long as they durſt, and ſtill continued their *Appeal*. But when they ſaw no remedy, they produced the *Charters* of *Ethelbert* and *Auguſtine*, the Copies whereof the *Delegates* ſent to *Rome*. But before they came thither the Pope died; and the next Pope, *Lucius*, ſent an Inhi-

(*l*) *Propyl. ad To.* 2. *Apr. c.* 8. *n.* 103.

(*m*) Thorn. *Chronic. c.* 14 §. 3.

Inhibition to the Archbiſhop, requiring him not to invade their Privileges till the queſtion of *Forgery* were determined; and he writes to King *Henry* II. in the behalf of the *Abbey*. Things being at this paſs, they fairly made a Compoſition with the Archbiſhop, *viz.* That he ſhould withdraw his Accuſation of Fraud, in the Court of *Rome*, and they would yield up to him the main points conteſted as to *Juriſdiction.* The form of which Compoſition is at large extant in *Thorn*. And the Confirmation of it by *Henry* II. in the other *MS. Chronicon* of that *Abbey*. Which in effect amounted to the Monks giving up the Cauſe of their *Charters*. Such a Controverſie about *Juriſdiction* there was between *Jocelin*, Biſhop of *Bath* and *Wells*, and the *Abbey* of *Glaſſenbury* about *Anno Dom.* 1215. as appears by the Book called *Secretum Domini Abbatis* lately in the *Arundell Library*, but now in a private hand. So that there appears a ſufficient inducement for them to forge ſuch large *Immunities* and *Exemptions*, with reſpect to the Biſhop's *Juriſdiction*, as this *Charter* contains; and that ſeems to be the main Point aimed at in it. But in order to it, ſome extraordinary matter was to be alledged in favour of this Place, and nothing ſerved ſo much in that Age, as to amuſe the People with wonderful Stories of the *Antiquity* of it, Calling it *the Mother of Religion, and the Place of Viſions and Revelations and Miracles, where St.* Patrick *and St.* David *dwelt in former times, before ever the* Saxons *came* (but not a word yet of *Joſeph* of *Arimathea*:) which were very plauſible Pretences for extraordinary Privileges, and ſo they are alledged in this *Charter* of King *Ina*, *Ita & ipſa ſupereminentem Privilegii obtineat dignitatem, nec ulli omnino hominum ancillare obſequium faciat in terris*, &c. Which words are ſpoken of the *Bleſſed Virgin*, but, according to the Conſtruction of that Age, to be underſtood of *Glaſſenbury Abbey*, becauſe the *Church* was believed to be conſecrated to her by our *Saviour* himſelf.

But it ſeems ſtrange that ſuch a *Charter* ſhould ever paſs for *authentick* with any who compare the Language of it with the Hiſtory of King *Ina*, as it is delivered by the Monkiſh Hiſtorians. For by them it appears what Wars he had with his neighbour Princes, and how far he was to the laſt from commanding *Kings* and *Princes* and *Archbiſhops*, whoſe Kingdom was confined to the Weſt and South *Saxons*, and had but one Biſhop in it till the eighteenth year of his Reign, when it was divided into two, *Daniel* having one ſhare, and *Aldelm* the other. And ſome years after *Eadbertus* was Biſhop of the South *Saxons*, ſo that he had but three *Biſhops* at the moſt, and never an *Archbiſhop* in his Dominions: How then could he call *the ſeveral Kings, Archbiſhops* and *Biſhops* together to paſs this *Charter*? The like groſs abſurdity there is in the (*n*) Charter of *Eveſham Abbey*, wherein *Brightwaldus* is ſaid to draw it up *with the conſent of all the Princes in* England *met in Council*, as Pope *Conſtantine* explains it; which is ſomewhat hard to believe concerning that Age, wherein they were under no common Head, but continually fighting with each other, till the Weſt *Saxons* prevailed. And the Caſe of the *Abbey* of *Eveſham* ſeems to have been much the ſame with that of *Glaſſenbury*. For (*o*) *William* of *Malmesbury* wonders how *Bede* came to omit the Foundation of it, if it were ſo ſolemnly declared at *Rome* as the *Charters* import, when *Kenred* and *Offa* were both there, which is mention'd by *Bede*. And in truth it is very ſtrange that ſo diligent a Writer, eſpecially of ſuch things, as *Bede* was, ſhould ſay not a Word either of *Glaſſenbury* or

Eveſham.

(*n*) *Monaſtic. Vol.* 1. *p.* 146.

(*o*) W. Malmeſbur. *de Geſt. Pontif. l.* 4. *p.* 162.

Eveſham. But he judiciouſly imputes the occaſion of Founding this *Monaſtery* to ſome *old Church of the* Britains *ſtanding there in a deſolate place*, which *Egwin*, then *Biſhop* of *Worceſter*, took a great Fancy to, and ſo raiſed a Monaſtery there. But ſuch a plain Story as this would never doe the Monks buſineſs, and therefore they muſt have a Legend of *Egwin's Chains*, &c. and the *Viſion* of the *Bleſſed Virgin* there, and large Immunities granted to the Place on theſe accounts, as they have fully done in the *Charters* of *Kenred* and *Offa*, the Bull of *Conſtantine* and the Privilege of *Egwin*. But yet this unlucky charge of Pope *Conſtantine* to *Brightwaldus*, *to ſummon a Council of the whole Nation, Princes and Biſhops, to confirm this Charter*; at a time when there were ſo many Kingdoms not only divided, but moſt commonly in actual War with each other, makes this whole *Charter* appear to be an undoubted Forgery of the Monks to obtain great Privileges to themſelves.

But to return to *Glaſſenbury*; I do not queſtion that King *Ina* did Found a *Monaſtery* there, where before had been an ancient Church in the *Britiſh* times. But I ſee no ground to believe, that either *Joſeph* of *Arimathea*, or St. *Patrick*, or St. *David* had ever been there. But theſe were great and well founding Names to amuſe the People with, and by degrees advanced that Monaſtery to ſo high a Reputation, that the very Monks of other places were concerned to leſſen the authority of this *Tradition*, as is evident by the (*p*) *MS. Chronicle* of St. *Auguſtine*'s, wherein the Monks of *Glaſſenbury* are charged *with pretending to greater authority than they had reaſon for, that Monaſtery being firſt founded by King* Ina, *but they give out they had Land given by* Arviragus *a King of the* Britains. And even (*q*) *William* of *Malmesbury*, although when he writes the *Antiquities* of *Glaſſenbury*, he ſeems firmly to believe St. *Patrick*'s being there, yet when he comes elſewhere to ſpeak of his being buried there, he adds that cooling Expreſſion, *Si credere dignum*, and takes not the leaſt notice of *Joſeph* of *Arimathea* and his Companions. So much difference he thought there ought to be between writing the *Legend* of a *Monaſtery* and a true *Hiſtory*. And there he plainly affirms, *that King* Ina *was the firſt Founder of it*. To which (*r*) *Aſſerius* agrees in an ancient MS. Copy of his *Annals*. For *A. D.* 726. he ſaith, Ina *went to* Rome, *and there died, having built and dedicated a Monaſtery in* Glaſſenbury. But what Preſumption was it to ſay, *he dedicated it*, if it were dedicated ſo long before by *Chriſt* himſelf, as the *Viſion* of St. *David* and the *Glaſſenbury Tradition* affirm? I do not then deny that there was an ancient Church before *Ina*'s time, which after the Weſtern *Saxons* became Chriſtians, grew into mighty Reputation, but all the Succeſſion of Abbats before, either of *Worgreſius*, or *Brightwaldus*, or others, I look on as fabulous. For (*s*) *Bede* and others ſay, Brightwaldus *was Abbat of* Reculver *before he was Archbiſhop*; which is a good diſtance from *Glaſſenbury*. But the firſt Abbat there was *Hemgiſlus*, to whom *Ina* granted a *Charter*; after him *Beorwaldus*, to whom King *Ina* granted ſeveral Lands by *Charters*, far more probable than this large one, whoſe authority I have hitherto diſcuſſed. Thoſe *Charters* are ſhort, and the Style agreeable to thoſe times, and not one word of *Joſeph* of *Arimathea*, or St. *Patrick*, or St. *David*, in any of them. And thoſe, I believe, were the *original Charters* of that Abbey.

But the *Abbey* being thus founded and well endowed, then, like a Man that hath made his own Fortunes, who pretends to be derived from ſome ancient Stock, ſo this Monaſtery growing rich betimes, ſaw

(o) *Chron.* *S.* Auguſt. *MS.in Bibl.* *A. T. C.*

(q) Malmesbury. *de Geſtis Pontif. l.* 2. p. 145.

(r) Aſſerii *Annales*, *MS. A. D.* 726.

(s) Bed. *Hiſt .l.* 5. *c.* 9.

it muſt be caſt much behind in Place and Dignity, unleſs it could lay claim to ſome greater *Antiquity*. And for this, the *old* Britiſh *Church* was an admirable Foundation. And St. *Patrick* and St. *David*, being two Saints of wonderful eſteem in *Ireland* and *Wales*, they firſt ſet up with the Reputation of their being at *Glaſſenbury*, *the former lying buried there, and the latter building a little Chappel.* The Monks finding the advantage of theſe Pretences, made a farther ſtep towards the advancement of their Monaſtery, by giving out that their *old Church* was the firſt *Church* in *Britain*, and that *all Religion came from thence into other Parts*; which by degrees gaining belief, they at laſt pitched upon *Joſeph* of *Arimathea*, as the Perſon who came firſt hither, being a Man whoſe Name was every where in great eſteem for the reſpect he ſhew'd to our Saviour's Body: And him they thought they might ſafely pitch upon, not being pretended to by any other Church. But it was a conſiderable time before the Name of *Joſeph* of *Arimathea* came to be mention'd, not being found in any of the *Saxon Charters*, which ſpeak moſt to the advantage of *Glaſſenbury*; as may be ſeen by thoſe of King (*t*) *Edmund* and King *Edgar* in the *Monaſticon*. But by the time of *Henry* II. the Tradition was generally received, *that the old Church at* Glaſſenbury *was built by the Diſciples of our Lord*; *and that it was the original Church of this Nation*, as appears by the *Charter* of *Henry* II. omitted in the *Monaſticon*, but printed by (*v*) *Harpsfield*, and the learned Primate of (*w*) *Armagh*, by which we ſee what Authority the Monks of *Glaſſenbury* had then obtained, for not only this Tradition is inſerted in the *Charter*, as a thing certain, but a Repetition is there made of ſeveral other *Charters*, as ſeen and read before the King, which were undoubtedly counterfeit, ſuch as that of King *Arthur* and ſeveral others; yet all theſe went down then, and were confirmed by the King's *Inſpeximus*. From this time the Monks of *Glaſſenbury* were triumphant, and no one durſt diſpute their Traditions how improbable ſoever. This *Charter* being confirmed by the *Inſpeximus* of *Edw.* II. *An.* 6, 7. of *Edw.* III. *An.* 1, 6. and 1 *Edw.* IV. And from hence it grew to be the common Opinion of the *Nation*, and was pleaded for the Honour of it in the *Councils* of *Piſa*, *Conſtance*, *Siena* and *Baſil*, of which the (*x*) *Primate* hath given a full account, and, as things paſſed among them then, Our Nation had as juſt Right to inſiſt on their Tradition of *Joſeph* of *Arimathea*, as the *Spaniards* on that of St. *James* going into *Spain*; for certainly one Tradition was as good as the other.

(*t*) *Monaſtick. Vol* 1.*p*.15,16.

(*v*) Harpsfield. *Hiſt. Eccleſ. l*.1. *c*. 2.

(*w*) Uſſer. *Primord.p*. 122, 123.

(*x*) *Id. p*. 23, &c.

But having thus far examined the *Authority* of this Tradition, I now come to conſider the *Circumſtances* of it. And ſuppoſing the Teſtimonies to confirm it to have been of far greater Authority than I find them, yet the very improbable Circumſtances of the Story it ſelf would be a ſufficient reaſon for me to paſs it over (leaving every one to believe as much of it as he ſees cauſe) *viz.*

(1.) The Tradition of the Church mentioned by (*y*) *Euſebius*, (*z*) *Sophronius*, (*a*) St. *Chryſoſtome*, and (*b*) *Hippolytus Portuenſis*, *That St.* Philip *continued preaching in the Eaſtern Parts*, *about* Phrygia, *and ſuffer'd at* Hierapolis.

(2) The Eremetical courſe of their Lives ſo wholly different from that of the Apoſtles, and other Diſciples of our Lord, in an Age of ſo much buſineſs and employment in Preaching the Goſpel, who went from one City and Countrey to another for that End. (3.) The

(*y*) Euſeb. *l*. 5. *c*. 24.

(*z*) Sophron. *de Script. Eccleſ.*

(*a*) Chryſ. *de* 12. *Apoſt.*

(*b*) Hyppolyt. *de* 12 *Apoſt.*

(3.) The building of the Church by a *Viſion* of the *Archangel*, and devoting it and themſelves to the *Bleſſed Virgin*, ſavours too groſly of Monkiſh Superſtition to be near the time pretended.

(4.) The Conſecration of a *Church-yard* together with a *Church*, in order to the burial of perſons in it at that time, is none of the moſt probable Circumſtances, and yet it is a material one, *Quod ipſe Dominus Eccleſiam ſimul cum Cœmeterio dedicarat.* (c) Sir *Henry Spelman* obſerves, *That the cuſtom of compaſſing Churches, with Church-yards, was not ſo ancient:* And withall he adds, *That although the* Britiſh *Cities had Churches from the beginning of Chriſtianity, yet there were no burying places within Cities, till* Cuthbert, *Archbiſhop of* Canterbury, *obtain'd leave for it, about* Anno Dom. 758. Upon this (d) *Alford* and (e) *Creſſy* charge him with *a manifeſt miſtake and great impertinency.* A miſtake, *in that* Ethelbert *and* Auguſtine *were both buried in the Church of St.* Peter *and St.* Paul. And what then? Doth Sir *Henry Spelman* ſay there was no burying *in Churches* before *Cuthbert*'s time? No. But that there was no Burying Place *in Cities* before that time. For the *Church* of St. *Auguſtine*, or St. *Peter* and St. *Paul*, was *without the City*. For ſo the (f) *MS. Chronicle of St.* Auguſtine'*s* ſaith, *That when the Bodies of the Kings and Archbiſhops were carried thither to burial, they follow'd our Saviour, who ſuffer'd without the Gate. And that it was like the children of* Iſrael's *going out of* Egypt, *&c.* Which is ſufficient to prove the truth of Sir *Henry Spelman*'s, Obſervation, which relates to Burying *in Cities* and not *in Churches*. And withall the Reaſon alledged in one of the *Charters* of (g) King *Ethelbert*, why that place was aſſigned for a Burying place, is, *becauſe the City is for the Living, and not for the Dead.* But why do they not prove the *Antiquity* of *Church-yards* to be ſo great, which was the moſt to the purpoſe? But they ſay, *Sir* Henry Spelman'*s Obſervation was impertinent,* Glaſſenbury *being then a ſolitary place, and very far from being a City.* It is true, if the weight had been laid by him only upon that, there being no Evidence of any *Roman City* there. But his deſign was to prove, *That Church-yards were not then adjoining to Churches, becauſe the Cemeteries were without the City, and the Churches within in the* Britiſh *times*; And even in the *Saxon* time, (h) he ſaith, *although they buried in Churches, yet thoſe Churches in which they buried were without the Cities, till* Cuthbert *firſt procured the alteration by Royal Authority, and, ſome ſay, by Papal too.* But the Monks of St. *Auguſtine*'s denied the Pope's Confirmation.

But the main Circumſtance I ſhall inſiſt upon, is, the *Incongruity* of this Story with the *condition* of the *Roman Province* at that time. For there was no ſuch *Britiſh* King then as *Arviragus*, and in that Country, as will appear by the more Southern parts of the Iſland being reduced into the *form of a Province* before *Anno Dom.* 63. when the *Glaſſenbury* Tradition ſaith, *Joſeph* of *Arimathea* came firſt to *Britain.* For (i) *Tacitus* ſaith, it was done *as to the neareſt part of the Iſland, when* A. Plautius *and* Oſtorius Scapula *were Governours here*, and between them and *Suetonius Paulinus* were *Didius Gallus* and *Veranius*. In probability the *Belgæ* were ſubdued by *Veſpaſian*, of whom (k) *Suetonius* ſaith, *That he conquer'd here two powerfull Nations, above twenty Towns, and the Iſle of* Wight. By which we find his employment was Weſtward, and the

(c) Spelman. *Concil.* p. 11.

(d) *Annal.* A. D. 63. n. 26.

(e) *Church Hiſtory*, l. 2. ch. 8. n. 5.

(f) *Chronic. MS. Tit.* 12.

(g) *Monaſtic. Vol.* 1. p. 24.

(h) Spelman. *Concil.* p. 290.

(i) Tacit. *vit.* Agric. *c.* 14.

(k Sueton. in Veſp. c. 4.

Belgæ and *Danmonii* were *the two powerfull Nations* that way. And in all the Actions afterwards, we find no Care taken by the *Roman* Generals to ſecure themſelves againſt the *Belgæ*, as they did againſt the *Brigantes* and *Silures*, among whom *Caractacus* commanded; ſo that there could be no ſuch *Britiſh* King at that time among the *Belgæ* as *Arviragus* is ſuppoſed to have been. For if there had been when (*l*) *Oſtorius* marched Northwards, having ſuppreſſed the *Iceni*, it is not to be ſuppoſed, that he would have fixed his Garriſons on the *Severn* and the *Avon*, to ſecure the *Province*. For, as our (*m*) Judicious Antiquary hath well obſerved, *The deſign of* Oſtorius *therein was to keep the Provincial* Britains *from joining with the others*; and therefore, all on this ſide thoſe Garriſons were within the *Roman Province*; Now the places where the Garriſons were placed are by *Tacitus* ſaid to be *Antona* and *Sabrina*. The latter is certainly the *Severn*, which parted the *Belgæ* and the *Silures*. For *Antona*, *Camden* reads *Auſona*, (although *Northanton* comes nearer the former Name, and *Southanton* had its Name from the River *Anton*, which there runs into the Sea; and *Ptolemy* calls *Triſanton*, *i. e.* ſaith *Camden*, *Traith Anton*, the *Mouth of Anton*) But he chuſes *Auſona*, for this reaſon, becauſe the two *Avons* riſe both in the County of *Northampton*, and ſo cut the Iſland, that none can paſs out of the North, but they muſt croſs one or the other of them, or elſe fall upon the *Roman Garriſons* between, the Remainders whereof he takes notice of between the riſe of the two *Avons* at *Gilsborough* and *Daintry*; by which means he hindred all intercourſe between the *Brigantes* and the *Roman Province*, as the other did between the *Silures* and them. But if there had been ſuch a *Britiſh* King as *Arviragus* among the *Belgæ*, what would the fortifying the *Severn* have ſignified, when the Enemies to the *Romans* lived on the *Roman* ſide? *Tacitus* indeed mentions an Expedition of *Oſtorius* againſt the *Cangi*, whom (*n*) *Camden* ſometimes thought *a ſmall People among the* Belgæ, but upon better conſideration, (*o*) he places them in *Cheſhire*, where he found an *Inſcription* concerning the CEANGI. And *Tacitus* ſaith, *They were not far from the Sea Coaſt which looks towards* Ireland.

(*p*) *R. White* of *Baſingſtoke* ſuppoſes this *Arviragus* to beſtow the *Iſland* on *Joſeph* of *Arimathea*, when *Trebellius Maximus* was Governour here, who ſucceeded *Petronius Turpilianus* the year *C. Suetonius Paulinus* was *Conſul* at *Rome*; Which, according to the *Savilian Faſti*, was in the twelfth year of *Nero*, and *Anno Dom* 67. (four years after *Joſeph*'s coming, according to the *Glaſſenbury Tradition*) but that is no great matter, if at that time we are ſure there was no ſuch a King as *Arviragus* among the *Belgæ*: But he again contradicts the *Glaſſenbury* Story. For *Malmesbury* ſaith, *That the Barbarous King obſtinately refuſed to quit his Religion, but, out of pity to them, gave them the Iſland to live in*; but *White* ſaith, *He was well affected to the Chriſtian Religion, and was in all reſpects an admirable Prince.* This *Arviragus* he takes out of the (*q*) *Britiſh Hiſtory*, where pleaſant Stories are told of him, and from thence in (*r*) *Matthew Weſtminſter*, as, of his oppoſing *Claudius*, and then marrying his Daughter *Geniſſa*, and the reconciliation between him and *Veſpaſian* by her means, &c. And how his Son *Marius* ſucceeded him, and then *Coilus* who was wonderfully beloved by the *Roman* Senate. Here we have found at laſt the three Kings of *Glaſſenbury*, *Arviragus*, *Marius* and *Coilus*, as they are exſtant in *Capgrave* and others: So that the *Glaſſenbury* Tradition had not its perfection till

---

(*l*) Tacit. *Annal.* 12. *c.* 30.

(*m*) Camd. *Britain. p.* 375.

(*n*) Britan. *p.* 68.

(*o*) Brit. *p.* 463.

(*q*) R. Wh. *Baſing. l.* 4. *p.* 293.

(*q*) Galfr. *Mon. l.* 1. *c.* 25, 26.

(*r*) Matt. *Weſt. A. D* 44.

till it had received theſe improvements from the *Britiſh Hiſtory*. For *William* of *Malmesbury*, though he took ſo great pains in this matter, yet knew nothing of *Arviragus*, *Marius* and *Coilus*. He ſpeaks indeed of *three Pagan Kings giving twelve portions of Land to the twelve Brethren*, but he knew not their Names. *Which Grant*, he ſaith, *was confirmed by King* Lucius *to twelve others who were placed there, in imitation of the firſt twelve. And this continued to the coming of St.* Patrick. And yet towards the Concluſion of this Book he ſaith, *That* Anno Domini 601. *the King of* Dompnonia, *i. e.* Devonſhire *and* Cornwall, *gave to the old Church in* Glaſſenbury *the Land called* Ynis Withrin, *or, the* Iſland of Avalon. Who this King was, he ſaith, he could not learn, but he concludes him to have been a *Britain*, by calling the *Iſland* by the *Britiſh* Name. But as to *Arviragus*, that there was a *Britiſh* Prince of that name cannot be denied, ſince *Juvenal* mentions him in *Domitian*'s time.

> *Omen habes, inquit, magni clarique Triumphi,*
> *Regem aliquem capies, aut de* Temone Britanno
> *Excidet* Arviragus

Satyr. 4. *v.* 125.

The (*s*) Author of the *Chronicle* of *Dover* underſtands this Paſſage as ſpoken to *Nero*; which agrees much better with the Tradition of *Glaſſenbury*, but will by no means agree with *Juvenal*, who ſaith plainly enough that Satyr related to *Domitian* and his Flatterers. And this was a very inſipid Flattery to *Domitian*, unleſs *Arviragus* were a conſiderable Prince then living, and an Enemy to *Cæſar*. For what Triumph could he have over a Subject or a Friend as *Arviragus* is ſuppoſed after the reconciliation with *Veſpaſian*? And no ſuch Enemy could appear at that time in thoſe parts of *Britain*. For (*t*) *Petilius Cerealis* had Conquer'd the *Brigantes*, and *Julius Frontinus* the *Silures*, and *Agricola* after them the *Ordovices*: And in the time of his Government, *Tacitus* ſaith, *Even the confederate Cities among the* Britains, *who ſtood upon Terms of Equality before they ſubmitted themſelves to the* Roman *Power, and received Garriſons among them. After this* Agricola *proceeded Northwards againſt new People, who deſtroyed them as far as the Frith of* Taus (Tweed.) *Then he fortified the Paſſage between* Glota *and* Bodotria (Dumbretton *and* Edenborough *Frith.*) So that the *Romans* were abſolutely Lords of all this ſide, *having caſt out the Enemy as it were into another Land*, as Sir *Henry Savil* tranſlates the words of *Tacitus*. From which it is evident, there could be no ſuch King as *Arviragus* at that time in theſe parts of the Iſland, over whom *Domitian* could expect a Triumph.

(*s*) *Chron. Dover. apud* Leland. *Collect. vol.* 2. *p.* 50.

(*t*) Tacit. Agric. *c.* 17, 18, 20.

But ſuppoſe there were, what is this to the eighth of *Nero*, when *Joſeph* of *Arimathea* is ſaid to have come hither, at what time *Arviragus* is ſaid to be King in *Britain*? It is poſſible he might live ſo long, but how comes he to be never mention'd in the *Roman* Story, as *Praſutagus*, *Cogidunus*, *Caractacus*, *Togodumnus* and *Galgacus* are? *Arviragus* his name was well known at *Rome* in *Domitian*'s time; why not ſpoken of before? (*u*) Some think he was the ſame with *Porſutagus*; but this cannot be, for *Praſutagus* was dead before the Revolt of the *Britains* under *Boadicea*, which was occaſion'd by the *Romans* ill uſage of the *Britains* after his death. And *Praſutagus* left only two Daughters, what becomes then of his Son *Marius*? whom (*w*) *White*

(*u*) D. Powel. *in Catal. Reg. Brit.*

(*w*) White *Hiſt. Brit. l.* 4. *p.* 384.

would have to be *Cogidunus.* But *Marius* is ſaid to ſucceed *Arviragus*, who was alive in *Domitian*'s time, and *Cogidunus* had the Cities conferred upon him before *Suetonius Paulinus* came into *Britain*, as appears by *Tacitus*; which are things inconſiſtent. (*x*) Others ſay that *Arviragus* was the ſame with *Caractacus*; for this Opinion *Alford* contends, and *Juvenal*, he ſaith, mentions the name by a *Poetical Licence*, although he lived long before. But what reaſon is there to ſuppoſe that *Fabricus Veienti* ſhould make ſuch a courſe Complement to *Domitian*, that he ſhould triumph over a Man dead, and triumphed over once already, by *Claudius*, who was never known at *Rome* by any other Name than *Caractacus* (as far as we can find) by which he was ſo famous for his long Oppoſition to the *Romans*? But it is very probable, that in *Domitian*'s time, after the recalling *Agricola*, and taking away the Life of *Saluſtius Lucullus*, his Succeſſor, The *Britains* took up Arms under *Arviragus*. And the (*y*) Learned Primate of *Armagh* mentions an old *Britiſh Coin* in Sir *R. Cotton's Collections* with theſe Letters on it *ARIVOG*, from whence he thinks his true name was *Arivogus*, which the *Romans* turned to *Arviragus*. And the old Scholiaſt there ſaith, *that was not his true Name*. The *Britains* being now up in Arms, as far as we can learn, were not repreſſed till *Hadrian* came over in Perſon, and built the firſt Wall, to keep them out of the *Roman* Province. For, before this, (*z*) *Spartianus* ſaith, *The* Britains *could not be kept in ſubjection to the* Roman *Power.* So that here was a fit ſeaſon in *Domitian*'s time (*Agricola* being recalled in the beginning of *Domitian*'s Reign) for ſuch a King as *Arviragus* to appear in the head of the *Britains*, and it was then a ſuitable Complement to him, to wiſh him a Triumph over *Arviragus*. But (*a*) *Alford* ſaith, *that* Claudius *ſent* Caractacus *home again, and after many years he died in Peace, being a Friend to the* Romans. How then comes *Tacitus* to take no notice of him, as he doth of *Cogidunus*? Is it probable the *Romans* would reſtore ſo ſubtile and dangerous an Enemy as *Caractacus* had been to them? *Cogidunus* had been always faithful to them, but *Caractaeus* an open Enemy, and the *Silures* ſtill in being, over whom he commanded, and not over the *Belgæ*, as he muſt have done, if he were the *Arviragus who gave the Hydes of Land to* Joſeph *of* Arimathea *and his Companions.*

Theſe things I have here put together to ſhew for what Reaſons I decline the Tradition of *Joſeph* of *Arimathea*'s coming hither to Preach the Goſpel. And although they may not be ſufficient to convince others, yet I hope they may ſerve to clear me from *unexcuſable Partiality*, which (*b*) Mr. *Creſſy* charges on all who call this Tradition into queſtion.

(2.) But, notwithſtanding, I hope to make it appear from very good and ſufficient Evidence, *that there was a Chriſtian Church planted in* Britain *during the Apoſtles times.* And ſuch Evidence ought to be allow'd in this matter which is built on the Teſtimony of ancient and credible Writers, and hath a concurrent probability of Circumſtances.

I ſhall firſt produce *the Teſtimony* of ancient and credible Writers. For it is an excellent Rule of (*c*) *Baronius* in ſuch Caſes, *That no Teſtimonies of later Authours are to be regarded concerning things of remote Antiquity, which are not ſupported by the Teſtimony of ancient Writers.* And there

---

(*x*) Alford. *Annal. Eccleſ. A. D.* 45. *n.* 9.

(*y*) Uſſer. *Prim. p.* 583.

(*z*) Spartian. *in* Hadriano.

(*a*) Alford. *A. D.* 53. *n.* 7.

(*b*) *Church Hiſtory, l.* 2. *ch.* 1. *n.* 9.

(*c*) Baron. *A. D.* 1. *n.* 12.

there is a difference in the force of the Teſtimony of ancient Writers themſelves, according to their Abilities and Opportunities. For ſome had far greater Judgment than others, ſome had greater care about theſe matters, and made it more their buſineſs to ſearch and enquire into them; and ſome had greater advantages by being preſent in the Courts of Princes or Councils of Biſhops, whereby they could better underſtand the Beginning and Succeſſion of Churches. And for all theſe, there was none more remarkable in *Antiquity* than *Euſebius*, being a learned and inquiſitive Perſon, a Favorite of *Conſtantine*, the firſt Chriſtian Emperour (born and proclaimed Emperour in *Britain*) one preſent at the Council at *Nice*, whither Biſhops were ſummoned from all parts of the Empire, and one that had a particular curioſity to examine the Hiſtory of all Churches, deſigning an *Eccleſiaſtical Hiſtory* out of the *Collections* he made. The Teſtimony of a Perſon ſo qualified cannot but deſerve great Conſideration, eſpecially, when it is not delivered by way of Report, but when the force of an *Argument* depends upon it. And (*d*) *Euſebius*, in his third Book of *Evangelical Demonſtration*, undertakes to prove, *that the Apoſtles, who firſt preached the Goſpel to the World, could be no Impoſtors or Deceivers*; and, among other Arguments, he makes uſe of this, *That although it were poſſible for ſuch men to deceive their Neighbours and Countreymen with an improbable Story, yet what madneſs were it for ſuch illiterate Men, who underſtood only their Mother Tongue, to go about to deceive the World by preaching this Doctrine in the remoteſt Cities and Countries?* And having named the *Romans*, *Perſians*, *Armenians*, *Parthians*, *Indians*, *Scythians*; he adds particularly, that ſome paſſed over the Ocean ἐπὶ τὰς καλȣμένας Βρεττανικὰς νήσȣς, *to thoſe which are called the* Britiſh *Iſlands*. From whence he concludes, *that ſome more than humane Power did accompany the Apoſtles, and that they were no light or inconſiderable Men, much leſs Impoſtors and Deceivers.* Now unleſs this had been a thing very well known at that time, that Chriſtianity was planted here by the Apoſtles, why ſhould he ſo particularly and expreſly mention the *Britiſh* Iſlands? It cannot be ſaid that they are only ſet down to denote the moſt remote and obſcure places. For, long before that time the *Britiſh* Iſlands were very well known all over the *Roman* Empire, *Britain* having been the Scene of many Warlike Actions from *Claudius* his time; The Occaſion of Emperors additional Titles and Triumphs; The Reſidence of *Roman* Lieutenants and Legions; The Place of many *Roman* Colonies, Cities and Ways: But eſpecially, about *Conſtantine*'s time, It was the talk of the World, for the Revolt of *Carauſius* and *Allectus*; The Victory and Death of *Conſtantius* here; The Succeſſion of *Conſtantine*, and his being declared Emperor by the Army in *Britain*. So that ſcarce any *Roman* Province was ſo much intereſted in the ſeveral Revolutions of the Empire as *Britain*, and therefore *Conſtantine* going from hence, and being ſo much in the eſteem of *Euſebius*, it is not to be conceived, that he ſhould ſpeak theſe Words at random, but that he had made a diligent Enquiry both of *Conſtantine* himſelf, to whom he was well known, and of others of his Court, concerning the State of the *Britiſh* Churches, of what continuance they were, and by whom planted. After all which *Euſebius* affirms it with ſo much aſſurance, *That ſome of the Apoſtles preached the Goſpel in the* Britiſh *Iſlands*.

(*d*) Euſeb. *Demonſt. Evang.* l 3. c.7. p.113.

Much to the ſame purpoſe (e) *Theodoret* ſpeaks, another learned and judicious Church Hiſtorian. For among the Nations converted by the Apoſtles, he expreſly names the *Britains*; and elſewhere ſaith, (f) *That St.* Paul *brought Salvation to the Iſlands that lie in the Ocean,* after he had mention'd *Spain*, and therefore in all probability the *Britiſh* Iſlands are underſtood by him. And in another place (g) he ſaith, *That St.* Paul, *after his Releaſe at* Rome, *went to* Spain, *and from thence carried the Light of the Goſpel to other Nations.* What other Nations ſo likely to be underſtood as thoſe which lay the neareſt, and are elſewhere ſaid to be converted by the *Apoſtles*, as the *Britains* are by him? St. (h) *Jerome*, ſaith, *That St.* Paul, *having been in* Spain, *went from one Ocean to another, imitating the motion and courſe of the Sun of Righteouſneſs, of whom it is ſaid, his going forth is from the end of Heaven, and his circuit unto the ends of it; and that his diligence in Preaching extended as far as the Earth it ſelf.* Which are more indefinite Expreſſions. But elſewhere he ſaith, (i) *That St.* Paul, *after his Impriſonment, preached the Goſpel in the Weſtern parts*; By which the *Britiſh* Iſlands were eſpecially underſtood; As will appear by the following Teſtimony of (k) *Clemens Romanus*, who ſaith, *St. Paul preached Righteouſneſs through the whole World, and in ſo doing went* ἐπὶ τὸ τέρμα τῆς Δύσεως, *to the utmoſt bounds of the Weſt.* Which Paſſage will neceſſarily take in *Britain*, if we conſider what was then meant by *the Bounds of the Weſt*. *Plutarch*, in the Life of *Cæſar*, ſpeaking of his Expedition into *Britain*, ſaith, *He was the firſt who brought a Fleet into the Weſtern Ocean*; By which he underſtands the Sea between *Gaul* and *Britain*. And (l) *Euſebius* ſeveral times calls *the* Britiſh *Ocean, the Weſtern*, and joins the *Britiſh* Ocean and the Weſtern parts together. And (m) elſewhere he mentions *Gaul and the Weſtern parts beyond it*; by which he underſtands *Britain*. And (n) *Theodoret* reckons up *the Inhabitants of* Spain, *of* Britain *and* Gaul, (*who*, ſaith he, *lie between the other two*) as thoſe *who dwell in the bounds of the Weſt*; And among theſe the *Britains* muſt be in the *utmoſt bounds*, becauſe the *Gauls* lie in the midſt. (o) *Herodotus* ſaith, *the* Celtæ *are the moſt Weſtern of all the* Europeans. Now the ancient *Greek* Geographers knew of but two Nations in *Europe* beſides themſelves, the *Celtæ* and the *Scythæ*; theſe latter comprehended all in the moſt Northern parts of *Europe*, and the *Celtæ* the Weſtern; And among theſe the remoteſt were the *Britains*. Thence (p) *Horace* calls them, *Ultimos Orbis* Britannos; As (q) *Catullus* before him, *Ultimóſque* Britannos. For before the diſcovery of *Britain*, the *Morini*, who lived over againſt it, were ſaid to be the utmoſt People of the Earth. So (r) *Virgil* calls them, *Extremos hominum* Morinos. And (s) *Pliny*, *Ultimíque hominum exiſtimati* Morini. *Æthicus* ſaith they were, *Gentes Oceani Occidentalis*. But *Britain* being throughly made known in the time of *Claudius*, The *utmoſt bounds of the Weſt* muſt be underſtood of *Britain*, eſpecially ſince (t) *Catullus* calls *Britain*, *Ultimam Occidentis Inſulam*. And (u) *Arnobius* ſetting down the *bounds* of the Goſpel Eaſt and Weſt, for the Eaſt he mentions the *Indians*, and for the Weſt the *Britains*. I cannot but wonder what ſo Learned a man as (w) *Joh. Launoy* means, when, being urged by his Adverſaries with this place of *Clemens his Epiſtle* to prove the *Apoſtolical Antiquity* of the *Gallican Churches*, He fairly rejects the authority of this *Epiſtle*, which hath been ſo univerſally received by all Learned men ſince the firſt publiſhing of it. But then he argues well, that if this paſſage holds for

(e) Theodoret. *To.* 4. *Serm.* 9. *p.* 610.

(f) *To.* 1. *in* Pſal. 116. *p.* 870.

(g) *In* 2. *ep. ad* Tim. 4. *v.* 17.

(h) Hieron. *in* Amos *c.* 5.

(i) *De Script. Eccleſ.*

(k) Clem. *Epiſt. ad* Corinth. *p.* 8.

(l) Euſeb. *vit.* Conſt. *l.* 1. *c.* 25. 41. *l.* 2. *c.* 28.

(m) Euſeb. *de Martyr. Palæſt. c.* 13.

(n) Theod. *Hiſt. Religioſ. c.* 26. *p.* 881.

(o) Herod. *l.* 4. *p.* 273.

(p) Horat. *Carm. l.* 1. *c.* 35.

(q) Catull. *ad* Aur.

(r) *Æneid. l.* 8.

(s) Plin. *l.* 19. *c.* 1.

(t) Catull. *ad* Cæſar.

(u) Arnob. *in* Pſal. 147.

(w) Launoy *de loco* Sulpic. Severi, § 23. *p.* 123.

Gaul, *it will much more hold for* Britain. So that from this undoubted Teſtimony of *Clemens* it follows, not only, *That the Goſpel was preached in* Britain *in the times of the* Romans, but, *That St.* Paul *himſelf was the Preacher of it.* Which is affirmed by (*x*) *Venantius Fortunatus*, where he deſcribes St. *Paul*'s labours.

Tranſit & Oceanum, vel quà facit Inſula Portum,
Quáſque Britannus *habet terras, quáſque ultima* Thule.

But becauſe this may look only like a *Poetical Expreſſion*,

(3.) To make this out more fully, I ſhall conſider the *concurrent probability of Circumſtances*, together with theſe *Teſtimonies.* And I ſhall make it appear, (1.) From St. *Paul*s *Circumſtances*, that he had Leiſure and Opportunity enough to have come hither. (2.) From the *Circumſtances* of *Britain*, that here was incouragement and invitation enough for him to come. (3.) From the *Circumſtances* of the *reſt* of the *Apoſtles*, That he was the moſt likely to come hither of any of them.

(1.) That St *Paul* had Leiſure and Opportunity enough to come hither to preach the Goſpel. It is agreed by (*y*) *Euſebius*, St. (*z*) *Jerome*, and others of the Ancients, *That St.* Paul *ſuffer'd at* Rome, *14th of* Nero. (*a*) *Baronius* ſaith, the 13th, reckoning the years of *Nero* exactly from the beginning of his Reign in *October*; But (*b*) *Petavius* ſaith, *That the Ancients reckon'd the years according to the uſual cuſtom of a civil year.* So that the 13th of *Nero*'s Reign is the 14th from the *Calends* of *January*. St. *Paul* was ſent to *Rome*, when *Feſtus* was made *Procurator* of *Judæa*, in the room of *Felix*, which was, ſay *Euſebius* and St. *Jerome*, in the ſecond of *Nero*; And I ſee no reaſon to queſtion it; For although *Felix* ſucceeded *Cumanus* in the Government of *Judæa*, who was not condemned till the 12th of *Claudius* (from whence to the ſecond of *Nero* cannot be reckon'd thoſe *many years* (*c*) St. *Paul* ſaith *he had been Governour among the* Jews) yet we are to conſider, that *Felix* was not ſent immediately from *Rome*, as (*d*) *Baronius* miſtakes, but upon *Cumanus* his Sentence, had his former Government inlarged. *Judæa* being then added to his *Province*, and part of the Province which he had before being given to *Agrippa*, as (*e*) *Joſephus* ſaith; So that part of *Galilee* and *Samaria* having been under his Government before, Saint *Paul* might well ſay, he had been *a Ruler among them many years*, although he were diſmiſſed in the ſecond of *Nero*. And although (*f*) *Tacitus* ſaith, *That* Felix *had been a long time Governour of* Judæa, yet it appears, by the diſtribution of the Province between *Cumanus* and him, That before *Cumanus* his Baniſhment, that which was properly *Judæa* fell not to his ſhare; And it is not probable that his Government ſhould outlaſt the Favour of *Pallas* with *Nero*, which mightily declined in his ſecond year. After Saint *Paul*'s coming to *Rome*, Saint *Luke* ſaith, he abode there (*g*) two years. But (*h*) *Maſſutius* obſerves from the *Circumſtances* of St. *Paul*'s Voyage, *That he could not come to* Rome *till the third of* Nero. So that he could not have his liberty till the fifth, upon occaſion of the Favours ſhew'd, as he conjectures, to Priſoners and Exiles on the Murder of *Agrippina*. But from this time to his returning to *Rome*, he went up and down Preaching the Goſpel. To which time (*i*) *Godeau*, in his

(*x*) Ven. Fortunat. *vit. St.* Martini, *l.* 3.

(*y*) Euſeb. *in Chron.*

(*z*) Hieron. *in Catal.*

(*a*) Baron. *A. D.* 69. *n.* 1.

(*b*) Petav. *de Doctr. Temp. l.* 11. *c.* 14.

(*c*) Act. 24. 10.

(*d*) Baron. *A. D.* 50. *n.* 8.

(*e*) Joſeph. *de Bell. Jud. l.* 2. *c.* 11.

(*f*) Tacit. *Annal.* 12. *c.* 54.

(*g*) Act. 28. 30.

(*h*) Maſſut. *de vit. S.* Pauli, *l.* 13. *c.* 1.

(*i*) *Vie de St.* Paul, *l.* 2. *p.* 286.

Life of St. Paul, allows eight years : (*k*) *Maſſutius* rather more ; (*l*) *Baronius* the ſame ; And he ſaith, *it was time enough for him to paſs through the whole World* ; Which *Maſſutius* repeats after him. The Queſtion now is, Where Saint *Paul* employ'd all this time? The ancient Writers of the Church generally ſay, *in the Weſtern parts* ; ſo *Clemens*, *Theodoret*, St. *Jerome*, *Athanaſius*, *Epiphanius*, and others. But I need not inſiſt on particular Teſtimonies, ſince the only Learned (*m*) Perſon who hath oppoſed this Opinion doth ingenuouſly confeſs it to have been *the common and received Opinion of all the Fathers.* And I ſee no reaſon, by any thing he hath produced, to recede from it. For ſuppoſe we ſhould grant, that he went back into the Eaſtern parts, and viſited the Churches there, ſome part of this time ; yet there is enough ſtill left for St. *Paul* to Preach the Goſpel in *Britain* and other Weſtern parts, as the Fathers ſay that he did. And if we compare the time ſpent by St. *Paul* in his former Travels in the Eaſt, and allow him to uſe an equal diligence afterwards, there cannot appear any improbability that he ſhould come into *Britain*, and eſtabliſh a Chriſtian Church here. Three *Peregrinations* of St. *Paul* we have an Account of in the *Acts* of the *Apoſtles*, before his Voyage to *Rome*. The (*n*) firſt is of him and *Barnabas*, from *Antioch* to *Selencia*, *Cyprus*, *Perga*, *Iconium*, *Lyſtra*, and *Derbe* of *Lycaonia* ; from whence they returned back and ſettled the Government of the *Churches* then planted by them. And although it be ſaid (*o*) *that they abode long at* Iconium *and* Antioch, yet (*p*) *Maſſutius* ſhews, *That this whole Peregrination took up but five years* : Which is as much as (*q*) *Baronius* allows from the beginning of it, to the Council of *Jeruſalem*. For that he placeth in the 4th of *Claudius*, and this in the 9th. But (*r*) he makes their return to *Antioch* in the 7th, ſo that he allows but three years to the founding and ſettling ſo many Churches. After the *Council* at *Jeruſalem*, St. *Paul* takes another Progreſs from *Antioch*, and went through (*s*) *Syria* and *Cilicia*, from thence to *Derbe* and *Lyſtra* ; and ſo through *Phrygia*, and *Galatia*, and *Myſia* ; and then from *Troas* croſſed the Sea into *Macedonia*, where he firſt Preached at *Philippi*, a *Roman Colony* : And from thence paſſed to *Theſſalonica*, and ſo to *Berrhæa*, *Athens* and (*t*) *Corinth*, where he tarried a year and ſix months and more, and then ſailed into *Syria*, and made haſt to *Jeruſalem*, and ſo returned to *Antioch*. This ſecond Progreſs (*u*) *Baronius* reckons from the ninth of *Claudius* to the twelfth, and half the time was ſpent at *Corinth*. The third was again from *Antioch* over all the Countrey of *Galatia* and *Phrygia*, to which (*w*) *Baronius* allows a years time ; And the next he fixes at *Epheſus*, where St. *Paul* ſaith he (*x*) tarried three years (not exactly, but the far greateſt part of it, having taught (*y*) *three months in the Synagogue*, and *two years in the School of* Tyrannus.) From *Epheſus* he goes into *Macedonia* and *Achaia*, and having abode there *three months*, he returned through *Macedonia* to *Troas*, and from thence he went to *Miletus*, whither he ſent for the *Elders of the Church*, and took his ſolemn leave of them, ſaying, (*z*) *that they ſhould ſee his Face no more.* From *Miletus* he paſſed to *Phœnicia*, and ſo to *Jeruſalem*, where he was kept *two years* in cuſtody, and then ſent by *Feſtus* to *Rome*. This is a ſhort account of St. *Paul*'s labours and diligence in Preaching the Goſpel before his Impriſonment at *Rome*. And we cannot ſuppoſe a Perſon of ſuch indefatigable Induſtry and Pains, ſhould lie ſtill ſo many years after. It is certain he thought

he

(*k*) Maſſut. *ib. c.* 67.

(*l*) Baron. *A. D.* 61. *n.* 2.

(*m*) L. Cappell. *ad Hiſt. Apoſtol. Appen. p.* 29.

(*n*) Act. 13. 14.

(*o*) Act. 14. 3, 8.

(*p*) Maſſut. *l.* 4. *c.* 9.

(*q*) Baron. *A. D.* 46. *n.* 12.

(*r*) *A. D* 49. *n.* 1.

(*s*) Act. 15. 41.

(*t*) Act. 18. 11, 18.

(*u*) Baron. *AD.* 51. *n.* 56

(*w*) Baron. *A.D.* 54. *n.* 1. Act. 18 23.

(*x*) Act. 20. 31.

(*y*) Act. 19. 8, 10.

(*z*) Act. 20. 25, 38.

he ſhould never return more to the Eaſtern Parts, when he ſaid ſo ſolemnly, *I know that ye all, among whom I have gone Preaching the Kingdom of God, ſhall ſee my Face no more.* Which Words do not only concern the *Church* of *Epheſus*, but all the other *Churches* planted by him in the Eaſt; And this he ſpeaks not as his fear or conjecture, but out of certain Knowledge. And therefore it is not probable he ſhould return into the Eaſt, nor, if he did, would this hinder his coming into theſe parts afterwards, where he might plant *Churches* within that time. But it is objected, *That there are no certain Monuments of ſuch Churches planted by him in* Italy, Gaul, Germany *or* Spain. What certain Monuments are there of new *Churches* planted by him in the Eaſt after his return? And it is much leſs probable, becauſe the Eaſtern Writers, who ſhould know beſt, allot this time to his Preaching in the Weſt. But it is well obſerved by the Learned (*a*) *M. Velſerus*, ſpeaking of the Preaching of the Apoſtles, St. *Peter* and St. *Paul*, in theſe Weſtern parts, *That we are not to judge of the Planting of Churches by the remaining Annals and Monuments, becauſe on the one ſide we are certain that their ſound went out into all the Earth: And on the other, great care was taken in the ſeveral Perſecutions, eſpecially that of* Diocleſian, *to burn all the Monuments which concerned the Chriſtian Churches.* But yet, as to *Britain*, we have undoubted Teſtimony of a Chriſtian Church planted here by the *Apoſtles*, and by none ſo probably as St. *Paul*.. For *Gildas* ſaith, *The Goſpel was here received before the fatal defeat of the* Britains *by* Suetonius Paulinus; which, according to Sir *H. Savil's Faſti*, was the ſeventh of *Nero*, the eighth ſaith *Petavius*: And St. *Paul* being at liberty the fifth, had time and conveniency enough to ſettle a *Chriſtian Church* in *Britain*.

(*a*) M. Velſer. *Rer. Vindel. l.* 6.

(2.) That there was Incouragement and Invitation enough for St. *Paul* to come into *Britain*, not only from the *Infinite numbers of People*, which, (*b*) *Cæſar* ſaith, were here in his time, but from the new Settlements that were daily making here by the *Romans*, after the firſt Succeſs, which they had in the time of *Claudius*: For then *Colonies* were drawn over hither; And not only *Military Colonies* ſettled for the ſecurity of the *Roman Conqueſts*, ſuch as that of *Camalodunum* is deſcribed by (*c*) *Tacitus*, formerly *the Royal Seat of* Cynobelin, *King of the* Trinobantes; but alſo *Civil* and *Trading Colonies*, ſuch as *London* was from the beginning, and therefore commended by *Tacitus* for its admirable Situation for Trading, and all Accommodations to that end; and, upon the beſt enquiry I can make, I very much incline to believe it of a *Roman Foundation*, and no elder than the time of *Claudius* (as will be made appear in another Diſcourſe:) And that in the time of *Suetonius Paulinus* it was inhabited by *Romans* and *Britains* together, is evident from *Tacitus*; When *Suetonius Paulinus* drew out the *Inhabitants*, the City not being then defenſible againſt the *Britains*, who in that Revolt *deſtroyed LXX thouſand* Romans *and their Allies*, ſaith *Tacitus*; But (*d*) *Dio* ſaith, *two Cities* (*London* and *Verulam*; for *Camalodunum* was deſtroyed before) *and Eighty thouſand Men*. This was a time of ſo much Diſorder and Bloudſhed, That *Gildas* with great reaſon places the Planting of *Chriſtianity* here before it. And St. *Paul* might have ſome particular incouragement at *Rome* to come hither from *Pomponia Græcina*, Wife to *A. Plautius*, the *Roman* Lieutenant under *Claudius* in *Britain*; For that ſhe was a *Chriſtian* appears very probable from the account *Tacitus* gives of her; (*e*) He ſaith, *ſhe was accu-*

(*b*) Cæſar. *l.* 5.

(*c*) Tacit. *Annal.* 12. c 32. 14. c. 31.

(*d*) Xiphil. p. 168

(*e*) Tacit. *Annal.* 13.

ſed of foreign Superſtition, and that ſo far as to endanger her Life; But her Husband clear'd her, ſitting as Judge according to the ancient form; and ſhe lived long after, but in perpetual ſadneſs. If *Tacitus* were to deſcribe the *Primitive Chriſtians*, he would have done it juſt after this manner, Charging their *Religion* with *Superſtition*, and the *Severity* of their *Lives* (abſtaining from all the *Feaſts* and *Jollities* of the *Romans*) as a *continual Solitude*. It was the way of the Men of that time, ſuch as (*f*) *Suetonius*, and (*g*) *Pliny*, as well as (*h*) *Tacitus*, to ſpeak of *Chriſtianity* as a *Barbarous* and *Wicked Superſtition* (as appears by their Writings) being forbidden by their Laws; which they made the only *Rule* of *Religion*. And this happen'd when *Nero* and *Calphurnius Piſo* were *Conſuls*, after St. *Paul*'s coming to *Rome*, and therefore it is not unreaſonable to ſuppoſe her one of his *Converts*, by whom he might eaſily be informed of the ſtate and condition of *Britain*, and thereby be more incouraged to undertake a Voyage thither. It is certain that St. *Paul* did make conſiderable Converts at his coming to *Rome*; Which is the reaſon of his mentioning (*i*) *the Saint in* Cæſar'*s houſhold*. And it is not improbable that ſome of the *Britiſh Captives* carried over with *Caractacus* and his *Family*, might be ſome of them; who would certainly promote the *Converſion* of their Country by St. *Paul*. But I cannot affirm, as (*k*) *Moncæius* doth, *That* Claudia, *mention'd by St.* Paul, *was* Caractacus *his Daughter, and turn'd Chriſtian, and after married to* Pudens *a* Roman *Senator; whoſe Marriage is celebrated by* Martial *in his noted Epigrams to that purpoſe.* It is certain that *Claudia Ruffina* was a *Britain*, who is ſo much commended by (*l*) *Martial* for her *Wit* and *Beauty*. But if theſe *Epigrams* were written in *Trajan*'s time, as is very probable, It is ſomewhat of the lateſt for the Daughter of *Caractacus* who came in *Claudius* his time to *Rome*. But (*m*) *Alford* digeſts all this well enough, only he is extremely concern'd, *leſt ſhe ſhould be made the Apoſtle of* Britain, *and preach here before St.* Peter. But the (*n*) *Author* of the *Antiquitates Britannicæ*, whom he reflects upon, ſaith no ſuch thing as he would impute to him. He only ſaith, *That if ſhe were a Chriſtian ſhe would acquaint her Countrymen as much with the Chriſtian Doctrine as ſhe did before with* Martial'*s Wit.* Wherein there is no Profaneneſs or Abſurdity. But he adds, *that in ſo noble a Family, The reſt of her kindred who were baptized with her might be the Occaſions of diſperſing Chriſtianity in the* Britiſh *Nation.* So that there was no need, *for his bidding* Claudia *to keep at home, and make room for St.* Peter *to come to* Britain *to preach the Goſpel.* But if this *Claudia* were St. *Paul*'s Diſciple, why might not ſhe excite that *Apoſtle* to go into her Country, to plant *Chriſtianity* there, as he had done with ſo much Succeſs in other Places? And whether St. *Peter* or St. *Paul* were more probably the *Apoſtle* of *Britain*, is now to be conſidered. And I affirm,

(3.) That St. *Paul* was the moſt likely to come hither of any of the *Apoſtles*. The ſeveral *Traditions* about St. *James*, *Simon Zelotes* and *Philip*, are ſo deſtitute of any ancient Teſtimony or Probability, that the Competition among the *Apoſtles* can lie only between St. *Peter* and St. *Paul*. Some Writers of our Church Hiſtory have endeavoured for particular Reaſons, to prove St. *Peter* to have preached the Goſpel in *Britain*; But their Proofs are very ſlight and inconſiderable, and depend chiefly on the authority of *Simeon Metaphraſtes* or other *Legendary Writers*, or ſome *Monkiſh Viſions*, or ſome *Domeſtick Teſtimonies* of his pretended Suc-

(*f*) Suet. *l.* 6. *c.* 16.

(*g*) Plin. *Epiſt.* *l.* 10. *ep.* 98.

(*h*) Tacit. *Annal.* 15.

(*i*) Phil. 4. 22.

(*k*) Moncæius, *de Incunab. Regiis Eccleſ. Chriſtianæ Vet. Britann.*

(*l*) Martial. *l.* 4. *ep.* 13. *l.* 11. *ep.* 53.

(*m*) Alford *Annal. Eccleſ. A. D.* 53. *n.* 5, 6.

(*n*) *Antiq. Britan.* *p.* 3.

Succeſſors, or ſome late *partial Advocates*, ſuch as (o) *Eyſengrenius*, who profeſſes to follow *Metaphraſtes*. All which together are not worth mentioning in compariſon with the Authors on the other ſide; I ſhall therefore examine the Probability of the thing from the *Circumſtances* of St. *Peter*, as I did before from thoſe of St. *Paul*; and I ſhall endeavour to ſhew, That his buſineſs lay quite another way, and that there is no probable Evidence of his coming hither.

I take it for granted, that the *Apoſtles* were employ'd according to the Tenour of their *Commiſſions*, viz. That the Apoſtle of the *Circumciſion* was to attend the *Jews*, and of the *Uncircumciſion* the *Gentiles*. Now St. *Paul* ſaith, That (p) *the Goſpel of the Uncircumciſion was committed to him, as the Goſpel of the Circumciſion was unto* Peter. *This*, (q) *Baronius* ſaith, *was agreed at the Council at* Jeruſalem. But he will not have it to be ſuch a diſtribution of *diſtinct Provinces*, as that the one upon no occaſion ſhould meddle with the *Gentiles*, nor the other with the *Jews*: But yet he grants, *that the Apoſtleſhip of the* Gentiles *was in a particular manner committed to St.* Paul, *as of the* Jews *to St.* Peter. And whatever they might do *occaſionally*, This, as he proves from (r) St. *Jerome*, was the *Principal Mandatum*, the *Main of the Commiſſion to either of them*. Which being ſuppoſed, It neceſſarily follows, that St. Peter's *chief Employment* muſt be where the greateſt *numbers* of *Jews* were. And from hence (s) *Petrus de Marca* infers, That St. *Peter*, having preached to the *Jews* in *Judæa*, employed himſelf in converting the *Jews* abroad both of the *firſt* and *ſecond Diſperſion*. The latter were chiefly in *Egypt*, at *Alexandria*, where he ſettled *Mark* the *Biſhop* over the *converted Jews*. From thence he went to *Antioch*; from thence to *Babylon*, where the Head of the *firſt Diſperſion* lived; *And in this City*, he ſaith, *he wrote his Epiſtle to thoſe diſperſed* Jews, *over whoſe Synagogues the Patriarch of* Babylon *had Juriſdiction. Clemens Romanus* takes no notice at all of St. Peter's Preaching in the Weſtern parts, as he doth of St. *Paul*'s. But (t) *Euſebius*, from *Origen* ſaith, *That St* Peter *preached to the diſperſed* Jews *in* Pontus, Galatia, Bithynia, Cappadocia, *&c.* And (u) *Epiphanius*, even where he ſaith, *That St.* Peter *and St.* Paul *did both conſtitute Biſhops at* Rome, *upon their going thence to preach the Goſpel in other places*; yet he adds, *That St.* Paul *went towards* Spain, *but St.* Peter *frequently viſited* Pontus *and* Bithynia, which was very agreeable to the deſign of his Commiſſion, there being ſo great a number of *Jews* in thoſe parts. And *Pontus* and *Bithynia* ſeem to have been reſerved as the peculiar *Province* of St. *Peter*; For when St. *Paul* attempted to go into *Bithynia*, (w) *he was forbidden by the Spirit*, which then commanded him to come into *Europe*. And ſo he made for *Macedonia*. (x) *Baronius* grants, *that St.* Peter *ſpent the greateſt part of his time in the Eaſtern parts, but about* Anno Dom. 58. *he finds him employed in the Weſt, and particularly among the* Britains. But what *ancient authority*, according to his own Rule, doth he produce for it? He names none but *Metaphraſtes*, and yet as it falls out unluckily, when the ſame *Metaphraſtes* his authority is produced, *for St.* Paul*'s preaching in the Weſtern parts*, he is apparently ſlighted by him (y) and for the very ſame Reaſon, which holds againſt the former Teſtimony, viz. *for quoting things out of* Euſebius, *which are not to be found in him*. And elſewhere he ſaith, (z) *he is of no authority in theſe matters*. But *Metaphraſtes* his Teſtimony ſerves to a good purpoſe in St. *Peter*'s Caſe, *viz.* to clear a conſiderable difficulty, how St. *Peter*, if then Biſhop of *Rome*, ſhould not then be taken notice of by St. *Paul*, when he wrote his *Epiſtle* to the *Romans*. To which he anſwers, *That St.* Peter *came to* Rome *the ſecond of* Claudius, *but being baniſhed thence with other* Jews *the ninth of* Claudius, *he ſpent the time then in preaching the Goſpel in other places, and ſo* very conveniently *finds him in* Britain, *when St.* Paul *wrote his Epiſtle to the* Romans, which he placeth in the ſecond of *Nero*. But it is by no means probable, ſaith (a) *Valeſius*, *That St.* Peter *ſhould come to* Rome *before the death of* Herod Agrippa. And (b) *Baronius* ſaith, *That after his being delivered out of priſon, he went to* Cæſarea, Laodicea *and* Antioch (according to his own Author *Metaphraſtes*) and then into *Cappadocia*, *Pontus*, *Galatia*, and *Bithynia*, and ſo returned by *Antioch* to *Jeruſalem*. So that if *Metaphraſtes* his authority be good for any thing, St. *Peter* could hardly come to *Rome* the ſecond of *Claudius* : And if the death of *Agrippa* followed ſoon after the delivery of St. *Peter*, as *Valeſius* thinks, and St. *Luke* ſeems to intimate; then he could not be at *Rome* till the fourth of *Claudius*, for all agree that *Agrippa* died that year. So that there is no certainty of St. *Peter*'s coming to *Rome* the ſecond of *Claudius*. Yet let that be ſuppoſed, *And that St.* Peter *went from* Rome *on the Edict of* Claudius. What makes him ſo long abſent from thence as to the ſecond of *Nero*, when (c) St. *Paul* in his *Epiſtle* to the *Romans* ſalutes *Aquila* and *Priſcilla* as then preſent at *Rome*, who certainly left it before on the (d) Account of that *Edict*. So that this *Edict* could be no reaſon of his being abſent from *Rome* at the time of this *Epiſtle*. But it falls out unhappily, That though St. *Peter* be made by *Baronius* and others, *Biſhop of* Rome *for twenty five years*, yet he can never be found in his own *Dioceſe* in all that time before his *Martyrdom*; But one excuſe or other is ſtill found for his abſence, when there were ſeveral remarkable Tranſactions which muſt have diſcovered him if he had been at *Rome*; As not only upon St. *Paul*'s writing this *Epiſtle* to the *Romans*, but upon St. *Paul*'s coming to *Rome*, upon his writing ſo many *Epiſtles* from thence, upon the *defence* he made for himſelf, when he ſaith (e) *that all forſook him*. What St. *Peter* too? So that upon the whole matter, the Opinion of (f) *Lactantius* in his late publiſhed Book, ſeems moſt agreeable to truth, *That St.* Peter *came not to* Rome *till the Reign of* Nero, *and not long before his Martyrdom*; And this *Baluzius* confeſſes to have been *the moſt ancient and received Opinion in the Church*, ſince *Lactantius* never diſputes it : And what he ſaith of *the twenty five years wherein the Apoſtles planted Churches*, was in likelihood the *occaſion* of that miſtaken *Tradition* concerning *St.* Peter*'s being twenty five years Biſhop of* Rome. So much may ſuffice to ſhew the greater probability, That the Chriſtian Church in *Britain* was rather founded by St. *Paul* than by St. *Peter* or any other *Apoſtle*.

(o) Eyſengren. *Cent.* 1 *part.* 7. *diſt.* 8.

(p) Gal. 2. 7.

(q) Baron. *A. D.* 51. §. 16, 26, 28, 29.

(r) Hieron. *in Ep. ad* Gal. *c.* 2.

(s) Pet de Marc *de Concord. l.* 6. *c.* 1. *n.* 4.

(t) Euſeb. *Hiſt. l.* 3. *c.* 1.

(u) Epiphan. *Hær.* 27. *n.* 6.

(w) Act. 16. 7.

(x) Baron. *A. D.* 58. *n.* 51.

(y) *A. D.* 61 *n* 4.

(z) *A. D.* 44. *n.* 38.

(a) Valeſ. *in* Euſeb. *l.* 2. *c.* 16.

(b) Baron. *A. D.* 44. § 10.

(c) Rom. 16. 3.

(d) Act. 18. 2

(e) 2 Tim. 4. 16.

(f) Lactant. *de Mort. Perſec. c.* 2.

CHAP. II.

Of the Succeſſion of the *Britiſh* Churches to the firſt Council of *Nice*.

THE *Teſtimony of* Tertullian *concerning them cleared.*

It extends only to Britains.

The National Converſion of the Scots *under King* Donald *fabulous.*

Of Dempſter's *old Annals.*

Proſper *ſpeaks not of the* Scots *in* Britain.

Tertullian *to be underſtood of the Provincial* Britains *as well as others.*

The Teſtimony of Sulpitius Severus *examin'd.*

Several Teſtimonies of Origen *concerning the* Britiſh *Churches in his time.*

The different Traditions about King Lucius.

The State of the Roman *Province here, overthrows his being King over all* Britain.

Great probability there was ſuch a King in ſome part of it, and then converted to Chriſtianity.

A Conjecture propoſed in what part of Britain *he reigned.*

The moſt probable means of his Converſion, and the Story cleared from Monkiſh Fables.

Of Diocleſian's *Perſecution in* Britain, *and the ſtopping of it by the means of* Conſtantius.

The flouriſhing of the Britiſh *Churches under* Conſtantine.

The reaſon only of three Britiſh *Biſhops preſent at the Council of* Arles.

The great Antiquity of Epiſcopal Government here.

Of the Flamines *and* Archflamines *of* Geoffery *of* Monmouth; *how far agreeable to the* Roman *Conſtitution.*

Maximinus *ſet up a Pagan Hierarchy in imitation of the Chriſtian.*

The Canons of the Council of Arles *not ſent to the Pope to confirm, but to publiſh them.*

HAving ſhew'd the great probability of the planting a Chriſtian Church here in the Apoſtles time, and that by St. *Paul*; I am now to conſider, the *Succeſſion* of this Church; of which we have undoubted Evidence from the unqueſtionable Teſtimonies of *Tertullian* and *Origen*, who mention it as a thing ſo very well known, That they uſe it as an Argument againſt the *Jews*, to prove *Chriſt* to have been the promiſed *Meſſias*, *becauſe the uttermoſt parts of the Earth were given for his Poſſeſſion*. *Tertullian* flouriſhed, as St. *Jerome* ſaith, under *Severus and his Son*; And in the time of *Severus* he wrote againſt the *Jews*, as (*a*) *Baronius* proves from ſeveral Paſſages in that Book. In his time the Affairs of *Britain* were very well underſtood in other parts of the *Roman* Empire, eſpecially by Men ſo learned and inquiſitive as *Tertullian*. For *Clodius Albinus* having ſet up for the Empire in *Britain*, and being beaten by *Severus* near *Lyons*, he took care to ſecure this Province by ſending *Virius Lupus*, his Lieutenant, hither. But things growing troubleſome here, *Severus* himſelf undertook an Expedition hither, and brought the *Britains* to ſuch Terms, That they were contented to live beyond the Wall which *Severus* built; where *Hadrian*'s Wall had been before. The part of *Britain* beyond the Wall was called *Caledonia*, as (*b*) *Dio* ſaith. And it is apparent, that the *Romans* were at that time fully acquainted with the Condition of the *Britains*, both within the Province, and without; and therefore *Tertullian* cannot be ſuppoſed to ſpeak at random about this matter; when (*c*) he mentions *the Nations of* Gaul *and the* Britains, with as much aſſurance as he doth his Countrymen, *the* Moors, *for receiving Chriſtianity*; And ſaith, *The Kingdom of* Chriſt *was advanced among them, and that* Chriſt *was ſolemnly worſhipped by them*. *Tertullian* was a man of too much underſtanding to expoſe himſelf to the contempt of the *Jews*, by mentioning this as a thing ſo well known at that time, if the *Britains* were then known to be no Chriſtians; Or, if they had been ſuch, and were returned to Barbariſm, the Argument would have been ſtronger againſt him. When therefore ſuch a Paſſage doth not fall by chance from ſuch a Writer, but the force of an Argument depends upon it, it is of ſo much greater weight. How ridiculous would it appear for a man to prove that Popery is the Catholick Religion, by inſtancing not only in *Italy* and *Spain*, as the Nations where it is univerſally received; but in *Great Britain*, and *Denmark*, and *Sweden*? No leſs was the abſurdity than to prove *Chriſt*'s *univerſal Kingdom* by enumerating *Gaul* and *Britain* with other Nations where *Chriſt* was worſhipped, if there were no Chriſtian Churches at that time in being among them.

But there are two Objections againſt this Paſſage of *Tertullian*, which muſt be removed. (1.) That he ſpeaks of that part of *Britain* which was not under the *Roman* Power, and the Converſion of it is ſaid to be later than to be here mention'd by *Tertullian*: For (*d*) *Joh. Fordon* and (*e*) *Joh. Maior*, from an ancient *Diſtich* in both of them

> (Chriſti *tranſactis tribus annis atque ducentis*
> Scotia *Catholicam cœpit inire Fidem.*)

ſay, That the Chriſtian Religion was received in *Scotland* in *A. D.* 203, about the ſeventh of *Severus*. But this was ſo little a time before *Tertullian*'s Writing, that it could hardly be ſo well known in *Africa*, as to afford ſtrength to an Argument againſt the *Jews*.

To which I anſwer, That it is true, *Tertullian* doth add the greater *Emphaſis* to his Argument by ſaying, *Et* Britannorum *inacceſſa* Romanis *loca*, Chriſto *vero ſubdita*, the Goſpel had acceſs to thoſe parts of *Britain* whether the *Romans* had none. Which doth prove, that Chriſtianity

---

(*a*) Baron. *A. D* 210. *n.* 4.

(*b*) Dio *in* Sever.

(*c*) Tertull. *con.* Judæos, *c.* 7.

(*d*) Fordon. *l.* 3. *c.* 35.

(*e*) Major *de Geſt. Scot. l.* 1. *c.* 14.

ſtianity was then received beyond the Wall, but not by the *Scots*, who were not yet ſettled in thoſe parts; But by the *old Britains*, who were driven thither, as appears by the Account given by (f) *Xiphilin* out of *Dio*, who ſaith, *that the* Britains *were divided into two ſorts, the* Mæatæ *and the* Caledonii; *The former dwelt by the Wall, and the latter beyond them.* Theſe were the *Extraprovincial Britains*, and were diſtinct both from the *Picts* and the *Scots*, ſaith (g) *John Fordon*, who carefully diſtinguiſheth theſe *three Nations* when he ſpeaks of their Wars with the *Romans*; And he makes *Fulgentius* the Head of the *Britains* of *Albany* in the time of *Severus*; But he ſuppoſes both the *Scots* and *Picts* to have been in the Northern parts long before, and that the *Scots* received the Chriſtian Faith in the time of *Severus*, *Victor* being then Biſhop of *Rome*, who ſucceeded *Eleutherius*; *To whom*, ſaith (h) *Hector Boethius*, *King* Donald *ſent Embaſſadors, to deſire him to ſend Perſons fit to inſtruct them in the Chriſtian Faith. And upon this*, ſaith he, *it was generally received in* Scotland. * *Dempſter*, according to his cuſtom, is very warm in this matter, and ſaith, *all their Annals and Hiſtories agree, that King* Donald *and the whole Kingdom of* Scotland *did then embrace Chriſtianity*; And is angry with *Baronius* for putting off their Converſion to the time of *Palladius*. But notwithſtanding all his boaſting of *the conſent of Annals and Hiſtories*, the *Scotichronicon* is the only Authority he hath to produce: And in his *Preface* he ſaith, *That King* Edward I. *deſtroy'd all the Monuments of the Kingdom*; and it is ſomewhat unreaſonable to complain of *the want*, and to alledge *the conſent* of them at the ſame time. And beſides, he produceth ſomething out of *Fordon* concerning *Paſchaſius* of *Sicily*, being ſent by *Victor* into *Scotland*, and returning with a Meſſage from King *Donald*, which is not to be found in *Fordon*. But, as (i) *Baronius* obſerves, *It is ſtrange, that ſo remarkable a Converſion ſhould be omitted not only by* Bede, *but by* Marianus Scotus, *who mentions the Miſſion of* Palladius. And (k) *Proſper* ſaith, *Upon the Miſſion of* Palladius, *who was made the firſt Biſhop over the* Scotiſh *Chriſtians, the People, who were barbarous before, were made Chriſtians.*

But it is urged by *Dempſter*, not without ſhew of *Authority*, that *Palladius* was ſent to thoſe *which were already Chriſtians*, and therefore Chriſtianity muſt be planted among the *Scots* before the *Miſſion* of *Palladius*; and for this he quotes *Beda*, *Ado Viennenſis*, *Hermannus Contractus*, *Marianus Scotus*, and others; and he blames *Platina* and *Giacconius* who make him *the Inſtrument of their Converſion*, wherein he confeſſeth they follow *Fabius Ethelwerd* and *Ingulphus*; but he takes no notice, that *Proſper* himſelf, in his *Chronicon*, affirms the ſame thing, and the others have it from him. So that *Proſper* makes the *Scots* to be converted by *Palladius*, and to have been *Chriſtians* before his time; which are inconſiſtent: But (l) *Nennius* ſeems to have hit upon the true account of this matter, *viz. That* Paladius *was ſent by* Celeſtine *to convert the* Scots, *but finding no great ſucceſs therein, he was driven on the Coaſts of* Britain, *and there died: And after his death, St.* Patrick *was ſent on the ſame Errand.* And, if the Writers of his Life may be believed, *Palladius* did very little towards the Converſion of the *Scots*; And therefore what *Proſper* ſaith of *Celeſtine*'s *making a barbarous Nation Chriſtian*, muſt be underſtood of his *Deſign* and good Intention, and not of the *Event*, which came not to paſs till ſome time after; and chiefly, by the means of St. *Patrick*, who went after the death

(f) Xiphil. *in Severo.*

(g) Fordon. *Scotichron. l.* 3. c. 36.

(h) Hector. Both. *l.* 5. p. 89.

* Dempſter. *Apparat. ad Hiſt. Scot. l.* 1. *c.* 6. *Hiſt. Eccleſ. l.* 15. *in* Palladio.

(i) Baron. *A.D.* 429. n. 2.

(k) Proſper. *cont. Collator. in fine.*

(l) Nenn. c. 55, 56.

death of *Palladius:* Unleſs we underſtand the Words of *Proſper*, of thoſe who were made Chriſtians *at the time of his Writing*; the Deſign whereof being laid by *Palladius* is therefore attributed to him, when he wrote againſt *Caſſian*, ſometime after the death of *Celeſtine:* But when he wrote his *Chronicon*, in the time of *Leo*, *The* Scots *being then converted*; he ſaith, *That* Palladius *was appointed to be Biſhop over the believing* Scots. Not that they did then believe before *Palladius* his coming, but *that they did now believe when he wrote his* Chronicon. For all the Teſtimonies of ſuch as Preached there before *Palladius* are of very little Credit. But nothing of all this relates to the *Scots* in *Britain*; but to the original *Scots* in *Ireland*, who were uncapable of a National Converſion in *Britain*, ſo long before they came to ſettle in it, as will appear afterwards: So that if there were any Converſion of *Scots* before the *Miſſion* of *Palladius*, it cannot at all reſpect this Place of *Tertullian*, who ſpeaks only of the *Britains*, and not of the *Scots*.

And *Dio* knew of none but *Britains* that lived Northward in that Expedition of *Severus*, although he ſaith, *he went to the utmoſt extent of the Iſland, and at laſt concluded a Peace with the* Britains *upon their quitting no ſmall part of their Countrey*, although they ſoon revolted; So that here was a great number of *Britains* to be converted in thoſe Places, where the *Romans* never had been before *Severus* his laſt Expedition: Which the *Scotiſh Hiſtorians* apply to the Converſion of their *Nation*, who were not yet come into *Britain*. But allowing that there were *Churches* planted among the Northern *Britains*, this doth not overthrow the continuance and propagation of the Chriſtian Church among the Provincial *Britains*; For now, for a long time, the Chriſtian Religion had a great Liberty of propagating it ſelf; For, from the time of *Hadrian* to *Severus*, the Chriſtians were generally free from Perſecution, excepting what the Rage of the People brought upon them in ſome Places, without any *Edict* of the *Emperors*, as in the time of the *Antonini* both at *Rome*, in *Gaul*, and ſome parts of the Eaſt: But theſe Perſecutions were neither general, nor continued ſo long as when the Emperors publiſhed Edicts on purpoſe; and therefore, the Perſecutions under *Trajan* and the *Antonini*, ought in reaſon to be diſtinguiſhed from thoſe under *Nero* and *Domitian*, *Decius* and *Diocleſian*, when the Emperors made it their buſineſs to root out Chriſtianity. But in the former Caſe, the Emperors reſtrain'd the People by their *Edicts*, but the People in ſome Places by falſe Suggeſtions fruſtrated the deſign of thoſe *Edicts*, which Places excepted, the Chriſtians enjoy'd a long time of Liberty; In which they neglected no opportunities to promote their Religion. And within this time the Chriſtian Writers ſay, *There was no Nation almoſt then known, where Chriſtianity was not planted.* So (*m*) *Juſtin Martyr* tells *Trypho*; ſo (*n*) *Euſebius* and (*o*) *Ruffinus* ſpeak; and (*p*) *Lactantius* ſaith, *That Chriſtianity ſpread it ſelf into the Eaſt and Weſt, ſo that there was ſcarce any Corner of the Earth ſo remote whither it had not pierced, no Nation ſo barbarous that was not reduced by it.* As to *Britain*, *Gildas* affirms the *continuance of a Church here*, from the firſt Plantation of the Goſpel, *though not maintain'd with equal Zeal, to the Perſecution of* Diocleſian; and even that was ſo far from deſtroying it, that it gained ſtrength and reputation by the *Courage of Confeſſors and Martyrs*; and the heat of it was no ſooner over, but, as (*q*) *Bede* and (*r*) *Gildas* both

(*m*) Juſtin. *Dial. cum* Tryph. *p.* 345.

(*n*) Euſeb. *l.* 4. *c.* 67. *l.* 5. *c.* 21.

(*o*) Ruffin. *l.* 4. *c.* 8.

(*q*) Lact-ant. *de Mort. Perſec. c.* 3.

(*q*) Bed. *l.* 1. *c.* 8.

(*r*) Gild. §. 8.

both ſay, *The Chriſtian Church flouriſhed again in great Peace and Unity till the* Arian Hereſie *gave it diſturbance.*

(2.) It is objected, That (s) *Sulpicius Severus*, ſpeaking of the Perſecution of *Chriſtians* in *Gaul* in the time of *M. Aurelius Antoninus*, ſaith, *That Martyrdoms, were then firſt ſeen in* Gaul, *the Chriſtian Religion being more lately received beyond the Alpes.* Which ſeems to overthrow the *Antiquity* of the *Britannick* as well as the *Gallick Churches.* But in my opinion (after ſo many Diſcourſes written in a neighbour Nation about this Paſſage) we are to diſtinguiſh that which *Sulpicius Severus* abſolutely affirms, viz. *That there were no Martyrdoms in* Gaul *before that time*; From that which he ſuppoſes to have been the *reaſon* of it, viz. *That the Chriſtian Religion was more lately received on this ſide the Alpes.* The other he was certain of, there being no authentick Relation of any *Martyrdoms* there before; but that which he aſſigns as the *reaſon* of it, hath no ſuch certainty in it; For the Chriſtian Churches might have been planted there before, and have eſcaped that Perſecution which befell the Churches of *Lyons* and *Vienne* in the time of *M. Aurelius*: He might as well have argued, that Chriſtianity was not here received till a little before the Perſecution of *Diocleſian*, becauſe we read of *no Martyrdoms* before thoſe of St. *Alban*, *Julius* and *Aaron*, at that time. But if there were no *Edict* for Perſecution of Chriſtians for above an hundred years together, *viz.* from the Perſecution of *Domitian Anno Dom.* 92. to the *Edict* of *Severus*, *Anno Dom.* 234. then it was very poſſible that there might be Chriſtian Churches in *Gaul*, and yet no *Martyrdoms* till the Perſecution under *M. Aurelius* by a popular Tumult, which, as (t) *Euſebius* tells us, was the ſeventeenth year of his Reign. (u) *Baronius* thinks that M. Aurelius *ſent private Edicts againſt the Chriſtians.* But (w) *Tertullian* ſaith, *none of their good Emperors ever perſecuted the Chriſtians*, and inſtanceth in *Trajan*, *Hadrian*, *Pius*, *Verus* and *M. Aurelius*. (x) *Euſebius* ſaith, *That* Trajan *abated the fierceneſs of the Perſecution, but left the Laws in force, upon information, That* Hadrian, *in his Reſcript to* Minutius Fundanus, *Proconſul of* Aſia, *forbad a general Perſecution of any as Chriſtians*; *That,* Antoninus Pius, *not only purſued the ſame method, but threatned ſevere puniſhment to all Informers*: the ſame he ſaith of *M. Aurelius*. In *Commodus* his time, he ſaith, *the Chriſtian Churches flouriſhed very much in all parts*; So that till *Severus* his *Edict* there was no Perſecution, by virtue of any *Edict* of the Emperors; by the account which *Euſebius* gives. And (y) *Lactantius* hardly allows *any Perſecution at all from* Domitian *to* Decius. Not but that the Chriſtians ſuffered very much in ſome Places, through the Rage of the People, and the Violence of ſome Governours of Provinces; But there was no general Perſecution countenanced by the Emperors *Edicts*, and therefore, where the People were quiet or intent upon other things, there might be *Chriſtian Churches* where there were no ſuch *Martyrdoms* as thoſe of *Lyons* and *Vienne*.

It is certain that (z) *Irenæus* mentions *the conſent of the* Celtick *Churches*, and thoſe *of* Germany *and the* Iberi, *with the Eaſtern and* Libyan *Churches.* All the Queſtion is, Whether this ought to be reſtrained to the Churches planted among the *Celtæ*, as they were *one Diviſion* of the *Gauls* in *Cæſar*'s time, or whether he took the word in the larger ſenſe, as comprehending *all the Gauls*. This latter ſeems much more probable, becauſe *Irenæus*, in none of the others mention'd by him, takes any particular Diviſion of the People, but the general Name, as

(s) Sulpic. Sev. *l.* 2. p. 381.

(t) Euſeb. *l.* 5. *c.* 1.

(u) Baron. *A. D.* 164. *n.* 6.

(w) Tertull. *Apol.* c. 5.

(x) Euſeb. *l.* 3. *c.* 33. *l.* 4. *c.* 9. *c.* 13. *l.* 5. *c.* 5. *c.* 21.

(y) Lact. *de Mort. Perſec. c.* 3.

(z) Iren. *l.* 1. *c.* 3.

of the *Germans* and *Iberi*, and why not then the *Celtæ* in as large a ſenſe? Since (a) *Strabo*, (b) *Plutarch*, (c) *Appian*, and others, call the *Gauls* in general by the name of *Celtæ*; and *Tertullian* manifeſtly rejects that ſenſe of *Celtæ* for one Diviſion of the *Gauls*, when he mentions *the ſeveral Nations of the* Gauls which had embraced Chriſtianity. But I will not inſiſt, as (d) *Petrus de Marca* doth, *That* Tertullian *by the* Galliarum diverſæ Nationes *means the four Provinces of* Gaul *into which* Auguſtus *did diſtribute it:* But I ſay, that there is no reaſon to limit the ſenſe of *Tertullian* to *one Diviſion* of the *Gauls*, ſuppoſing the *different Nations* do comprehend thoſe of *Gallia Ciſalpina* and *Tranſalpina*; although I ſee no ground to underſtand *Tertullian* ſo, (e) ſince the name of *Gallia Ciſalpina* was much diſuſed; eſpecially after the new diſtribution of the Empire by *Hadrian*. So that from the Teſtimonies of *Irenæus* and *Tertullian*, we ſee no reaſon to queſtion the greater *Antiquity* of the *Celtick Churches* than *Sulpicius Severus* intimates, much leſs to overthrow the *Antiquity* of the *Britannick Churches*. For, beſides this Teſtimony of *Tertullian* concerning the *Britiſh Churches*; We have another of (f) *Origen*, not long after, who ſaith, *When did* Britain *before the coming of* Chriſt *conſent in the Worſhip of one* God? Which implies, that the *Britains* were then known to be *Chriſtians*; and, by being ſo, were brought off from the former Idolatry. And unleſs ſo learned a Man as *Origen* had been fully ſatisfied of the truth of this, having choice enough of other Inſtances, he would not have run as far as *Britain* to bring an Argument to prove, *that all the Earth doth praiſe the Lord*; *Which*, he ſaith, *is fulfilled in the Chriſtian Churches diſperſed over the World*. But I wonder what ſhould make two ſuch learned Antiquaries as (g) Mr. *Camden* and h) Biſhop *Godwin*, ſo far to miſtake the ſenſe of *Origen*, to underſtand him as if he had ſaid, *That* Britain, *by the help of the* Druids, *always conſented in the belief of one God*, whereas it is very plain, That *Origen* ſpeaks of it as a great Alteration that was made in the Religion of the *Britains* after the coming of *Chriſt*. And *Origen* doth not only ſpeak of the *belief*, but of *the Worſhip of one God*, which it is certain from *Cæſar*, That the *Druids* did never inſtruct the People in. But the Chriſtian Religion alter'd the whole Scheme of the *Druids* Worſhip, and inſtead of their *Taranis* and *Heſus*, and *Teutates*, and *Belenus*, and *Andate*, it taught them to believe and worſhip one true God, and *Jeſus Chriſt*, whom he hath ſent to be the Saviour of the World; *Whoſe Power*, (i) *Origen* ſaith elſewhere, *was ſeen in* Britain *as well as* Mauritania.

Thus far I have endeavoured to clear the *Apoſtolical Succeſſion* of the *Britiſh Churches*, which thoſe have rendred more doubtfull, who have derived our Chriſtianity from King *Lucius* his Meſſage to Pope *Eleutherius*, and the Perſons he ſent over to convert him and the whole Nation, as the Tradition goes, to the Chriſtian Faith. But there is a conſiderable difference to be obſerved about this *Tradition*, not merely about *the time* of the Converſion of this King *Lucius* (of which (k) Archbiſhop *Uſher* hath given ſo full an account, that to his diligence therein, nothing material can be added) but concerning *the means* and *manner* of his *Converſion*, and the *Perſons* employ'd in it. For (l) *Petrus Equilinus* ſaith, *That he was baptized by* Timothy, *a Diſciple of St.* Paul; and he had it from a much better Author, for (m) *Notkerus Balbulus* ſaith, *That King* Lucius *was baptized by* Timothy; not the *Timothy* to whom St. *Paul* wrote his *Epiſtle*; But the Brother of *Novatus*,

---

(a) Strab. *l.* 1. 4, 7.

(b) Plutarch. *in* Cæſare, *in* Craſſo.

(c) Appian. 2. *Civil. Bell.*

(d) Pet. de Marc. *Epiſt. ad* H. Valeſ.

(e) Launoy *Ep. c.* 7.

(f) Origen. *in* Ezek. *hom.* 4.

(g) Camd. *Brit. p.* 47.

(h) Godwin. *de præſul. p.* 23.

(i) Orig. *in* Luc. c. 1. *hom.* 6.

(k) Uſſer. *de Primord. c.* 3.

(l) Pet. *de Natal. l.* 1. c. 24.

(m) Notker. *Martyrol.* 8. *Calend.* Junii.

tus, whoſe Names are extant in the *old Martyrology* publiſhed by *Roſweyd*, 12 Cal. *Julii*; who were both, ſaith (n) Baronius, *Sons to* Pudens *a* Roman *Senator*; the ſame who is ſuppoſed to have been marryed to *Claudia Rufina* the *Britain*; and therefore his Son might not improbably be employ'd in this work of converting a *Britiſh* King. (o) *Nauclerus* takes notice, *That this Relation agrees beſt with the Tradition of the Church of* Curia, a noted City of *Rhætia*. And (p) *Pantaleon* calls Lucius *the Diſciple of* Timothy; out of the *Annals* of that *Church*. From whence (q) *Marcus Velſerus* ſhews, *that he did not die here in* Britain, *but went over into thoſe parts of* Rhætia *to preach the Goſpel, and there ſuffer'd Martyrdom*: or, at leaſt, *ended his days*; For they are not agreed about the manner of his death. (r) *Ægidius Tſchudus* ſaith the former, who adds, that there is a place near *Curia* called *Clivus S. Lucii* ſtill; and (s) *Munſter* ſaith, *near the Epiſcopal Palace, there is* Monaſterium Sancti *Lucii*. And (t) *Ferrarius* in his new *Topography* to the *Martyrologium Romanum*, reckons King *Lucius* of *Britain* one of the *Martyrs* of *Curia*, which the *Germans* call *Chur*, and the *Italians* Choira. And the (u) *Roman Martyrology* ſaith, *That there his memory is ſtill obſerved*. (w) *Notkerus Balbulus* ſaith, *That he converted all* Rhætia, *and part of* Bavaria. If ſo, they had great reaſon to preſerve his Memory, and the *Britiſh Church*, on the account of King *Lucius* his converting their *Countrey*, hath as much right to challenge Superiority over *Bavaria* and *Rhætia*, as the Church of *Rome* hath over the *Britiſh Church* on the account of the Converſion of *Lucius* by *Eleutherius*. If this Tradition hold good, the other cannot; which differs as to time, Perſons, and the remainder of his Life, which our Writers ſay, was ſpent here; And (x) *Geoffrey*, from the *Britiſh Hiſtory* ſaith, *That he died at* Glouceſter, *and left no Heir to ſucceed him*. Wherein he is follow'd by (y) *John Fordon*, who ſaith, *That after the death or diſappearance of King* Lucius *the Royal Stock failed, and then the* Romans *appointed Governors inſtead of Kings*. But, by that Expreſſion, *Vel non comparente*, *Fordon* ſeems to doubt, whether he did not withdraw in his old Age, according to the *German Tradition*.

(z) *Nennius* ſaith, That *Anno Dom.* 164. Lucius, *King of* Britain, *with all the inferior Kings of* Britain, *were baptized upon an Embaſſy ſent by the* Roman *Emperors and Pope* Evariſtus. But the old *MS.* in the *Cotton Library* hath it, *Poſt* 167 *annos poſt adventum* Chriſti. One of the *Cambridge MSS. poſt* 164 *annos*. In the margin whereof it is ſaid, *That* Nennius *is grievouſly miſtaken, becauſe* Evariſtus *his time cannot agree to either of the computations*, *Evariſtus* dying, according to the old Catalogue of the Biſhops of *Rome* made about *Anno Dom*, 354. when *Trebonius Gallus* and *Metilius Bradua* were Conſuls, which according to the *Faſti* both of *Onuphrius Panvinius* and Sir *H. Savil*, was *Anno Dom.* 109. But Archbiſhop *Uſher* obſerves, *that in one Copy of* Nennius *he found the name of* Eleutherius, therefore I paſs it over: And yet the time of *Eleutherius* will not agree with either of theſe *Computations*: For he was made Biſhop of *Rome*, according to the ſame Catalogue in the Conſulſhip of *Severus* and *Herennianus*, which according to thoſe *Faſti*, is *Anno Dom.* 172. But it will be two hard to preſs the point of Chronology too far, when (a) *Bede*, according to the different Computations, ſometimes puts *Anno Dom.* 156. and at another time *Anno Dom.* 167. But as long as it is generally agreed to have been in the time of *M. Aurelius* and *Lucius Verus*, and the beginning of *Eleutherius* his

Pope-

(n) Baron. *A. D.* 166. *n.* 2.

(o) Nau. cler. *Chron. Vol.* 2. Gen. 6.

(p) Pantal. *de Viris Illuſtrib. Germ. p.* 1.

(q) M. Velſer. *Rer. Vindel. l.* 6.

(r) Tſch. *Deſcript. Rhæt. c.* 18.

(s) Munſter. *Coſmograph. l.* 3. *p.* 518.

(t) Ferrar. *Nova Topograph. p.* 44.

(u) *Rom. Martyr.* 3 *Non. Dec.*

(w) Notker. Balbul. 8. *Calend. Junii.*

(x) Galfr. Monu. *l.* 2. *c.* 2.

(y) Fordon. *Scotichron. l.* 3. *c.* 36.

(z) Nenn. *c.* 18.

(a) Bed. *Hiſt. l.* 1. *c.* 4. *Epit. Hiſtor,* Popedom, I ſhall urge this matter no farther; ſince it muſt come within a very little compaſs, if the *Characters* of time muſt ſuit with it, which, *Marianus Scotus* ſaith, was when *Pollio* and *Aper* were Conſuls, the ſixteenth of *M. Aurelius*, and *Anno Dom.* 176. according to the *Dionyſian* account, although *Marianus* follow another himſelf. Which falls out to be the year before the Perſecution of the Churches of *Lyons* and *Vienne*, which, as (*b*) *Euſebius* ſaith, was the ſeventeenth of *M. Aurelius*, when *Irenæus* was ſent by them on a Meſſage to *Eleutherius*. (*c*) *Baronius* places the Converſion of *Lucius* ſomewhat later, in the beginning of *Commodus*, *Anno Dom.* 183. But therein, as Archbiſhop *Uſher* obſerves, he hath all the more ancient Hiſtorians againſt him; and it is only his own miſtake in the *Chronology* of the firſt Biſhops of *Rome*, which makes him ſay, the time of *Eleutherius*, will not agree to *M. Aurelius* and *Lucius Verus*, wherein he is too much followed by our (*d*) learned Antiquary.

Having then found no ſuch inconſiſtency in the point of *time*, but that if there were ſuch a King as *Lucius* in *Britain* then, he might well ſend to *Eleutherius* ſuch a Meſſage; I now proceed to conſider, how far this Tradition of King *Lucius* can agree with the *State* of the *Britiſh Affairs* at that time. The *Britains* being impatient of the *Roman Yoke* in *Hadrian*'s time, he comes over and brings new Legions with him; And ſettles the whole *Province* in quietneſs, and built his Wall, to keep the other *Britains* in order. Notwithſtanding this, in *Antoninus* his time, the War broke out more fiercely; and not only the (*e*) other *Britains* forced their Paſſage into the *Roman Province*, but, as (*f*) *Pauſanias* ſaith, *The* Brigantes *rebelled, who, for that cauſe, had part of their Countrey taken from them.* But *Lollius Urbicus* being ſent hither, he drove the *Britains* back, built another Wall farther Northwards, where *Agricola* formerly had placed his Garriſons, as appears by the (*g*) Inſcriptions there taken up: So that *Lollius Urbicus* drove the *Britains* 100 Miles Northward; For ſo much is the diſtance between the Walls of *Hadrian* and *Antoninus*. For all this, the *Britains* brake out again with ſo much violence in the beginning of (*h*) *M. Aurelius Antoninus* his Reign, that *Calphurnius Agricola* was ſent againſt them, and from that time we read of no diſturbance here till the time of *Commodus*, when (*i*) *Ulpius Marcellus* was *Roman* Lieutenant. This being the true *State* of *Britain* at that time, what place is here left for ſuch a King over *Britain* as *Lucius* is repreſented? He muſt either be over *the* Britains *beyond the Wall*, which overthrows one main part of the Tradition *as to his ſettling the Churches here after his Converſion*; or he muſt be the Head of the *Revolting Britains* who were repreſſed by *Calphurnius Agricola*; or, he muſt be *a ſubordinate King* to the *Romans*, ſuch as *Cogidunus* and *Praſutagus* had been. But then how comes he to command all *Britain*? To have ſeveral Kings under him? To change the Affairs of Religion as he thought fit? Were theſe Privileges ever allowed to ſuch Titulary Princes? It is very true, *That the* Romans *did often ſuffer Kings to govern Provinces under them*; But then they were Provinces wholly ſubdued, and compaſſed about with the *Roman* Forces on all ſides: But no Inſtance can be given where they ſuffer'd an Hereditary King of the ſame Countrey to enjoy full power over his Subjects, whilſt a great part of the Countrey was in Arms againſt them, and ready to break out into a War, wherein the *Romans* were in continual fear, that the Natives within the Province

(*b*) Euſeb. *l.* 5. *c.* 1.

(*c*) Baron. A.D. 183. *n.* 3.

(*d*) Camd. *Brit. p.*47.

(*e*) Capitol. *in* Antonin.

(*f*) Pauſan. *in Arcad.*

(*g*) Camd. *Brit. p.* 650. 699.

(*h*) Jul. Capitol. *in* M. Aurel.

(*i*) Dio *in* Commodo.

vince ſhould join with thoſe without for their deſtruction. For them in ſuch a caſe as this, to truſt ſuch a King as *Lucius* with the Government of the Province, is to ſuppoſe them, to have utterly loſt thoſe *Arts* whereby they attained ſo vaſt an Empire. The Caſe of *Antiochus* in *Aſia*, *Herod* and his Children in *Judæa*, *Dejotarus* in *Galatia*, *Ariobarzanes* in *Cappadocia*, and of many others that might be named, will not at all make it probable, where the Circumſtances were ſo different, and eſpecially in ſuch an Iſland as *Britain* was then accounted, being incompaſſed with a Sea, which the *Romans* thought dreadful and almoſt unpaſſable,

(k) *Semota & vaſto disjuncta* Britannia *Ponto*
Cinctáque inacceſſis horrida Littoribus,

whither Supplies could not come without difficulty; and where the Inhabitants deſpiſed Death and Danger, as they found by ſo tedious a War, which was kept up ſo long here: And after all, they were forced to keep out their Enemies by *Walls* from *Sea* to *Sea*, in ſeveral places: So that the *Romans* never had the whole Iſland in ſubjection. And therefore it is very improbable, that they ſhould truſt the Power over it in the hands of a Native of the ſame Countrey; Which Conſideration makes me very hard to believe the Monkiſh Traditions concerning King *Lucius*.

But I do not deny, that there was ſuch a Perſon in this Iſland, or that he had Royal Authority in ſome part of it, or that he was converted to Chriſtianity at that time, or that the Chriſtian Church here flouriſhed by his means. That there was ſuch a Perſon, who was a *King* and a *Chriſtian*, is proved, beſides the concurrence of ſo many Authors from *Bede*'s time, from the two Coins mentioned by (l) Archbiſhop *Uſher*, one Silver and the other Gold, having an Image of a King on them, with a Croſs, and the Letters of *LUC*, as far as they could be diſcerned. But if it be farther asked in what part of *Britain* this King *Lucius* lived, I ſhall only propoſe my Conjecture, and leave it to the Judgment of others. It is well known that the *Romans* were ſo well ſatisfied with the fidelity of *Cogidunus*, that they beſtow'd *ſome Cities upon him*. And *Tacitus* ſaith, *he continued firm to the* Roman *Intereſt to his time*. And where Kings were faithful to them, the *Romans* were kind to their Poſterity, and kept them up in the ſame dignity as long as they behaved themſelves as they expected from them. Of this we have a clear Inſtance in *Herod*'s Poſterity; For *Archelaus*, *Herodes Antipas* and *Philip*, his Sons, ſucceeded into their ſhares of his Kingdom. Then *Herod Agrippa*, his Grandchild by *Ariſtobulus*, was made King by *Caius Caligula*, whoſe Government was inlarged by *Claudius*, and his Brother *Herod* had the Kingdom of *Chalcis* given him: Sometime after his Father's death, *Claudius* beſtow'd firſt the Kingdom of *Chalcis* upon his Son *Agrippa*, then the *Tetrarchy* of *Philip*, which was inlarged afterwards by *Nero*, and he continued till the War, and was the laſt King over the *Jews*. Now from hence we obſerve, That the *Romans* thought it no ill policy in ſome Caſes to continue the ſame Royal dignity to the Children of thoſe who deſerved ſo well of them as *Cogidunus* had done. And it ſeems moſt probable to me, that where *Ptolemy* places the *Regni*, were the *Cities* which *Cogidunus* had the rule over; not from the Name, but from the Circumſtances of thoſe places, which have fewer *Roman Monuments* or *Towns* than any other in *Britain*,

(k) *Catalect.* à Joſ. Scalig. *ed.*

(l) Uſſer. *de Prim.* p. 39, 40.

tain, and therefore were the moſt likely ſtill under their own Prince, who kept up the *Britiſh cuſtoms.* Where ever the *Romans* inhabited, they may be traced by their Ways, by their Buildings, by their Coins, by their Urns, by their Inſcriptions: But ſcarce any thing of this nature could be found in *Surry* or *Suſſex* by the moſt diligent Enquirers. (*m*) *Leland* indeed diſcover'd *ſome Roman Coins near* Kingſton *upon* Thames, where others have been taken up ſince: (but *Camden* could hear of no *Roman* Antiquities thereabouts.) And (*n*) ſome ſuppoſe the place where thoſe Coins were taken up, to have been a *Station* of the *Roman* Souldiers under *Aſclepiodotus*, when he marched that way from *Portſmouth* to *London*, in the Expedition againſt *Allectus*. If ſo, it was too late for the days of King *Lucius.* All that (*o*) *Camden* pretends to, is only *a Military way near* Ockley, which was neceſſary for the conveniency of the *Roman* Souldiers paſſing to the remoter parts of the Province, *and ſome Coins about Gatton*; but as to his *Noviomagus* which he will have to be *Woodcote* in *Surry*, (*p*) Mr. *Somner* hath well proved from the courſe of the *Roman Itinerary*, that it muſt lie in *Kent*, in the Road to *Portus Rutupis:* and *Woodcote* is as far from it as *London*. In all *Suſſex* there is no remainder of any *Roman* Building, or Way, or Colony, or Coins yet diſcovered to the World, except towards the *Sea ſide*, which the *Romans* kept to themſelves. In *Antoninus Pius* his time (*q*) *Seius Saturnius* was *Archigubernus in Claſſe* Britannica; Which ſhews, that the *Romans* had then a Fleet here, and that he was *Admiral* of it. And in after-times, the *Comes litoris* Saxonici *per* Britanniam, had ſeveral *Garriſons* on the Sea ſide for Security of the Coaſts, as appears by the (*r*) *Notitia Imperii* where the places are ſet down, among which two were on the coaſts of *Suſſex*, *Anderida* and *Portus Adurni*; By the former our learned Antiquaries (*s*) *Camden* and (*t*) *Selden* underſtand *Newenden* in *Kent*, but that ſtands too much within Land. Mr. *Somner* in a *MS. diſcourſe of the* Roman *Ports and Forts in* Kent, rather thinks it to be *Pemſey* in *Suſſex*, or *Haſtings*, as more agreeing with (*u*) *Gildas*, who ſaith, *that the* Romans *placed their Forts for Security of the very Coaſts* in litore Oceani ad Meridionalem Plagam, *upon the very Coaſts*; And ſo the reſt of them ſtood, as *Reculver*, *Richborough*, *Dover*, *Lim*, which were all in *Kent*; and the *Portus Adurni* was *Aldrington* near *Shoreham* in *Suſſex*. From hence it appears, that the *Romans*, being ſecure of the Coaſts, and having their Souldiers diſperſed in the Colonies about, and being ſo near the *Metropolis* at *London*, where the chief Governours of this part of *Britain* reſided; They might better permit a *Britiſh* King to govern theſe parts of the Country. And this is the moſt probable account I can think of, as to this King *Lucius* within the *Roman* Province.

(*w*) Sir *Henry Spelman* would bring him to his *Iceni*, but without any colour of Probability; *Lucius*, ſaith he, *was the Son of* Coilus, Coilus *of* Marius, Marius *of* Arviragus. And what then? *Some*, he ſaith, *would have him to be* Praſutagus, *who was King over the* Iceni. But doth not (*x*) *Tacitus* ſay, *that* Praſutagus *died before the Revolt of the* Britains *under* Boadicea? *And that he left* Nero *his heir, and his two Daughters, hoping thereby to ſecuring his Kingdom?* If he were *Arviragus*, he was dead before the Revolt of the *Iceni*. And if *Marius* were his Son, how comes he never to be mention'd in the Story afterwards; no, not in that moſt remarkable Battel between his Mother and *Suetonius Paulinus*? *But* Hector Boethius *calls* Arviragus *one of the* Iceni, as though

his

(*m*) Leland. *Itiner. p.* 398.
(*n*) Burton. *on* Antonin. *Itiner. p.* 77.
(*o*) Camd. *Brit. p.* 213.
p. 216.
(*p*) Somner. *Antiq.* Canterb. *p.* 24.
(*q*) *D. tit. ad S. C.* Trebell. *l.* 46.
(*r*) *Notit. Imper. Occid. c.* 72.
(*s*) Camd. *Brit. p.* 247.
(*t*) Selden *Mare clauſ. l.* 2. *c.* 6.
(*u*) Gild. *Epiſt.* §. 14.
(*w*) Spelman. *Concil. To.* 1. *p.* 36.
(*x*) Tacit. *Annal.* 14. *c.* 31.

his authority were to be mention'd againſt *Tacitus*, who was the *Geoffery* of *Scotland*, ſo many and ſo improbable are his Fictions. (y) *Baronius*, after trying ſeveral ways to reconcile the Tradition of King *Lucius* with the *Roman* Story, concludes with that as the moſt probable, (z) *That he was a King under the* Roman *Power in* Britain, *ſuch as* Praſutagus *was.* But he was only King over the *Iceni*, and not over *all Britain*, and although among the *Britains* there were many Kings over particular *Cities* (as they then called the People under one Government) yet there was no one King over the whole Iſland. But in Caſes of great difficulty they pitched upon one as Supreme, as on *Caſſibelan*, upon the Invaſion of *Cæſar*: So that the old *Britiſh* Government was neither *Popular* as ſome pretend, nor under *one Monarchy*; but the People were govern'd by ſeveral petty *Monarchs*, as appears by the unqueſtionable Teſtimonies of (a) *Diodorus Siculus*, (b) *Strabo*, and (c) *Pomponius Mela*; *Fert populos & Reges populorum*, ſaith *Mela*; *Olim Regibus parebant*, ſaith (d) *Tacitus*; which prove both the *Antiquity* and *Number* of *Britiſh Monarchs*. And what (e) *Dio* ſaith of a *Democratical Government among the* Britains is only ſpoken of the *Mæatæ* and *Caledonii*, in their great Confuſion, when all the Reins of Government were caſt off, and the People did what they liſt, as *Tacitus* deſcribes them in his time, ſaying, *That they were drawn off from their former obedience to their Kings, by the Heads of ſeveral Factions among them.* So that although in the moſt ancient times here was *Monarchical Government*, yet it was not extended over all *Britain*, as the Monkiſh Tradition pretends concerning King *Lucius*, and I know not how many Predeceſſors of his, even from the coming of *Brutus* to his days. But neither our Religion, nor our Government need ſuch Fictions to ſupport them.

(y) Baron. *A. D.* 183. *n. 6.*

(z) Baron. *in Martyr. Rom. Maii* 26.

(a) Diod. Sic. *l.* 4.

(b) Strabo, *l.* 4.

(c) Mela, *l.* 3. *c.* 6.

(d) Tacit. *vit.* Agric.

(e) Dio *in* Severo.

Suppoſing then that King *Lucius* ſucceeded *Cogidunus*, though not immediately, in the Government of that part of *Britain* committed to his care; I ſee no inconvenience in allowing, that King *Lucius* hearing of the Chriſtian Doctrine, either by the *old* Britiſh *Chriſtians*, ſuch as *Eluanus* and *Medwinus* are ſuppoſed to have been; or by ſome of *M. Aurelius* his Souldiers coming hither, after the great deliverance of the *Roman Army by the Prayers of the Chriſtians* (which had then lately happen'd and occaſion'd great diſcourſe every where, *the Emperor himſelf*, as (f) *Tertullian* ſaith, *giving the account of it in his own Letters*) might upon this be very deſirous to inform himſelf throughly about this Religion, and there being then frequent Intercourſe between *Rome* and *Britain*, and by reaſon of the *Colonies* that were ſettled, and the Governours and Souldiers paſſing to and fro, he might ſend *Eluanus* and *Medwinus* to *Eleutherius* to be fully inſtructed in this Religion; And either the ſame perſons alone, or two others with them (called *Faganus* and *Duvianus* commonly) coming into *Britain*, might have ſo great ſucceſs as to baptize King *Lucius*, and many others, and thereby inlarge the Chriſtian Church here.

(f) Tertul. *Apolog.* *c.* 5. Euſeb. *l.* 5. *c.* 5. Oroſ. *l.* 7. *c.* 15.

The (g) old Book of *Landaff* gives a much more modeſt account of this whole matter than either *Geoffrey* of *Monmouth*, or any of his followers. "There we find only that King *Lucius* ſent *Eluanus* and *Medwinus* to *Eleutherius* the twelfth Biſhop of *Rome*, to deſire that he might be made a Chriſtian through his Inſtruction; Upon which he gave God thanks, that ſuch a Heathen Nation did ſo much deſire Chriſtianity; And then, by the Advice of the *Presbyters* of the

(g) *Monaſtic. Angl. vol.* 3. *p.* 188.

“ City of *Rome*, they firſt baptized theſe *Embaſſadors*; and, being well inſtructed, they ordained them, making *Eluanus* a Biſhop and *Medwinus* a Teacher; And ſo they returned to King *Lucius*, who with the chief of the *Britains* were baptized; And then, according to the Inſtructions of *Eleutherius*, he ſettled the Eccleſiaſtical Order, cauſed Biſhops to be ordained, and the Chriſtian Religion to be taught. There is nothing in all this account but what ſeems to have great probability in it. The ſame account is in *Capgrave*, out of *John* of *Tinmouth*, in the Life of *Dubricius*, and this ſeems to have been the *original Tradition* of the *Britiſh* Church: Which *Geoffery* of *Monmouth* hath corrupted with his *Flamines* and *Archflamines*; and others afterwards made an *Epiſtle* for *Eleutherius* to King *Lucius*, but could not avoid ſuch Marks in the way of Writing as evidently diſcover the Impoſture; and when the Monks hands were once in, they knew not how to give over. For ſome of them carry *Faganus* and *Diruvianus* (as ſome call him) to *Glaſſenbury*; others make them Conſecrate the Church at *Wincheſter*, to which they ſay King *Lucius* had a particular kindneſs, and gave all the Lands and Privileges which the *Flamines* had, to the Biſhop and Monks. (A Gift that would never make them the richer or the ſafer.) Others make King *Lucius* to found St. *Peter*'s Church at *Weſtminſter*, the Church in *Dover* Caſtle, St. *Martin*'s by *Canterbury*, St. *Peter*'s in *Cornhill*, where the *Metropolitan Church*, they ſay, was placed by him, and *Theanus* made the firſt Biſhop, who was ſucceeded by *Eluanus*, who went on the Embaſſy to *Eleutherius*; and, beſides theſe, they make him to found and endow ſo many *Churches*, with ſuch unlikely Circumſtances, as hath made others queſtion, whether there was ever ſuch a Perſon in the World as King *Lucius*: That being the common effect of ſaying much more than is true, to make what is really true more doubtfull and ſuſpicious.

But there is one Difficulty yet to be cleared; For all this Story, in its beſt Circumſtances, ſeems to imply, that there was no Chriſtian Church here before. For, if there had been, what need he to have ſent as far as *Rome* to be inſtructed? unleſs the Biſhop of *Rome* were then known to be the *Head* of the *Church*, which were a ſufficient Reaſon for it. To this I anſwer, That if the Conteſt lay between theſe two things, Whether it be more credible, That Chriſtianity was planted here before King *Lucius*; Or, that King *Lucius* was baptized by order from *Eleutherius*; I ſhould very much prefer the former, becauſe the Authority of *Gildas*, as to the *Britiſh* Chriſtianity, is to be relyed on before the later Writers; and *Gildas* aſſerts the one; and although he had as much reaſon as *Bede*, or any after him, he never takes the leaſt notice of King *Lucius* and *Eleutherius*. And, if a Negative Argument will hold any where, it is where a perſon hath as much reaſon to know as any that follow him; and as great occaſion to diſcover what he knows; both which will hold in caſe of *Gildas* compared with *Bede* or later Writers. It were worth while for us to know whence *Bede* had his firſt Information of this matter; for he profeſſes to follow other Writers about the *Britiſh Affairs*, and in many places he follows *Gildas* exactly, but in this he paſſes by what *Gildas* ſaith about the *Primitive Chriſtianity* of *Britain*, and inſtead thereof puts in this Story of King *Lucius*. (h) *Bale* ſaith, that “ *Eluanus Avalonius* was a Diſciple to thoſe who were the Diſciples of the Apoſtles, and that he preached the Goſpel in *Britain* with good Succeſs; But

(h) Bal. *de Script. Cent.* 1. *n* 27.

“ King *Lucius*, being perſuaded by his *Druids*, who would not come “ to any reſolution; but to ſatisfie himſelf, leſt he ſhould be deceived “ by his Countrymen, he ſent *Eluanus* and *Medwinus* to *Eleutherius*. “ And *Eluanus* upon his return wrote a Book *De Origine Eccleſiæ* Britannorum, *Of the firſt beginning of the* Britiſh *Church*. And *Pits* is ſure to follow him where he hath no reaſon: But *Leland* never mentions this Book, nor the *Writings of Medwinus Belgius*, and of King *Lucius* himſelf, all relating to this matter: But (*i*) *Leland* only takes notice, “ that *Eluanus* and *Medwinus* were employ'd upon an Embaſſy “ to *Eleutherius*, that by his means he might become a Chriſtian, “ which, ſaith he, is very unreaſonable to ſuppoſe, unleſs he were “ firſt informed what Chriſtianity was, which he thinks was preached “ to King *Lucius* by them, being two of the old *Britiſh* Chriſtians. And there he relates “ how by chance he met with an old MS. of the “ *Britiſh* Affairs joyn'd with *Geoffrey* of *Monmouth*, wherein this Story “ is told exactly as it is in the Book of *Landaff*: and no mention is “ made of any other Perſons ſent back but thoſe that went. And, as far as I can judge, *Bede* follow'd this old *Britiſh* Tradition, only leaving out the Names of the Perſons ſent, and the Eſtabliſhment of the *Britiſh Churches* after the Baptiſm of King *Lucius*. For *Bede* ſaith as little as he well could that tended to the honour of the *Britiſh Churches*. So that according to this, which ſeems the trueſt account of this Embaſſy, *Eluanus* and *Medwinus* were *Britiſh Chriſtians* themſelves, and therefore ſent to *Eleutherius*, having been probably the Perſons employ'd to convince King *Lucius*; but he knowing the great Fame of *Rome*, and it being told him, not only that there were Chriſtians there, but a Biſhop in that City, the twelfth from the *Apoſtles*, had a deſire to underſtand how far the *Britiſh Chriſtians* and thoſe of *Rome* agreed; and he might reaſonably then preſume, That the Chriſtian Doctrine was there truly taught, at ſo little diſtance from the *Apoſtles*, and in a Place whither, as (*k*) *Irenæus* argues in this caſe, *A reſort was made from all places, becauſe of its being the Imperial City.* Theſe were reaſonable Conſiderations, which might move King *Lucius* to ſend this Embaſſy to *Rome*, and not any Opinion of St. *Peter*'s having appointed *the head of the Church* there, of which there was no Imagination then, nor a long time after in the *Britiſh Churches*, as appears by the Conteſt of the *Britiſh* Biſhops with *Auguſtine* the Monk; of which in its due place.

If any credit were to be given to King (*l*) *Arthur*'s *Diploma* to the *Univerſity* of *Cambridge*, this matter would be fully clear'd; For there it is expreſly ſaid, “ That King *Lucius* was converted by the preaching of the Doctors of *Cambridge*, for which reaſon he gave large “ Privileges to that Univerſity, which were confirmed by King *Arthur*. And in the *MS. Annals* of *Burton* it is ſaid, “ That *Anno Dom.* 141. *nine of the Doctors and Scholars of* Cambridge *were baptized.* I am not ignorant what Objections have been made by learned Antiquaries againſt both theſe Paſſages, and how hard it is to reconcile them to the Language and Hiſtory of that time; Nor that this Paſſage in the *Annals* of *Burton* was put into the *MS. Copy by another hand*, as the learned (*m*) Primate obſerved, by comparing the Copy of them in the Library of *C. C. C.* But on the other ſide it is juſtly pleaded, that in the Bull of *Honorius* I. bearing date *Anno Dom.* 624. 20th *Febr.* there is mention made of the *Privileges granted to the Univerſity of* Cambridge

F 2 *by*

(i) Leland. *de Script. in* Eluano.

(*k*) Iren. *l.* 3. *c.* 3.

(*l*) Caj. *de Antiq.* Cantabr. *Acad. l.* 1. *p.* 69.

(*m*) Uſſer. *de Prim. p.* 51.

by Pope Eleutherius; and that withal he takes notice of *Doctors and Scholars there.* And that this Bull of *Honorius* is allowed to be *authentick* in the *Bull* of *Eugenius* IV. upon the Controverſie about Juriſdiction, between the *Biſhop* of *Ely* and the *Univerſity* of *Cambridge*, bearing date *Anno Dom.* 1433. 14 Cal. *Oct.* Which is a ſufficient Proof to all that rely on the Pope's *Authority*, that in the time of King *Lucius* and *Eleutherius* there might be a ſufficient number of learned Men in *Cambridge* to have inſtructed King *Lucius* in the Chriſtian Faith; And that it is not improbable, that *Eluanus* and *Medwinus* might be of that number, eſpecially conſidering that *Camboritum*, or, as many Copies have it, *Camboricum*, was a *Roman Colony*, and mention'd in the beſt Copies among the 28 *Cities of* Britain, and the *Roman* Colonies had their *Schools* of *Learning*, wherein the ſeveral Profeſſors of *Arts* and *Sciences* did inſtruct both the *Roman* and *Britiſh Youth*. Of which I may have occaſion to diſcourſe afterwards.

After this time, we meet with little concerning the *Britiſh Churches*, till the Perſecution of *Diocleſian*, in which they had a conſiderable ſhare, for the time it laſted here: For although the Names of no more are preſerved than only of St. *Alban*, *Aaron* and *Julius*; yet both (*n*) *Gildas* and (*o*) *Bede* ſay, that many more ſuffer'd Martyrdom then in *Britain*, as (*p*) *Baronius* acknowledgeth. And although *Diocleſian* being a Prince of infinite Ambition, as appear'd by his commanding himſelf to be worſhipped as God, and therefore had ſo great an Antipathy to Chriſtianity, that his whole Reign might be called, as (*q*) *M. Velſerus* ſaith, *one perpetual Perſecution*, yet he had ſo much Art, as to throw off the *odium* of it upon others; To which purpoſe he firſt made choice of *Maximianus*, a Brutiſh and Fierce Man, who ſtuck at nothing for the Shame or the Cruelty of it, as he is ſet forth by *Eutropius* and *Victor*; and therefore was a fit Inſtrument, as occaſion ſerved, to execute *Diocleſian*'s Malice againſt the Chriſtians; which he did not fail to perform, as appear'd by the *Thebean Legion* which ſuffer'd in the firſt Expedition againſt the *Bagandæ*, for refuſing to take an Oath, to extirpate the Chriſtians as well as the Rebels, as (*r*) *Sigonius* and (*s*) *Velſerus* relate the Story. But the great Perſecution under *Diocleſian*, of which *Gildas* and *Bede* ſpeak, did not certainly begin till *Anno Dom.* 303. *Diocleſian* and *Maximianus* being one the eighth the other the ſeventh time Conſuls, as (*t*) *Lactantius* hath evidently made to appear: But in the next year, upon the Reſignation of theſe two, *Galerius Maximianus* and *Conſtantius Chlorus* were declared Emperors; and it is generally ſaid by the Eccleſiaſtical Writers, *that* Conſtantius *ſtopt the Perſecution in the Provinces under his Government.* So that either the Perſecution in *Britain* muſt be before the other, or it could continue but a little time. To ſolve this, (*u*) *Alford* ſaith, *there is no other way, but to make this Perſecution to have been in the third of* Diocleſian *and the firſt of* Maximianus. At which time, (*w*) *Baronius* ſaith, *a very ſharp Perſecution was begun againſt the Chriſtians at* Rome. Which was about the time when *Maximianus* began his Expedition into *Gaul* againſt the *Bagaudæ*, and in his Paſſage over the *Alps*, the *Thebean Legion* ſuffer'd. The Circumſtances of which Story are ſo agreeable in all reſpects, that I ſee no reaſon to call in queſtion the truth of it, it being not only preſerved by *Eucherius*, but by *Venantius Fortunatus*, *Helinandus*, *Beda*, *Uſuardus* and *Ado*. But *Maximianus* made then no long ſtay in *Gaul*, and for ſeveral years after, both

Di-

(*n*) Gild. §. 8.

(*o*) Bed *l.* 1. *c.* 6, 7.

(*p*) Baron. *A. D.* 303. *n.* 144.

(*q*) Velſer. *Com. in S. Afram.*

(*r*) Sigon. *de Occid. Imper. l.* 1.

(*s*) Velſer. *Comment. in Converſ. Afræ.*

(*t*) Lactant. *de Morte Perſec. c.* 12.

(*u*) Alford. *Annal. Eccl. A. D.* 286. *n.* 5, *&c.*

(*w*) Baron. *A.D.* 286. *n.* 30, 31.

Diocleſian and he were ſo taken up in Warlike Expeditions, that they had no leiſure for a ſharp and long Perſecution. And I can however ſee no ground for any Perſecution in *Britain* about that time by *Diocleſian* or *Maximian.* For when he came againſt the *Bagaudæ*, *Carauſius* was employ'd to ſecure the Seas againſt the *Franks* and the *Saxons*; But, underſtanding *Maximian*'s deſign to take him off, he watched his opportunity, and with a good Fleet and conſiderable Army comes for *Britain*, and takes poſſeſſion of the Government here, and *Maximian* had no Fleet left to purſue him hither. This Revolt of *Carauſius* happen'd within few years after *Diocleſian* and *Maximian* were joint Emperors, *viz. Anno Dom.* 286.

But *Alford* ſaith, *the old Writer of St.* Alban'*s Life pitches upon* Anno Dom. 286. *for this Perſecution. And a MS. Copy of* Bede *which he had met with agrees with that time.* But he urges farther, *that after the Rebellion of* Carauſius, *when* Conſtantius *was made* Cæſar, *the Provinces beyond the* Alps were *committed to him, and that was,* Anno Dom. 292. *And if there were no Perſecution under* Conſtantius, *this muſt be before he was* Cæſar. But for any thing *Alford* ſaith, the Perſecution might have been under *Carauſius*, or *Allectus*, before *Conſtantius* came to the Poſſeſſion of *Britain*. For *Carauſius*, as appears by (*x*) *Aur. Victor* and (*y*) *Eutropius*, was let alone with the Government of *Britain*; which, ſaith (*z*) *Oroſius*, he enjoy'd ſeven years, and after him *Allectus*, three years more; So that for ſeveral years after *Conſtantius* his being *Cæſar*, he had no influence on the Affairs of *Britain*: At the end of thoſe ten years, *Allectus* being killed, and his Army routed by *Aſclepiodotus*, *Conſtantius* came over as appears by (*a*) *Eumenius*, in the very nick of time to preſerve *the City of London* from being pillaged by the *Franks*, and then he was received with wonderful joy by the Inhabitants, being delivered from the Tyranny they underwent in the times of *Carauſius* and *Allectus*; And after his Death Medals were coin'd in *London* to teſtifie the Cities gratitude to him; whereon was the Effigies of *Conſtantius* of one ſide, and on the other, *a Temple between two Eagles*, with this Inſcription, *Memoria felix*; and under the Temple *P. L. N. Pecunia Londin. Notata*, as ſome explain it. For by the Eagles and Inſcription it appears that theſe Coins were intended for the *Apotheoſis* of *Conſtantius*; And ſo *Joſeph Scaliger* and *Camden* underſtand them. (*b*) *Zoſimus* ſaith, *That* Conſtantius, *while he lived, had his chief reſidence in* Britain; And if a Perſecution happen'd here, he muſt be Acceſſory to it, which is contrary to what is conſtantly affirmed of *Conſtantius*. For (*c*) *Euſebius* ſaith, *he never join'd with the other Emperors in deſtroying Churches.* (*d*) *Sozomen* and (*e*) *Caſſiodore* ſay, *That he gave full liberty to the Chriſtians, and that their Churches flouriſhed under him*; And (*f*) *Optatus* ſaith, *That the* Donatiſts *made their Application to* Conſtantine, *to appoint Judges out of* Gaul, *and give this Reaſon, Becauſe there was no Perſecution under his Father's Government.* And accordingly the Council of *Arles* conſiſted of Biſhops chiefly out of *Gaul* and *Britain*.

That which upon the whole matter appears moſt probable to me, is, That the Perſecution was begun while *Diocleſian* and *Maximianus* had the Empire in their hands; and although *Conſtantius* and *Galerius* had the Titles of *Cæſars*; yet the ſupreme Government was in the others hands, as appears by what *Oroſius* ſaith of *Diocleſian*'s uſage of *Galerius*, upon his return from the *Perſian* War; And by the Inſcriptions

(*x*) Aur. Victor *in* Diocleſian.

(*y*) Eutrop. *l.* 9.

(*z*) Oroſ. *l.* 7. *c.* 25.

(*a*) Eumen. *Paneg. n.* 17, 19.

(*b*) Zoſim. *l.* 2.

(*c*) Euſeb. *l.* 8. *c.* 13. *Vit.* Conſtant. *l.* 1. c. 13.

(*d*) Sozom. *l.* 1. *c.* 6.

(*e*) *Hiſt. Tripart. l.* 1. *c.* 7.

(*f*) Optat. *l.* 1.

tions in *Spain* (if they be authentick) produced by (*g*) *Baronius*, (*h*) *Velſerus* and (*i*) *Gruterus*. In one of which *Diocleſianus* and *Maximianus* are only mention'd; And this muſt be after the Perſecution, for there it is ſaid, *Nomine CHRISTIANORVM DELETO*. And in the other, *SVPERSTITIONE CHRISTI VBIQ; DELETA*. And there *Diocleſian* is only named *Auguſtus*, and *Galerius* as adopted by him. *Baronius* thinks *ſuch Inſcriptions were ſet up every where, but time hath only preſerved thoſe in* Spain. But if they were ſet up in *Spain*, under the Government of *Conſtantius*, it is an Argument, that while *Diocleſian* and *Maximianus* held the Empire, they did what they pleaſed in theſe matters: For although the name of *Cæſar* carried in it ſomething of ſupreme Authority, yet (*k*) *Aurelius Victor*, when he takes notice of the firſt beginning of the difference of the Titles of *Auguſtus* and *Cæſar*, He ſaith, *Though they were both Titles of Sovereignty, yet they who enjoy'd them did not differ leſs in their Power than they did in their Titles.* And therefore (*l*) *Lactantius* ſaith, *when* Diocleſian *called* Galerius *by the name of* Cæſar *after his* Perſian *Victory, he cryed out,* Quouſque *Cæſar? How long ſhould he continue* Cæſar? And the Impatience of this made him force *Diocleſian* to reſign the Empire, as *Lactantius*, who was upon the Place, aſſures us; Nay, when *Diocleſian* offer'd him, *That all four ſhould be declar'd* Auguſti, he refuſed for this reaſon, Becauſe he knew, while *Diocleſian* continued in Power, he ſhould have only the Name. And *Lactantius* farther ſaith, *That the Edict againſt the Chriſtians was ſent to* Conſtantius *without asking his conſent*; and he confeſſes, Conſtantius *complied ſo far as to pull down their Churches.* But his kindneſs, when declared *Auguſtus*, made them willing to forget the reſt. So that the Perſecution was general till their Reſignation; But upon *Conſtantius* being declared *Auguſtus*, it ceaſed in all theſe parts; in which, (*m*) *Euſebius* affirms, *it did not laſt two years, although it continued ten years in the Eaſt.* And within that time the Perſecution took away St. *Alban*, *Aaron* and *Julius*, and other *Martyrs* here, as *Gildas* and *Bede* relate, who give a more particular account of the Sufferings of the firſt, not without ſome mixture of Improbabilities or Interpolations; but, as to the reſt, we have nothing but their Names preſerved and the Places they belong to. The firſt is ſaid to have been a *Roman Officer* of the *Municipium* of *Verulam*, the firſt *Britiſh* Town which had *Roman* Privileges; and the other, Citizens of *Caerleon*, where there was a *Roman Colony*.

Conſtantius dying at *York*, his eldeſt Son, *Conſtantine*, was declared *Cæſar* by the Army in *Britain*. For although *Conſtantius* did what in him lay *to ſecure the Succeſſion to him*, as (*n*) *Euſebius* ſaith, yet that did not ſignifie much without the Concurrence of the Legions. And (*o*) *Lactantius* ſaith, *That he commended him to the Souldiers, and ſo delivered the Empire to him.* This Conſent of the Army is expreſs'd by (*p*) *Eumenius*, and by the Emperor (*q*) *Julian*; and *Aurelius Victor* ſaith, *All that were preſent promoted his being Emperor*; But he was not declared *Cæſar* by *Galerius Maximianus* till afterwards, as *Baluzius* hath clearly proved out of *Lactantius* and others, who, when he ſaw he could not help it, ſent him to the *Purple Robe*, Thus *Conſtantine*, being firmly ſettled in the Throne, took care in the firſt place of the Tranquility of theſe parts, where he was proclaimed Emperor, and, as *Lactantius* ſaith, *The firſt thing he did was, to ſecure full Liberty to the Chriſtians.* And now, we may well ſuppoſe, all that *Gildas* and *Bede* ſay,

---

(*g*) Baron. *A. D.* 304. *n.* 8.

(*h*) Velſer. *Not. ad Converſion. Afr.*

(*i*) Gruter. *Inſcript. p.* 280. 4.

(*k*) Victor. *in* Trajano.

(*l*) Lact. *de Mort. Perſec. c.* 9.

c 18.

c. 15.

(*m*) Euſeb. *de Martyrol. Pal. c.* 13.

(*n*) Euſeb. *Vit.* Conſtant. *l.* 1. *c.* 9. 21.

(*o*) Lactan. *de Morte Perſec. c.* 24

(p) Eumen. *Paneg.*

(q) Julian. *Orat.* 1. *ad* Conſtant.

to have been accompliſhed, *viz. That the Chriſtians rebuilt their Churches, deſtroy'd to the ground, and therein celebrated their Holy Sacraments, and kept ſolemn Feſtivals in memory of ſo great a Deliverance.* And from this time we may date the flouriſhing condition of this Church, which before muſt labour under great difficulties; the Governours of Provinces before *Conſtantius*, and the Generality of the People, being ſet againſt the Chriſtians.

But the firſt Evidence we meet with of the ſettled Condition of the *Britiſh Churches*, is, the number of Biſhops which went from *Britain* to the Council at *Arles*, *Anno Dom.* 314. where we find three Biſhops ſubſcribing to it, *Eborius*, Biſhop of *York*; *Reſtitutus*, Biſhop of *London*; and *Adelfius, de Civitate Colonia Londinenſium:* So it is in (r) *Sirmondus* his beſt Copy. And although (s) Mr. *Selden* ſeems to queſtion the *Antiquity* of it, yet the other vouches it to be very good and ancient. But what then is the *Civitas Colonia Londinenſium*? The Learned (t) Primate thinks it to be *Colcheſter*; that being called in *Antoninus Colonia*. (u) Mr. *Selden* takes it to be *Camalodunum*, and ſo written *Camalodon*, which the ignorant Scribes made *Col. Londinenſium*: (w) Sir *Henry Spelman* likewiſe ſuppoſes it to be the *old Colony* of *Camalodunum*. But, I think, a far more probable ſenſe may be given of it, if we conſider the way of ſummoning Biſhops to *Councils* at that time: For it is unreaſonable in imagine that every *Roman Colony* or City ſent a *Biſhop*: For then every Council would have been as full as the *Arabick* Writers ſay the *Council* of *Nice* was (of which Mr. *Selden* hath diſcourſed at large) or at leaſt as (x) *Commianus* and (y) *Ado* thought this *Council* of *Arles* was, which they made to conſiſt of 600 *Biſhops*: An unreaſonable number to be called together on ſuch an occaſion, as the giving way to the reſtleſs importunity of the *Donatiſts* to have their Cauſe heard over again. It is not to be preſumed that *Conſtantine* would ſummon ſo great a number to make up a *Court* (*Epiſcopale Judicium* St. *Auguſtine* often calls it) wherein the main thing to be done was, to hear the Parties and give Judgment; And in the former Judgment 19 *Biſhops* were ſummoned. It is ſaid, (z) *That St.* Auguſtine *makes the number of Biſhops at* Arles *to be* 200. But I ſee no ſufficient ground to underſtand thoſe words of this particular Council; but of *all the Biſhops which had condemned them in ſeveral Councils*, among whom he reckons the *Italian*, *Spaniſh* and *Gallick Biſhops*, who met at *Arles*. But when I compare the *Subſcriptions* to that Council publiſhed out of the moſt ancient *MS.* with a Paſſage in *Hilary*, I am apt to believe, that excepting thoſe that were very near about *Arles*, there were no more than a Biſhop out of a *Province* with one or two *Presbyters*. So it is expreſly in the (a) Summons to *Chreſtus* Biſhop of *Syracuſe* in *Sicily*, (the only one remaining, and which (b) *Baronius* thinks was *the ſame to the reſt*) wherein *he is required to come out of that Province, and to bring two Presbyters with him*, as *Valeſius* ſhews againſt *Baronius* and *Sirmondus* the words are to be underſtood. And (c) *Hilary*, ſpeaking of the Councils of his time, ſaith, *That one or two Biſhops were ſent for out of a Province*, and he inſtanceth in the *Council* of *Ancyra*, and the great *Council* of *Ariminum*: So here we meet with *Chreſtus* out of the *Province* of *Sicily*, *Quintaſius* out of the *Province* of *Sardinia*, and ſo in moſt of the reſt, the diſtinct *Provinces* are ſet down out of which they came: And at that time there were 18 *Provinces* of *Gaul* and *Britain*, and ſo many Biſhops appear'd at *Arles*, beſides *Marinus* the Biſhop of the Place. But

(r) Sirmond. *Concil. Gallic. To.* 1: *p.* 9.

(s) Selden. *in Eutych.* p. 118.

(t) Uſſer. *de Prim. p.* 60, 195.

(u) Seld. *in Eutych.* p. 118, 119.

(w) Spelman. *Concil. To.* 1. p. 39.

(x) *Epiſt. Hibern.* 11.

(y) Ado *in Chro.*

(z) Auguſtin. *ad Ep. Parm. l.* 1. *c.* 5.

(a) Euſeb. *l.* 10. *c.* 5.

(b) Baron. *A.D.* 314. *n.* 43.

(c) Hilar. *de Synod.*

to ſupply the defect of ſome other *Provinees* there were more out of that *Province* wherein *Arles* ſtood than out of any other. In *Britain* there were then *three Provinces* according to the *MS.* Copy of *Sextus Rufus* ſaith Mr. *Camden*: therefore in all probability, ſince the other two Biſhops were out of the other two Provinces, *Maxima Cæſarienſis* and *Britannia Prima*; The third Biſhop was out of the third Province of *Britannia Secunda*, wherein there were two noted *Colonies*, the one called *Colonia Divana* in the Coin of *Septimius Geta*, *Civitas Legionum* in (*d*) *Beda*, now *Cheſter*; the other, *Civitas Legionis ad* Yſcham, where was a *Colony* of the 11th *Legion*, which Province is ſometimes called *Britannia Secunda.* And therefore this Biſhop *Adelphius* came *ex Civit. Col. Leg.* 11. which the ignorant Tranſcribers might eaſily turn to *ex Civit. Col. Londin.* The only Objection is that which is ſuggeſted by the Learned (*e*) Primate of *Armagh*, viz. *That there were four Provinces of* Britain *at that time, and that* Flavia Cæſarienſis *was one of them; having its name from* Conſtantine, *who aſſumed the name of* Flavius; But *Goltzius* his Copy deſerves not to be ſo much preferr'd before (*f*) *Camden*'s; And the name of *Flavia Cæſarienſis* might either be taken from *Flavius Valentinianus*, as (*g*) *Berterius* thinks, or from *Fl. Theodoſius*, before whoſe time *Camden* ſaith he never met with *Britannia Flavia.*

There being then but *three Biſhops* preſent at the *Council* of *Arles*, is ſo far from being an Argument that there were no more in *Britain*, that it is rather an Argument to the contrary; ſince it was the Cuſtom to ſend but one or two out of a *Province* where they were moſt numerous. And I ſee no reaſon to queſtion a *Succeſſion* of *Biſhops* here from the firſt founding of a *Chriſtian Church.* To prove this, I ſhall not rely on the Teſtimony of the *Anonymous* (*h*) *Greek* Author of the *Martyrdoms* of *Peter* and *Paul*, who ſaith, *St.* Peter *here ordained Biſhops, Prieſts and Deacons*; But upon the Reaſon of the Thing, there being no other Church in the Chriſtian World which derived from the *Apoſtles*, which had not a Succeſſion of *Biſhops* from them too; And we cannot trace the Hiſtory of other Churches farther than we can do that of their Biſhops. As for inſtance, The firſt Converſion of the Churches of *Africa* is much in the dark, but as ſoon as we read any thing conſiderable of them, we meet with a Council of Biſhops, *viz.* of (*i*) *Agrippinus* and his *Brethren*, out of the *Provinces* of *Africa*, *Numidia* and *Mauritania*, and he was not the immediate Predeceſſor of St. *Cyprian*, who ſuffer'd in the Perſecution of *Valerian*, *Anno Dom.* 258. And (*k*) *Tertullian* puts the proof of *Apoſtolical Churches* upon *the Succeſſion of Biſhops from the Apoſtles*: which were a ſenſleſs way of proceding, unleſs it were taken for granted, that whereever the *Apoſtles* planted Churches, they appointed *Biſhops* to take care of them. Although therefore, by the loſs of *Records* of the *Britiſh Churches*, we cannot draw down the Succeſſion of Biſhops from the Apoſtles time (for that of the *Biſhops* of *London* by *Jocelin* of *Furnes* is not worth mentioning) yet we have great reaſon to preſume ſuch a Succeſſion; When upon the firſt ſummoning a Council by *Conſtantine* three *Britiſh Biſhops* appear'd; one out of every Province; as they did in other Parts.

But ſome pretend to give a more punctual and exact account of the ſettling of our Church Government here, viz. *That there were twenty eight Cities among the old* Britains, *That in theſe there were twenty five Flamins and three Archflamins, in whoſe places, upon the Converſion of the*

(*d*) Bed. *l.* 2. *c.* 2.

(*e*) Uſſer. *de Prim. p.* 96.

(*f*) Camd. *Brit. p.* 111

(*g*) Bert. *Pithar. Diatr.* 1. *c.* 5. *p.* 64.

(*h*) *Apud* Patric. Jun. *Not. ad Epiſt.* Clem.

(*i*) Cypr. *Ep.* 71.

(*k*) Tertull. *de præſcr. hæret c.* 32.

the Nation by King Lucius, *there was the like number of Biſhops and Archbiſhops here appointed*; And for this, beſides the Rabble of our Monkiſh Hiſtorians, who ſwallow *Geoffrey* of *Monmouth* whole without chewing; I find two of my Predeceſſors, Men conſiderable in their times, produced to the ſame purpoſe, viz. (*l*) *Radulphus de Diceto*, and *Rad. Baldock*. Others ſay, (*m*) *That theſe twenty eight Cities were not all furniſhed with Biſhops in King* Lucius *his time, but that the honour of it belongs to him becauſe he began it*: But this is making a new Story, and in effect denying the truth of the old Tradition. However I deny not, but that it is as certain that *King* Lucius *ſettled Biſhops here*, as that he was converted by *Eluanus* and *Medwinus*; For the ſame Authors deliver both. But how far his Power extended, and conſequently how many *Cities* had Epiſcopal Government then ſettled in them, is now impoſſible to be known. As to the *twenty eight Cities among the* Britains, the Tradition doth not depend upon the Credit of *Geoffrey* or *Nennius*; For *Bede* and before him *Gildas* ſay the ſame thing, viz. *That there were ſo many Cities among the* Britains, *while the* Romans *had Power here*, which I ſee no cauſe to doubt but they were *Cities* made by the *Romans*, or by the *Britains* in imitation of them, as I ſhall prove in another Diſcourſe. But that which follows from hence is, *viz.* That the Government here ſettled being in *Roman Cities*, the correſpondence muſt not be to the *Britiſh Druids*, but to the *Roman Colonies*. That there was ſome Subordination among the *Druids* is unqueſtionable. For *Cæſar* affirms, *That there was a Prince of the* Druids, and the laſt Age hath diſcovered a famous Urn of one *Chyndonax*, Chief of the *Druids*; concerning which whole (*n*) Books have been written, and ſeveral Diſcourſes publiſhed, without any great ſatisfaction to me; But it is not to any purpoſe to tell why, ſince I yield the thing it ſelf. And it is improbable there ſhould be a Prince of the *Druids*, without an intermediate Subordination, and the *Druids* being ſo far diſperſed, it was a reaſonable thing, That the *ſuperior Druids* ſhould have their particular Limits aſſigned them, that they might the better underſtand and give account of thoſe under them, and not interfere or intrench one upon another. As far then as we ſuppoſe them to be reaſonable and prudent, theſe things may juſtly be ſuppoſed concerning them, ſo that ſetting aſide the name of *Flamins* and *Archflamins*, for which there is no foundation at all (as to either among the *Druids*, and not for the latter word among the *Romans*) yet the thing it ſelf hath no ſuch abſurdity or improbability in it. But the *Cities* here being *Roman*, as I ſuppoſe, the Government muſt be ſuitable to that of *Roman Colonies*, and they that know any thing of the nature and conſtitution of them, do know that they exactly follow'd the Pattern of the *City* of *Rome*, having a *Senate*, *Conſuls*, *Prætors*, *Cenſors*, *Ædiles*, *Quæſtors*, &c. And, beſides the reſt, they had their ſeveral *Flamins* and *Pontifices* too. But there were many of theſe *Flamins* in each *City* or *Colony*; thence (*o*) *Latinus Pacatus*, in his Panegyriek to *Theodoſius*, mentions, *Reverendos municipali purpurâ Flamines, inſignes apicibus Sacerdotes*, ſpeaking of a *Roman Colony*; But there can be no reſemblance between a multitude of *Flamins* in a City, and one *Biſhop* over a Dioceſe. The *Flamins* were the Prieſts of ſome peculiar Deity, from whom they took their denomination, as may be at large ſeen in *Gruter*'s Book of *Roman Inſcriptions*. But among them there was a certain order of Place and Dignity; for we read of a *Primus Flamen* in (*p*) *Gruter*.

(*l*) Maſon. *de Miniſter. Angl. l.* 2. *c.* 3.

(*m*) *Animadverſ. on Church Hiſt. of Brit. p.* 18.

(*n*) *Le Reveil de L'antique Tombs de* Chyndonax. *Licet. Reſp. ad Quæſt. per Epiſt. l.* 1. *ep.* 25.

(*o*) Pacat. *Paneg.* §. 37.

(*p*) *Inſcript.* 29. 12.

But (q) *Jac. Gutherius* hath an Obſervation which will tend to clear this matter. For among the *Roman Inſcriptions*, we meet with one extraordinary of this kind, viz. (r) *Flamini Divorum omnium*; Now ſaith he, *The name of Flamen was common to all the Prieſts in the* Roman *Cities*; *but the* Flamen Divorum omnium *was the chief Prieſt among them.* And ſo there is no ſuch mighty abſurdity as hath been imagined in ſuppoſing theſe *Flamins* to be put down, and the *Chriſtian Biſhops* to ſucceed in their Places; Eſpecially if we could have made out that there were *Flamines Provinciarum*, as at firſt appearance ſeem'd very probable in the *Roman Inſcriptions*. And (s) *Sertorius Urſatus* ſeems to make no doubt concerning it in this Inſcription.

DIVO AUGUSTO
ALBINUS. ALB. F. FLAMEN
DIVÆ. AUG. PROVINCIÆ
LUSITAN.

But it is an eaſie miſtake for a *Flamen D. Aug.* one of *Auguſtus* his *Flamins* in that *Province.* Of which ſort there are many Examples. But there are other (t) *Inſcriptions* wherein we read of,

FLAMINICA PROVINCIÆ
LUSITANIÆ.

But all that *Sertorius Urſatus* infers from hence is, *That there were Temples dedicated to* Municipia *and to Provinces, and theſe Temples had their* Flamines *and* Flaminicæ. But this doth not prove, that the *Flamins* had any Juriſdiction over a Province; Which had been indeed to the purpoſe. Among the *Romans*, although there were none called *Archflamines*, yet there were *Flamines majores & minores*, as appears by *Feſtus* and others. The leſſer are thought by ſome to be called *Veflamines* in the *Inſcriptions* both of (u) *Gruter* and (w) *Reineſius*. *Feſtus* ſaith, the *Majores Flamines* were the *Patricians*; the *Minores*, the *Plebeians*: but the late Publiſher of *Feſtus* ſaith, That the *Majores Flamines* were the *Dialis*, *Martialis* and *Quirinalis*; the reſt of the fifteen who were added afterwards, were the *Minores*; The *Flamen Martialis* and *Quirinalis* were of the *College* of *Pontifices*, as appears by (x) *Cicero*: And the *Pontifices* themſelves were divided likewiſe into *Majores* and *Minores*, as appears both by *Feſtus* and the *Inſcriptions*: Theſe *leſſer* were at firſt *Aſſeſſors* in the *College* or *Court* of *Pontifices*; But afterwards became only *Officers* to them; And among theſe there was a *Pontifex Maximus* too: But, as *Feſtus* ſaith, *he was only the firſt in the College*: But all this relates only to the *City*. That which comes nearer to our buſineſs is the Conſideration of the *Sacerdotes Provinciarum*, as they are called in the (y) *Theodoſian Code*. (z) *Jac. Gothofredus* ſaith, *The difference between the Flamins and theſe was*; That the *Flamins* belong'd to particular *Cities*; But theſe had *whole Provinces* under their Care; and ſo in the Law, the *Honor Flaminii* was diſtinct from the *Honor Sacerdotii*; this latter is called *Archieroſyne* in the ſame *Code*; And the Title and Office ſtill continued in the time of *Theodoſius M.* And it is there deſcribed to be *a Care that Divine Offices*

were

(q) Jac. Guther. *de veteri Jure Pontificio, l.* 1. *c.* 6.

(r) *Inſcript. p.* 359. 3. 490.2, *&*. 31.

(s) Sertor. Urſat. *Monum. Patav. l.* 1. §. 6. *p.* 239.

(t) Gruter. *Inſcript. p.* 373. 7, 8.

(u) Gruter *Th. ſ. p* 364. 1. 498. 8.

(w) Reineſ. *Inſcript. p.* 385.

(z) Cicero *de Aruſp. Reſp.*

(y) C. Theod. *Tit. de Dec. l.* 46, 75, *&c.*

(z) J. Gothofr. *ad* C. Theod. 12. *Tit.* 1. *de Dec. l.* 21, 112.

were performed in their Temples; and ſuch as theſe were (*a*) *Sopelianus* in *Aſia*, and (*b*) *Chryſantius* in *Lydia*, and (*c*) *Arſacius* in *Galatia*, to whom an Epiſtle of *Julian* is ſtill extant, giving him charge to look after his Office with great Care, and to warn and puniſh *the inferior Prieſts* if they neglected their Duty. So that we have now found out what did bear a great correſpondence among the *Romans* to our *Biſhops* and *Archbiſhops*.

But it ſtill remains a Queſtion, Whether they did not rather borrow this from the *Chriſtians*, than the *Chriſtians* from them? For *Julian* in that *Epiſtle* makes it his buſineſs to perſuade *Arſacius* to *take all things commendable from the Chriſtians*; and no doubt this was thought ſo by his Predeceſſors, who firſt ſet up this *Sacerdotal Government of Provinces* among them. And, if I miſtake not, it began much later than the firſt Settlement of *Epiſcopacy* in the *Britiſh Churches*; For (*d*) *Euſebius* ſaith, That *Maximinus* appointed not only Prieſts in the Cities, but ʼΑρχιερεῖς, *Chief-prieſts in the Provinces*, where *Valeſius* miſtakes his meaning; for he thinks all the Innovation of *Maximinus* was the appointing them himſelf, whereas they were wont to be choſen by the *Decuriones* in the Cities: But he ſpeaks of it as *a new thing* of *Maximinus*, to appoint ſuch an *Order* and *Office* among the *Prieſts* which had not been known before: And that which puts this matter out of doubt is, That (*e*) *Lactantius*, in his excellent Piece lately publiſhed out of a *MS.* by *Baluzius*, ſaith expreſly of *Maximinus*, *Novo more Sacerdotes maximos per ſingulas Civitates ſingulos ex primoribus fecit*, *i. e.* That by *a new Cuſtom* he appointed *Chief Prieſts* in the *ſeveral Cities*, of the greateſt Perſons in them, who were not only to do the *Office of Prieſts themſelves*; but to look after *the Inferior Prieſts*, and by their means to hinder the *Chriſtians* from their Worſhip, and to bring them to puniſhment: But, as though this were not enough, *He appointed other Prieſts over the Provinces, in a higher degree above the reſt.* Although then *Valeſius* aſſerted that ſuch were elder than *Maximinus*, yet *Lactantius*, whoſe authority is far greater, hath determined the contrary.

I am not ignorant that, long before *Maximinus* his time, (*f*) *Tertullian* mentions the *Præſides Sacerdotales*, but thoſe do not relate to this matter, but to the *Spectacula*, as appears by the place. (*g*) Some inſiſt on the *Sacerdotes Provinciales* in (*h*) *Tertullian*; but *Rigaltius* ſhews there ought to be a *comma* between them, it being very unlikely the *Provincial Prieſts* ſhould have *Golden Crowns* when thoſe at *Rome* had not. And in a (*i*) *Canon* of the *African Code* we find the *Sacerdotes Provinciæ*, but that *Council* was long after, *Anno Dom.* 407. And theſe ſeem to be no other than *Advocates*, who were to appear for the Cauſes which concerned the *Temples* and *Sacrifices* throughout the *Province*. According to which method, the *African Biſhops* there deſire, *That the Churches might have Advocates too, with the ſame Privileges:* Which Requeſt was granted by (*k*) *Honorius*; and was the firſt Introduction of *Lawyers* into the *Service* of the *Church*, who were called *Defenſores Eccleſiarum*, and were afterwards *Judges* in *Eccleſiaſtical Cauſes*. But that which comes nearer to this matter is, the Authority of the *Aſiarchæ*, who in ſome *Coins*, mentioned by (*l*) *Spanhemius*, are ſaid to be *Prieſts over thirteen Cities*; And this in the Law is called (*m*) *Sacerdotium Aſiæ*: But theſe ſeem to have been no other than

(*a*) Philoſtr. *vit.* Sopel.
(*b*) Eunap. *in* Chry.
(*c*) Julian. *Ep.* 49.
(*d*) Euſeb. *l.* 8. *c.* 14. *l.* 9. *c.* 4.
(*e*) Lactant. *de Morte Perſec. c.* 36.
(*f*) Tertull. *de Spectac. c* 11.
(*g*) Alb. Piccoli *de antiquo Jure Siculæ Eccleſ. c.* 11.
(*h*) Tertull. *de Idolat. c.* 18.
(*i*) *Cod. Afric. c.* 97.
(*k*) C. Theod. 16. *Tit.* 2. *l.* 38.
(*l*) Spanhem. *de Numiſm. p.* 692.
(*m*) *L.* 19. *de Mun. & Honor.*

than thoſe who took care of the *publick Solemnities* in the *common Aſſembly* in *Aſia*, when the People met out of theſe *Cities* to perform them either at *Epheſus* or *Smyrna*, or any other of the Cities within this *combination*, as is obſerved by many (*n*) Learned Men. And although there were but one *Chief* at a time, yet the Office ſeem'd to have paſſed by turns through the ſeveral Cities; And he in whoſe City the Solemnities were to be kept, was the *Preſident* for that time, and had the Title of *Aſiarcha*. But (*o*) *Alb. Rubenius* ſhews from *Ariſtides* and *Dio*, *That the* Aſiarchæ *had the Superintendency over the Temples and the Prieſts within the Community of the* Aſian *Cities*; But theſe were only, he ſaith, *For the Temples erected to the* Cæſars *out of the common Stock*; The *Temple* of *Diana* at *Epheſus* belonging to the *Ionian Community*, and not to that of *Aſia*. *Herodes Atticus* is called in the Inſcription at (*p*) *Athens*, 'Αρχιερεὺς τῶν Σεβαστῶν, Cæſar's *High-prieſt*. But that ſeems to be only a *Title*, without Power. But it appears by the (*q*) *Inſcription* at *Thyatira*, That the *Aſiarcha* was called *the High-prieſt of* Aſia, and had Power *to place Prieſts in the Cities under his Care*. But ſtill this falls ſhort of ſuch *Chief-prieſts* in the *Provinces* as *Maximinus* appointed.

And thus I have endeavour'd to clear the *Antiquity* and *Original Inſtitution* of *Epiſcopacy* here, by ſhewing it was not taken up, according to the *Monkiſh Tradition*, from the Heathen *Flamins* and *Archflamins*; But came down by *Succeſſion* from the firſt planting of *Apoſtolical Churches*. For although we cannot deduce a lineal *Succeſſion* of *Biſhops*, as they could in other Churches, where Writings were preſerved, yet aſſoon as through the Churches Peace they came to have intercourſe with foreign Churches (as in the Council of *Arles*) they appeared with a proportionable number of *Biſhops* with thoſe of the other *Provinces*; And their *Succeſſion* was not in the leaſt diſputed among them, they ſubſcribed to the Sentence and *Canons* as others did. And what *Canons* did then paſs, did no doubt as much concern the *Britiſh Churches* to obſerve, as any other *Churches* whoſe Biſhops were there preſent. Which *Canons* were paſſed by their own Authority; For they never ſent to the *Biſhop* of *Rome* to *confirm*, but to *publiſh* them, as appears by the *Synodical* Epiſtle which they ſent to him; Their words are, *Quæ decrevimus Communi Concilio, Charitati tuæ ſignificamus, ut omnes ſciant quid in futurum obſervare debeant.* (*r*) *Baronius* had good luck to find out *the neceſſity of the Pope's confirmation* here; Whereas they plainly tell him, *they had already decreed them by common conſent, and ſent them to him to divulge them, i. e.* As (*s*) *Petrus de Marca* ſaith, *As the Emperors ſent their Edicts to their* Præfecti Prætorio. Was that to confirm them? It is true, they ſay, *the Pope had a large Dioceſe*; But if theſe words had implied ſo much as a *Patriarchal Power over the Biſhops* there aſſembled, how could they aſſume to themſelves this *Power* to make *Canons*; And only to ſignifie to him *what they had done*, and to deſire him to communicate theſe *Canons* to others? Would ſuch a Meſſage from a *Council* have been born, ſince the *Papal Supremacy* hath been owned? Nay, how ſaucily would it have looked in any *Council* within the *Patriarchats* of the Eaſt to have done ſo? But theſe *Biſhops* of *Arles* knew no other Style then, but *Charitati tuæ*; And they ſignifie to the Biſhop of *Rome what they had already decreed*, but not what they had prepared for him to *confirm*. And they are ſo far from owning his *Authority* in calling them together, That they tell him, They

(*n*) Cujac. *Obſerv. l.* 2. *c.* 13. Pet. Fabr. *Sen. l.* 3. *c.* 1. Albaſp. *Obſ. l.* 1. *c.* 22. Seld. *ad Marm. Arund. p.* 164.

(*o*) Alb. Ruben. *de Urb.* Neocoris, *p.* 246.

(*p*) Spons *Voy.* 220.

(*q*) *Id. p.* 114.

(*r*) Baron. *A. D.* 314. *n.* 68.

(*s*) Pet. de Marca *de Concord. l.* 7. *c.* 14. *n.* 2.

Communi copula charitatis & unitate Matris Eccleſiæ Catholicæ vinculo inhærentes ad Arelatenſium *Civitatem piiſſimi Imperatoris voluntate adducti*——

Quos & Dei noſtri præſens Auctoritas & Traditio, ac Regula veritatis ita reſpuit——

Judice Deo, ac Matre Eccleſia quæ ſuos novit aut comprobat, aut damnati ſunt aut repulſi.

Et utinam, Frater dilectiſſime, ad hoc tantum ſpectaculum intereſſes—

Et te pariter nobiſcum judicante Cœtus noſter majori lætitia exultaſſet.

were aſſembled at the Emperors Command, and were ſo far from expecting Directions *from him, that they tell him they had* a Divine Authority preſent with them, and a certain Tradition and Rule of Faith. *They wiſhed indeed,* he had been preſent with them, and to have judged together with them. *Was this to make him ſole Judge? or could they believe him at the ſame time to be their* Supreme Head? *They could have been* glad of the Company of their Brother of *Rome, as they familiarly call him*; But ſince his Occaſions would not permit his Abſence from home, they acquaint him what they had done, and ſo ſend him an *Abſtract* of their *Canons*, as may be ſeen at large both in *Sirmondus* and *Baronius*. By this we ſee what Opinion the *Britiſh Biſhops* and their *Brethren* had of the *Pope's Supremacy.*

But now to their *Canons*; Thoſe may be reduced to three Heads; Either to the *Keeping of Eaſter*; Or to the *Diſcipline of the Clergy*; Or to *Lay Communion.*

(1.) As to *Eaſter*, That Council decreed, *Can.* 1. *That it ſhould be obſerved on the ſame day and time throughout the World. And that the Biſhop of* Rome *ſhould give notice of the day, according to cuſtom.* But this latter part was repealed, as *Binius* confeſſes, by the Council of *Nice*, which referr'd this matter to the Biſhop of *Alexandria.*

(2.) As to the *Clergy*, There were *Canons* which related to Biſhops, Prieſts and Deacons. (1.) To *Biſhops*, and thoſe were four: (1.) *That no Biſhop ſhould trample upon another*, Can. 17. which *Albaſpinæus* well interprets of invading another's *Dioceſe.* (2.) *As to travelling Biſhops, that they ſhould be allow'd to perform Divine Offices in the City they came unto*, Can. 19. (3.) *That no Biſhop ſhould Conſecrate another alone, but he ought to take ſeven with him, or at leaſt three*, Can. 20. Which ſhews the number of Biſhops then in the Weſtern *Provinces* and ſo in *Britain* at that time. The *Nicene Canon*, Can. 4. takes notice only of *three Biſhops* as neceſſary to be preſent, becauſe many Eaſtern *Provinces* had not *ſeven*; as *Chriſtianus Lupus* obſerves on that *Canon.* In an *African* Council in *Creſconius* we find, *That becauſe that two had preſumed to conſecrate a Biſhop, they deſire that twelve may be preſent*; But *Aurelius*, Biſhop of *Carthage*, refuſed it for this reaſon, *Becauſe in the Province of* Tripolis *there were but five Biſhops.* Therefore when the Council of *Arles* appoints *ſeven*, it doth ſuppoſe theſe *Provinces* to have a greater number of *Biſhops.* (4.) *That if any were proved to have been* Traditores *in the Time of Perſecution*, i. e. to have given up the ſacred Books or Veſſels, *or to have betray'd their Brethren, and this proved by Authentick Acts*; *Then they were to be depoſed.* However *their Ordinations are declared to be valid*, Can. 13.

(2.) As to inferior Clergy; (1.) *Excommunication is denounced againſt thoſe that put out money to uſe*, Can. 12. (2.) *That they were not to forſake the Churches where they were ordained*, Can. 2. And Deprivation is threatned on that account, *Can.* 21. (3.) *The Deacons are forbidden to celebrate the Lord's Supper*, there called *Offering*, Can. 15.

(3.) As to *Lay Communion*: (1.) *Thoſe that refuſe to continue in their Employment as Souldiers, now the Perſecution was over, were to be ſuſpended Communion*, Can. 3. The words are *de his qui arma projiciunt in Pace.* Of which ſome do hardly make tolerable ſenſe. *Binius* ſaith it muſt be read *in Bello.* But nothing can be more contrary to *Peace* than *War*; How then ſhould ſuch a miſtake happen? *Albaſpinæus* ſaith, *It is againſt thoſe who refuſe to be Souldiers in time of Peace: Baronius* ſaith, *It is againſt them that apoſtatize in time of Peace*; But if a Metaphorical Senſe will be allow'd, that which ſeems moſt probable is, That many Chriſtians, now the Perſecution was over, neglected that Care of themſelves, and that Strictneſs of Diſcipline which they uſed before; And therefore ſuch are here threatned, if not to be thrown out, yet to be debarr'd Communion till they had recover'd themſelves. And much to this purpoſe *Joſephus Egyptius* and *Joh. Antiochenus* do underſtand the 12. *Can.* of the *Council.* of *Nice.* But if a Metaphorical Senſe be thought too hard; Then, I ſuppoſe, the meaning is, againſt thoſe who renounced being Souldiers, as much now in time of the *Churches Peace*, as under *Perſecution*, when they could not be Souldiers without committing *Idolatry*, as appear'd in the Perſecution of *Licinius* and others. *Conſtantine*, as (*t*) *Euſebius, gave them all leave to forſake their Employment that would.* But the Council of *Arles* might well apprehend, That if all *Chriſtians* renounced being *Souldiers*, They muſt ſtill have an Army of Heathens, whatever the Emperors were; And therefore they had reaſon to make ſuch a *Canon* as this, ſince the *Chriſtians* ever thought it lawfull to ſerve in the *Wars*; Provided no *Idolatrous Acts* were impoſed, which was frequently done on purpoſe by the *Perſecutors*, as *Maximianus, Licinius, Julian*, &c. And this I think the true meaning of this difficult *Canon.* (2.) *For thoſe who drove the Chariots in Races, and acted on Theatres, as long as they continued ſo to do*; There being ſo many Occaſions of Idolatry in both of them, *They were to be caſt out of Communion*, Can. 4. 5. (3.) *That thoſe who were Chriſtians and made Governours of remote places ſhould carry with them the communicatory Letters of their own Biſhop, and not be debarr'd Communion, unleſs they acted againſt the Diſcipline of the Church.* This I take to be the meaning of *Can.* 7. (4.) *That thoſe who were received into the Church in their weakneſs ſhould have Impoſition of hands afterwards*, Can. 6. (5.) *That thoſe who brought Teſtimonials from Confeſſors ſhould be bound to take communicatory Letters from their Biſhop*, Can. 9. (6.) *That thoſe who found their Wives in Adultery, ſhould be adviſed not to marry again while they did live*, Can. 10. (7.) *That thoſe young Women who did marry Infidels ſhould for a time be ſuſpended Communion*, Can. 11. (8.) *That thoſe who falſly accuſed their Brethren ſhould not be admitted to Communion as long as they lived*, Can. 14. (9.) *That none who were excommunicated in one place ſhould be abſolved in another*, Can. 16. (10.) *That no Apoſtate ſhould be admitted to Communion in Sickneſs; But they ought to wait till they recover'd and ſhew'd amendment*, Can. 22. (11.) *That thoſe who were baptized in the Faith of the Holy Trinity ſhould not be rebaptized*, Can. 8.

(*t*) Euſeb. *de vit.* Conſt. *l.* 2. *c.* 33.

And this was the *Canon* which St. *Auguſtine* on all occaſions preſſed upon the *Donatiſts*, as *Sirmondus* and *Launoy* think; And therefore they ſuppoſe this Council to be called ſo often a *Plenary* and *Univerſal Council*, not from the *number* of *Biſhops* preſent, but from the *Provinces* out of which they came; And ſo it was the firſt *General Council* of the *Weſtern Church.*

CHAP. III.

Of the Succeſſion of the *Britiſh* Churches from the Council of *Nice* to the Council of *Ariminum.*

Great Probabilities that the Britiſh *Biſhops were preſent in the Council of* Nice.

The Teſtimonies of Conſtantine's *being born in* Britain *clear'd.*

The particular Canons of the Council of Nice *relating to the Government of the Churches explain'd.*

How far the right of Election was devolved to the Biſhops.

Of the Authority of Provincial Synods there ſettled.

Particular Exceptions as to the Biſhops of Alexandria, Rome *and* Antioch *from ancient Cuſtom.*

They had then a Patriarchal Power within certain bounds.

No Metropolitans under the Juriſdiction of the Biſhops of Rome *and* Alexandria.

The juſt Rights of the Britiſh *Churches clear'd.*

No evidence that they were under the Roman *Patriarchate.*

The Cyprian *Privilege vindicated from all late Exceptions.*

The Patriarchal Rights examin'd; And from them the Pope's Patriarchal Power over the Weſtern Churches at large diſputed and overthrown.

Pope Leo's *Arguments againſt the Patriarch of* Conſtantinople *held for the Weſtern Churches againſt him.*

The Britiſh *Biſhops preſent in the Council of* Sardica.

What Authority granted by them to the Biſhop of Rome, *and how far it extends.*

Having deduced the *Succeſſion* of the *Britiſh* Churches down to the Appearance of the *Britiſh* Biſhops at the firſt Council of *Arles*, I now come to the famous Council of *Nice*; And although the Subſcriptions ſtill remaining which are very imperfect and confuſed in the beſt Copies, do not diſcover any of the *Britiſh*

tiſh Biſhops to have been there preſent, yet there are many Probabilities to induce us to believe that they were. For (1.) *Conſtantine* declares, that his Deſign was, to have as full an Appearance of Biſhops there from all parts as he could well get together. To that end he ſent forth an univerſal Summons for the Biſhops to come *out of all Provinces*, ἁπανταχόθεν is the word uſed by (*a*) *Euſebius*. And preſently after he ſaith *Conſtantine*'s Edict was divulged πανταχοῦ, *in all Provinces of the Empire*. How can this be, If there were no Summons in the *Provinces* of *Gaul* and *Britain?* And to prevent all Objections, as to difficulty and charges of Paſſage, *Euſebius* adds, *That he had given order to have the publick Carriages ready, and all Expences to be defrayed for them.* To this purpoſe *Tractoriæ* were to be given them by the Emperor's Order, which ſecured their Paſſage and Proviſion in all Places; the form of which is exſtant in (*b*) *Baronius*. And the *Claſſis Britannica* lying near to *Britain* to ſecure theſe Coaſts from the *Franks* and *Saxons*, who were then troubleſome, (and over which *Carauſius* ſo lately was appointed Admiral to clear theſe Seas) the Biſhops here could not want conveniency to tranſport them. (2.) *Conſtantine* expreſſed great ſatisfaction in the *Numbers* that did appear from all parts. So that there is no reaſon to queſtion, That they did anſwer his expectation. For in his *Epiſtle* to the Church of *Alexandria*, (*c*) he ſaith, *He had brought together a great number of Biſhops*; But more fully in his *Epiſtle* to the Churches; *That to the ſettlement of the Chriſtian Faith it was then neceſſary, that all the Biſhops ſhould meet together, or at leaſt the greateſt part:* Therefore he had aſſembled as many as he could. But when it appears by the Council of *Arles*, what numbers of Biſhops there were in theſe Weſtern Provinces, how could *Conſtantine* uſe ſuch Expreſſions as theſe, if they were not ſummoned to appear? And (*d*) *Euſebius* ſaith, *Thoſe that were ſummon'd did come according to appointment with great readineſs, not only for the ſake of the Council, but of the Emperor*; And he after ſaith, *That the moſt eminent Biſhops of all Churches, as well thoſe of* Europe *as* Aſia *and* Africa *did come to Nice.* Did not *Euſebius* know of the Churches of *Britain?* Yes, moſt certainly, For he mentions *their early converſion to Chriſtianity*, as I have already ſhew'd; And in that very Book of the *Life* of *Conſtantine*, he mentions *the Churches of Britain*, as well as thoſe of *Gaul* and *Spain:* And there *Conſtantine* inſiſts upon the conſent of the *Weſtern* and *Northern Churches about Eaſter*, as well as the *Southern* and ſome of the *Eaſtern*. Now if their Conſent were ſo conſiderable as to add weight in this matter, It is not to be ſuppoſed they ſhould be left out, when he deſigned an *Oecumenical Council*, as far as it was in his power to make it ſo, which certainly extended to all the Provinces within the *Empire*. (3.) It is not probable the Churches of *Britain* ſhould be left out, conſidering *Conſtantine*'s relation to *Britain*. For he was not only proclaimed Emperor here on the death of his Father; But, if the *Panegyriſt* who lived in that time may be believed, *He was born here*. For, comparing (*e*) *Conſtantius* and him together, he ſaith, *That his Father deliver'd* Britain *from Slavery*, *Tu etiam Nobiles illic oriendo feciſti:* The queſtion now is, Whether theſe words relate to his *Birth*, or to *his being proclaimed Cæſar* here? *Livineius* is for the latter, after (*f*) But I ſee no reaſon to decline the moſt natural and proper ſenſe, viz. *That he brought ſuch a great honour to* Britain *by being born in it.* (*g*) *Eumenius*, in another *Panegyrick*, applauds the happineſs of *Britain*, *That had the firſt ſight*

(*a*) Euſeb. *de vit.* Conſt. *l.* 3. *c.* 6.

(*b*) Baron. *A. D.* 314. *n.* 48.

(*c*) Socrat. *l.* 1. *c.* 9.

(*d*) Euſeb. *vit.* Conſt. *l.* 3. *c.* 6, 7.

Euſeb. *vit.* Conſt. *l.* 3. *c.* 19.

(*e*) *Panegyr.* Max. & Conſtant.

(*f*) Lipſius *de Mag. Rom. l.* 4. *c.* 11. *in Notis.*

(*g* Eumen. *Panegyr.* Conſtant. §. 9.

ſight of Conſtantine Cæſar. This is likewiſe capable of both ſenſes; But he immediately falls into a high commendation of *Britain*, for its *Temper*, *Fertility*, *Riches* and *Length of days*. If this were *Conſtantine*'s *own Country*, this was done like an *Oratour*; If not, to what purpoſe is all this? And then he parallels *Britain* with *Egypt*, *where* Mercury *was born*; Which ſhews that he ſpake of the Place of *Nativity*. Beſides, the former *Panegyriſt* made his *Oration* to *Maximianus* and *Conſtantine* together, upon his Marriage of *Theodora* his Daughter; But it is not ſo probable that he would to him ſo much own *Conſtantine*'s being made *Cæſar* in *Britain*; For that was not according to the *Rules* of *Government*, in the Court of *Maximianus* and *Diocleſian*; for as *Galerius* told *Diocleſian* when he would have had four *Auguſti*; *No*, ſaith he, *That is againſt your own Maxim, which is to have only two* Auguſti, *and for them to name two* Cæſars. Therefore it is not likely, That the Oratour ſhould, to *Maximianus* his face, own him to be made *Cæſar*, without the conſent of thoſe who were then *Auguſti*: But if he ſpeaks of his being made *Cæſar* by *Galerius*, it is very doubtful whether he were then in *Britain*. (h) For *Lactantius* ſaith, *he took time to conſider about it, and was very hardly brought to it*: But (i) *Nazarius*, and (k) *Praxagoras*, both ſay, *That* Conſtantine *went into* Gaul *ſoon after his Father's death*; And therefore *Gaul* firſt ſaw him *Cæſar*, according to the conſtitution of the *Empire* at that time. So that this one Teſtimony of the *Panegyriſt* weighs more with me than ten *Cedrenus's* or *Nicephorus's* who ſay *he was born in the Eaſt*. But I produce this only as an argument of the improbability, That the *Britiſh* Churches ſhould be omitted by *Conſtantine* in the Summons to his *Oecumenical Council*; or, That they being ſummon'd ſhould neglect to go. (4.) They were certainly ſummon'd, and did go to the *Councils* of *Sardica* and *Ariminum* after, and to that of *Arles* before, and why ſhould we believe them left out in that of *Nice*? This argument alone prevailed with Mr. (l) *Selden* to believe them preſent at the *Council* of *Nice*. And we are now forced to make uſe of the beſt Probabilities, ſince *Athanaſius* his (m) *Synodicon* hath been ſo long loſt, wherein all their Names were ſet down who were then preſent; And that *Catalogue* of them, if it were diſtinct, which (n) *Epiphanius* had ſeen.

(h) Lactant. *de Morte Perſec. c.* 25.
(i) Nazar. *Paneg. n.* 16.
(k) Phot. *Cod.* 62.
(l) Selden. *in* Eutych. *p.* 117, 123.
(m) Socr. *l.* 1. *c.* 9.
(n) Epiph. *hær.* 69.

There being then ſo much reaſon to believe the *Britiſh* Biſhops preſent in the Council of *Nice*, we have the more cauſe to look into the *Conſtitution* of the Eccleſiaſtical Government there ſettled, that ſo we may better underſtand the juſt *Rights* and *Privileges* of the *Britiſh Churches*. After the Points of Faith and the time of *Eaſter* were determined; The Biſhops there aſſembled made *twenty Canons* for the *Government* and *Diſcipline* of the *Church*, in which they partly re-inforced the *Canons* of the Council of *Arles*, and partly added new. Thoſe that were re-inforced were, (1.) *Againſt Clergy-mens taking the cuſtomary Uſury then allow'd*, Can. 17. (2.) *Againſt their removing from their own Dioceſe*, Can. 15. which is here extended to *Biſhops*; and ſuch removal is declared null. (3.) *Againſt Deacons giving the Euchariſt to Presbyters, and in the preſence of Biſhops*, Can. 18. (2.) As to *Lay Communion*; The *Canon* againſt *re-baptizing is re-inforced by* Can. 19. wherein thoſe only who renounced the Trinity are required to be *re-baptized*, and the *Canon* againſt being *excommunicated in one Church, and received into Communion in another*, Can. 5. whether they be of the Laity or Clergy.

For the *New Canons* about *Lay Communion*, they chiefly concerned the *Lapſed* in times of *Perſecution.* As (1.) *If they were only Catechumens, that for three years they ſhould remain in the loweſt Form, not being admitted to join in any Prayers of the Church, but only to hear the Leſſons read, and the Inſtructions that were there given*, Can. 14. (2.) *For thoſe that were baptized, and fell voluntarily* in the late Perſecution of *Licinius*, *They were for three years to remain among thoſe who were admitted onely to hear, for ſeven years to continue in the ſtate of Penitents, and for two years to join only with the People in Prayers, without being admitted to the Euchariſt*, Can. 11. (3.) *For thoſe Souldiers who* (in that Perſecution when *Licinius* made it neceſſary for them to ſacrifice to Heathen Gods if they would continue in their Places) *firſt renounced their Employments, and after by Bribery or other means got into them again, for three years they were to be without joining in the Prayers of the Church, and for ten years to remain in the ſtate of Penitents; But ſo as to leave it to the Biſhop's Diſcretion to judge of the ſincerity of their Repentance, and accordingly to remit ſome part of the Diſcipline*, Can. 12. (4.) *If perſons happen'd to be in danger of Death before they had paſſed through all the methods of the Churches Diſcipline, they were not to be denyed the Euchariſt; But if they recover, they were to be reduced to the ſtate of Penitents*, Can. 13. But there was one *Canon* added of another nature, which concerned *Uniformity*, and that is the laſt of the *Genuine Canons.* It had been an ancient Cuſtom in the Chriſtian Church to forbear *kneeling* in the *publick Devotion* on the *Lord's Day*, and between *Eaſter* and *Whitſontide*, but there were ſome who refuſed to obſerve it; And therefore this *Canon* was made to bring all to an *Uniformity in that Practice*, Can. 20.

But there are other *Canons* which relate more eſpecially to *Eccleſiaſtical Perſons*, and thoſe either concern the *Diſcipline* of the *Clergy*, or the *Government* of the *Church.*

(1.) For the *Diſcipline* of the *Clergy*, they are theſe.

(1.) *None who had voluntarily caſtrated themſelves were to be admitted into Orders*, Can. 1. For it ſeems *Origen*'s Fact, however condemned by ſome, was as much admired by others, and (o) *Chriſtianus Lupus* thinks the Sect of the *Valeſii*, who *caſtrated all*, came from him; But I do not find that *Origen* did propagate any Sect of this kind; And *Epiphanius* makes one *Valens* the Authour of it; However this great Council thought fit to exclude all ſuch from any Capacity of Church Employments; But it is generally ſuppoſed, and not without reaſon, that the Fact of *Leontius*, a *Presbyter* of *Antioch*, (p) caſtrating himſelf becauſe of his ſuſpicious Converſation with *Euſtolia*, gave the particular Occaſion to the making this Canon. (2.) *None who were lately Catechumens, were to be conſecrated Biſhops or ordained Presbyters*, Can. 2. For however it had happen'd well in ſome extraordinary Caſes, as of St. *Cyprian* before, and others after this Council, as St. *Ambroſe*, *Nectarius*, &c. yet there was great reaſon to make a ſtanding Rule againſt it. (3.) *None of the Clergy were to have any Woman to live in the Houſe with them, except very near Relations, as Mother, or Siſter*, &c. *Can.* 3. For ſome, pretending *greater Sanctity*, and therefore *declining Marriage*, yet affected the *familiar Converſation of Women*, who made the ſame pretence. For (q) *Budæus* hath well obſerved that Συνείσακτος is *a Companion of Celibacy*; So that when two Perſons were reſolved to continue unmarried and a-

greed

(o) Chriſtian. Lup. *Not. in Concil. Nicæn. Can.*

(p) Baron. *A.D.* 325. *n.* 146. *Vide* Athan. *ad ſolit. vit. agent. p* 812, 822, 827.

(q) Bud. *Com. L. Gr. p.* 148.

greed to live together, one of theſe was Συνείσακτος to the other. And (r) *Tertullian*, writing againſt ſecond Marriages, ſeems to adviſe this Practice, *Habe aliquam Uxorem ſpiritualem; adſume de Viduis Eccleſiæ*, &c. And it ſoon grew into a Cuſtom in *Africa*, as appears by (s) St. *Cyprian* who writes vehemently againſt it, and ſhews the Danger and Scandal of it. And that this *Converſation* was under a Pretence of *Sanctity* appears by (t) St. *Jerom*'s words, ſpeaking of ſuch Perſons, *Sub nominibus pietatis quærentium ſuſpecta conſortia*; and again, *Sub nomine Religionis & umbra Continentiæ*. But elſewhere he calls it *Peſtis Agapetarum*, for it ſpread like the Plague, and was reſtrained with great Difficulty; And at laſt *Laws* were added to *Canons*, theſe being found ineffectual. (4.) *If any perſons were admitted looſely and without due Examination into Orders, or upon Confeſſion of lawful Impediments had Hands notwithſtanding laid upon them, ſuch Ordinations were not to be allowed as Canonical*, Can. 9. which is more fully expreſſed in the next *Canon* as to one Caſe, viz. *That if any lapſed perſons were ordained, whether the Ordainers did it ignorantly or knowingly, they were to be deprived*, Can. 10. (5.) *If any among the* Novatians *returned to the Church, and ſubſcribed their Conſent to the Doctrine and Practice of it, their Ordination ſeems to be allowed*. *Juſtellus*, and ſome others think *a new Impoſition of Hands* was required by this *Canon*; If any of the *Novatian Clergy* were admitted into the Church. And ſo *Dionyſius Exiguus* and the old Latin Interpreter do render it. But *Balſamon*, *Zonaras* and others underſtand it ſo, as that the former Impoſition of Hands, whereby they were admitted into the Clergy were hereby allow'd. If the words of the *Canon* ſeem to be ambiguous, and their Senſe to be taken from the Practice of the *Nicene Fathers* in a parallel Caſe, then they are rather to be underſtood of a *new Impoſition of Hands*. For in the Caſe of the *Meletians* who were ordained in *Schiſm* too, they determined in their Synodical Epiſtle that they ſhould be received μυστικωτέρα χειροτονία, *with a more ſacred Impoſition of Hands*; But it is not agreed whether this implies a *Re-ordination* or not. (u) *Valeſius* thinks it doth, but others take it only for a *ſimple Benediction*, or the *Laying on of Hands upon Reconciliation to the Church*. And (w) *Godfrey Hermant* hath at large proved *Re-ordination* in this Caſe to have been againſt the ſenſe of the Church; wherein he hath the advantage of *Valeſius*: As is evident to any one that reflects on the *Occaſion* of the *Luciferian Schiſm*; which began upon the *Council* of *Alexandria*'s allowing the *Ordination* of the *Arian Biſhops*. And it would be very ſtrange if *Schiſm* were more deſtructive to Orders than plain *Hereſie*. But *the* Novatian *Biſhop was to have no Juriſdiction where there was one of the Catholick Church*; Can. 8.

Among the *Canons* which relate to the Settlement and Polity of the Church, theſe three are very material. (1.) About *Election* and *Conſecration* of *Biſhops*. (2.) About *Provincial Synods*. (3.) About the *Bounds of Juriſdiction*. For the ſeventh *Canon* is but a *Complement to the Biſhop of* Jeruſalem, *giving him the honour of a Metropolitane without the Juriſdiction*.

(1.) About *Election* and *Conſecration of Biſhops*. The *Canon* is, *That a Biſhop ought chiefly to be conſtituted by all the Biſhops in the Province; But if this be too difficult, either through urgent Occaſions, or the length of the way, yet three muſt be preſent for that purpoſe, and have the*

(r) Tertull. *de Monog.* c. 16. De *Exhort. Caſtit.* c. 12.

(s) Cypr. *Ep.* 4. *ed. Oxon.*

(t) Hieron. *ad* Ruſtic. *ad* Gaudent. *ad* Euſtoch.

(u) Valeſ. Not. in Socrat. *l.* 1. c. 9.

(w) Lavie *de S.* Athan. *l.* 2. c. 13. *in not.*

Conſent of the abſent under their Hands, and ſo to make the Conſecration. But the Confirmation of all things done in the Province muſt be reſerved to the Metropolitane, Can. 4. By this *Canon* the *Government* of the Church came now to be ſettled under *Conſtantine*, and with his *Approbation*. And here we find, That every *Province* had a number of Biſhops within it ſelf, who were to take care of the *Eccleſiaſtical Government* of it, but ſo as the conſent of the *Metropolitane* were obtained: So that the *Rights* of *Metropolitans*, as to the chief *Eccleſiaſtical Government* of every *Province*, are hereby ſecured; For the laſt Clauſe doth not merely refer to the *Conſecration* of *Biſhops*; But takes in that, with other *Eccleſiaſtical Affairs* of the *Province*. The only difficulty lies in the firſt Clauſe, What is meant by the Biſhops of the Province, *conſtituting a new Biſhop*; Whether the *Right* of *Election* is hereby devolved to them, or whether it be only the *Right* of *Conſecration* upon the *Election* of the People? Which is therefore here fit to be enquired into, becauſe the ancient Practice of the *Britiſh* Churches may from hence be gathered; which we may juſtly preſume was agreeable to the *Nicene Canon*. And becauſe the ſignification of the Greek word is ambiguous, we ſhall firſt ſee, what Senſe the Greek Writers do put upon it. *Balſamon* interprets καθίστασθαι by ψηφίζεσθαι which is *chuſing by Suffrage*; And he in plain terms ſaith, by this Canon, *the Right of Election was taken from the People, and given to the Biſhops of the Province*. And it is not *Balſamon* alone, as ſome imagine, that was of that Opinion, but *Zonaras*, *Ariſtenus*, *Matthæus Blaſtares*, as any one may find. But we are told, *If they are all of that mind, they are greatly miſtaken, becauſe this Council, in their Synodical Epiſtle to thoſe of* Alexandria *and* Egypt, *declare their Judgment*, (x) *That if any Biſhops deceaſe, others reconciled to the Church may be admitted in their room, if they be worthy, and the People do chuſe them*, καὶ ὁ Λαὸς αἱροῖτο. One would think by this, That the *Council* of *Nice* had put this matter wholly into the *Peoples hands*, but if we look into that *Synodical Epiſtle*, we ſhall find it much otherwiſe. For the caſe was this. The Council declares their tenderneſs towards thoſe that had been made Biſhops and Prieſts in the *Meletian Schiſm*, allowing their *Orders* upon due Submiſſion, but not to exerciſe any *Juriſdiction* to the prejudice of thoſe in Poſſeſſion; But if any Biſhops died, thoſe *Meletian Biſhops* might ſucceed, but with theſe three Proviſoes. (1.) *That they be judged worthy*; By whom? By the People? No certainly, For then there had been no need of the following Clauſe, but this Judgment belonged to the *Biſhops* of the *Province*, according to this *Canon*. (2.) *If the People chuſe them?* What People? The *Meletian party?* No; They are excluded, becauſe of their being in *Schiſm*, from having any thing to doe in the Choice, altho' they were admitted to *Communion*. For they are forbidden before προχειρίζεσθαι ἢ ὑποβάλλειν ὀνόματα, *to put up the Names of the Perſons to be choſen, or to hold up their hands*; And ſo all *Right* of *Suffrage* was taken from them on the account of their *Schiſm*; So that what right of choice was in the People, it was only in the ſound and untainted Party, and, after all, it was no more but a *Nomination* by the People; For the true *Right* of *Election* was ſtill in the *Biſhops*. For (3.) all this ſignified nothing without the *conſent* of the *Biſhop of Alexandria*, which immediately follows the other. And is it a fair thing to mention that *Clauſe onely* in the middle, and to leave out the

(x) Socrat. *l.* 1. *c.* 9.

the two other which reduce it to a bare *Nomination*, and the *Meletian party* excluded too? Would thoſe who contend among us for *popular Elections* like them upon theſe terms? It is one thing for the *People* to *propoſe* or *nominate* Perſons to be choſen; And another for them to have the *Right* of *Election:* And it is one thing for a Perſon choſen to have the *conſent of the People*, and another for them to have *the Power to reject him*, becauſe he doth not pleaſe them: And again, it is one thing for the People to be allowed to enjoy *ſome Privileges* till the Inconveniences of them have made them to be taken away by juſt Laws: And another for them to challenge ſuch *a right as inherent* in themſelves, and without which there lies no obligation on them to ſubmit. If theſe things were better underſtood, it would allay ſome mens heats about theſe matters; For granting that in the Time of the Council of *Nice*, the People had the liberty of propoſing names, or objecting againſt the Perſons to be choſen; And although their conſent were generally deſired, yet all this doth not put the *Right* of *Election* in them; For all that they could do ſignified nothing without the Conſent of the Biſhops and *Metropolitane*; and none are properly ſaid *to chuſe* but thoſe upon whoſe Judgment the Determination depends, the reſt do but *propoſe* and *offer Perſons* to be choſen. So that the utmoſt the *People* could have by this *Canon* was a *Right* of *Nomination*; Which upon Seditions and Tumults was juſtly alter'd: And there can be no Plea for reſuming it, unleſs it be proved to be a *divine* and *unalterable Right*, which can never be done, nor is it ſo much as pretended by thoſe who ſeem to court the Peoples favour, by pleading for *popular Elections* at this day from the *Precedents* of former Times.

But I will not deny the People then had a farther *Right* of *Exception* againſt the *Perſons choſen*, but therein they were conſidered as *Witneſſes*, and not as *Judges:* If their *Exceptions* were juſt and well proved, the *Biſhops* as *Judges* were to proceed *canonically* againſt them, and then they went to a new *Nomination*, but ſtill the Judgment reſted in the *provincial Synod*. So in the 16 *Canon* in the *Council* of *Antioch* it is provided, *That although all the People chuſe one actually a Biſhop, yet if he takes Poſſeſſion of his See without a perfect provincial Synod, the Metropolitane being preſent, he is to be caſt out.* This *Canon* doth more fully explain the fourth *Canon* of the Council of *Nice*; for here the Caſe is put of the *Peoples choice*, which is there only implied: And here it is put concerning *one actually a Biſhop*, and ſo needing no *new Conſecration*, but being out of employment in his own See, by ſome extraordinary accident, is choſen into another by *conſent of the People*. Now if the People had there the *Power* of *Election*, what hindred this *Biſhop*, from being fully poſſeſſed of his Biſhoprick? And yet this *Canon* determines, *that ſuch a one was to be caſt out, if he did not come in, by the full conſent of the Metropolitane and a provincial Synod*; And to ſhew the force of this *Canon*, by virtue of it, *Baſſianus* was rejected from being Biſhop of *Epheſus*, by the general (y) *Council* of *Chalcedon*, where 630 Biſhops are ſaid to have been preſent. The Caſe was this, *Baſſianus* was conſecrated Biſhop of *Evaza*, by *Memnon* Biſhop of *Epheſus*, but it was againſt his Will, and he never went thither. *Baſilius*, who ſucceeded *Memnon*, ſends another Biſhop to that City in a provincial Synod, but leaves *Baſſianus* the dignity of a Biſhop; *Baſilius* being dead, *Baſſianus* is choſen by the *People* of *Epheſus*,

(y) *Concil. Chalced. Act.* 11.

Epheſus, and enthronized by *Olympius* without *a Provincial Synod.* But after four years, *Stephanus* is put in his room, becauſe he came not in *canonically*. The Caſe was heard at large by the Council of *Chalcedon*, and this *Canon* of *Antioch* was alledged againſt him, and ſo he was thrown out by the Council. From whence I infer; (1.) That the choice of the People at that time was not allowed, but the main force of *Election* lay in the *Provincial Synod*. And ſo *Maximus* Biſhop of *Antioch*, *Julianus Coenſis*, *Diogenes Cyzicenſis* declare that it belonged to the Biſhops of the Province to appoint a new Biſhop, as being moſt competent Judges, and this was the way to prevent diſorder in the City. (2.) That the Biſhops *appointing* was not mere *ordaining* or *conſecrating*, as ſome ſay. For this *Canon* of *Antioch* ſpeaks of a Biſhop already conſecrated, and ſo likewiſe the 12 *Canon* of *Laodicea* is to be underſtood; The ſame caſe being ſuppoſed which is mention'd in the *Canon* of *Antioch*. And if he were unconſecrated before, the *Loadicean Canon* refers the whole matter, as far as I can diſcern, as to the Capacity and fitneſs of the Perſon, *to the Provincial Synod*. And if the following *Canon* 13. be underſtood of *Biſhops*, the Conſequence will be, that the People will be wholly excluded from their Election, till it can be made appear, that at that time the generality of the People were ſhut out, and the Election reſtrained to the *Common Council*; which is contrary to the *Examples* brought for *Popular Elections*, as appears by the inſtance of *Alexandria* in the choice of *Athanaſius*, where the *whole multitude* is mention'd, and the *Suffrages* of the *whole People*, and afterwards the *Plebis Vulgique Judicium* in St. *Jerom*, the *Vota Civium* in *Leo* is as much ſpoken of as the *Honoratorum Arbitrium*; and by the ſame reaſon, any of the People may be excluded, the reſt may; or at leaſt it ſhews, that the People have no inherent and unalterable Right, without which all other Pretences ſignifie nothing, where Law and Cuſtoms have determined the contrary. And that the Cuſtoms even then differ'd appears from St. *Jerom ad Ruſticum*, where he mentions either the People or the Biſhop chuſing.

(2.) Another *Canon* is, about *the frequency of Provincial Synods.* For in the fifth *Canon*, it is Provided, *That no perſon excommunicated by one Biſhop, ſhould be received into Communion by another*; according to the Council of *Arles*; but then no Proviſion was made for the Caſe of *Appeals*; If any Perſon complain'd, that he was unjuſtly excommunicated, which it is natural for men to do. For this purpoſe, the *Nicene* Council decrees, *That Provincial Synods be held twice a year, in Lent and Autumn*, which was confirmed by many other (z) *Canons*. And at theſe all ſuch Cauſes were to be heard and determined, and Perſons excommunicated were to be held ſo by all, unleſs *the Provincial Synod* repealed the Sentence. And although the caſe of *Biſhops* be not here mention'd; Yet the *African Fathers* with great reaſon ſaid, it ought to be underſtood, *Since Cauſes are to be heard within the Province*, and no *Juriſdiction* is mention'd by the Council of *Nice*, beyond that of a *Metropolitane*, thoſe only excepted whoſe *Rights* are ſecured according to the *Preſcription* then in uſe in the following *Canon*. For if any other ſuperiour Authority had then been known, that was the proper place to have inſerted it, where the *right* of *Appeal* is determin'd, that being the moſt plauſible Pretence for removing Cauſes to a ſuperiour Court. And it is impoſſible that the *Nicene Fathers* ſhould have ſtopt at *Provincial Synods*, if they had known or believed, that *Chriſt* had appointed

(z) Concil. *Antioch. cap.* 20. *Chalced. c.* 19. *African. c.* 62. *Regienſ. c.* 7. *Arauſ. c.* 19. *Agath. c.* 71. *Emerit. c.* 7. Ferrand. *tit.* 143. Mart. Bracar. *tit.* 28. Innocent. *ad* Vict. Leo *ad* Anaſtaſ. Hincmar. *ep.* 47 *c.* 20.

appointed a *Vicar* upon Earth, who was to be *Supreme Judge* in all *Eccleſiaſtical Matters*; For it would have been as abſurd as if our Judges ſhould declare, that all Cauſes are to be determin'd in the *Country Courts*, when they know there are *ſuperiour Courts of Judicature* appointed in *Weſtminſter-hall*.

It hath been thought a matter of ſome difficulty to ſtate the difference between the *Rights* of a *Patriarch* and a *Metropolitane.* But there are two things chiefly, wherein the diſtinction lies, viz. *a greater extent of Juriſdiction* founded on the Conſecration of Metropolitane Biſhops in ſeveral Provinces; and *a Power of receiving Appeals*, or, *Judicium in majoribus cauſis*, even after *Provincial Synods* have determined them. And ſince in matters of *Appeal*, there muſt be a ſtop ſomewhere, the only queſtion before us is, Where the *Council* of *Nice* fixed it. I ſay, *in a Provincial Synod* by this *Canon*; for I am certain, it takes notice here of no *Eccleſiaſtical Judicatory* beyond this. In *matters of Faith*, or upon extraordinary *Occaſions*, by the Summons of an Emperor, or a general Concurrence of Chriſtian Princes a *general Council* is the *higheſt Court*; But in the ſtanding and ordinary Method of Proceeding, (where there have been no *ancient Privileges* to the contrary, of which the following *Canon* is to be underſtood) *a Provincial Synod* is the laſt *Court of Appeal*, according to the *Council* of *Nice.* So that all foreign *Juriſdiction* is excluded by this *Canon*; And the *Britiſh Churches* had a full Power within themſelves to end all Cauſes that did ariſe within their own *Provinces.* And it was mere uſurpation in any *Foreign Biſhops* to interpoſe in any differences in the *Britiſh Churches*, Becauſe the *Council* of *Nice* had circumſcribed the *Liberty* of *Appeals* to *Provincial Synods.* And this was it which made the *African Fathers* ſo ſtout in defence of their *juſt Rights*, againſt the manifeſt incroachments of the *Biſhop of Rome*; and the *Britiſh Churches* had as great *Privileges* and as *juſt Rights* in theſe matters as the *African Churches.*

(3.) About ſettling the ancient *Bounds* of *Juriſdiction* as to *Patriarchal Churches* in the famous ſixth *Canon.* Which hath been the occaſion of ſo many warm Debates. In the former *Canon*, the *Nicene Fathers* fixed the general *Right* of *Appeals*; And in this *Canon* they ſettle the particular Bounds of *Patriarchal Juriſdiction*, according to *ancient Cuſtom*: So that none ought to violate the *Privileges* which Churches had hitherto enjoy'd. The Words are, "Let ancient Cu-" ſtoms prevail, for the Biſhop of *Alexandria* to have Juriſdiction over" *Egypt*, *Libya* and *Pentapolis*; Becauſe the *Biſhop* of *Rome* hath a like" Cuſtom; Likewiſe in *Antioch*, and other *Provines*, let the *Privileges* of *Churches* be preſerved; Let no man be made a Biſhop with-" out the conſent of his *Metropolitane.* If Differences ariſe, let the" Majority of Votes determine. In this *Canon* there are three things principally deſign'd. (1.) To confirm the *ancient Privileges* of ſome of the greater *Sees*; as *Rome*, *Alexandria* and *Antioch.* (2.) To ſecure *the Privileges* of *other Churches* againſt their encroachments upon them. (3.) To provide for the quiet eſtabliſhment of *Metropolitane Churches*, which laſt is ſo plain that it will need no farther diſcourſe; But the other two are of great conſequence to our deſign. (1.) *To confirm the ancient Privileges of ſome of the greater Sees*; which had gotten the extent of more than a bare *Metropolitane Power* to themſelves, as is plain in the caſe of *Alexandria*, which ſeems to have been the occaſion of this *Canon.* Not merely from the *Schiſm* of *Meletius* (as is commonly thought)

thought) which the Council took care of another way, in the (a) *Synodical Epiſtle* to the *Churches of Egypt*. But becauſe ſo large a Juriſdiction as had been exerciſed by the Biſhops of *Alexandria*, and *Rome*, and *Antioch*, ſeem'd repugnant to the foregoing *Canon* about *Provincial Synods*. It is true that *Meletius* after the *Schiſm* did conſecrate Biſhops in *Egypt*, in oppoſition to the Biſhop of *Alexandria*; But the queſtion between them was, not concerning the Bounds of Juriſdiction, but about the Validity of *Meletius* his depoſition by *Peter* of *Alexandria*; Which *Meletius*, not regarding, fell into a *Schiſm*, and, to maintain this *Schiſm*, he conſecrated near *Thirty Biſhops*, as appear'd by the liſt he gave in to *Alexander*, after the Council of *Nice* extant in (b) *Athanaſius*. Whereby it is evident, That *Meletius* his *Schiſm* could not be the Occaſion of this *Canon*; For that *Schiſm* did not at all relate to the ſeveral *Provinces* of *Egypt* here mention'd, which would have continued, if the Biſhop of *Alexandria*'s Authority had been confined to a *ſingular Province*, and what ſtop could it put to the *Schiſm*, to ſay, his Authority extended over all the *Roman Provinces in Egypt*? For, the queſtion was, Who had the Authority? not, How far it extended? But, upon the former *Canon* about *Provincial Synods*, there was a very juſt occaſion, to add this concerning the Biſhops of *Alexandria* and *Rome*: For if no *Salvo* had been made for them, as to the largeneſs of their *Juriſdiction*, the next thing had been for all the *provincial Synods* to have immediately caſt off all reſpect to them; except only thoſe of their own *Province*. Now in *Egypt* here are three diſtinct Provinces mention'd as ſubject to the Biſhop of *Alexandria*, viz. *Egypt*, *Libya* and *Pentapolis*; And ſo the *Nicene* Fathers reckon them in their Epiſtle to the Churches of *Egypt*, and in theſe (c) *Athanaſius* mentions *an hundred Biſhops*; But ſometimes he names only *Egypt* and *Libya*, as in his *Epiſtle* to the *African Biſhops*; ſometimes *Egypt*, and the *two Libya*'s; and in both comprehending *Thebais* under *Egypt*; and ſometimes he names *Thebais*; and ſeveral times, as it is here, only *Egypt*, *Libya* and *Pentapolis*. Which, as *Juſtellus* ſaith, comprehend *the whole* Egyptian *Dioceſe*; But (d) *Ammianus Marcellinus* reckons them otherwiſe, *viz.* *Egypt*, *Thebais* and *Libya*, to which Poſterity, he ſaith, added *Auguſtamnica* and *Pentapolis*: But *Pentapolis* was not comprehended under *Libya*, being always a diſtinct *Province*, and by the Diviſion of *Auguſtus*, was under the *Proconſul* of *Crete*, by the Name of *Cyrenaica*. However (e) *Epiphanius* takes in *Libya*, *Pentapolis*, *Thebais*, *Ammoniaca* and *Mareotis*: And ſaith plainly, *That all the Provinces of* Egypt *were under the Juriſdiction of the Biſhop of* Alexandria. *And this*, he ſaith, *was the Cuſtom before the Council of* Nice. For he ſpeaks of the quarrel between *Peter*, Biſhop of *Alexandria*, and *Meletius*, then Biſhop of *Thebais*; of whom he ſaith, *That he was next to the Biſhop of* Alexandria, *but in ſubjection to him, all Eccleſiaſtical matters being referred to him. For it is the Cuſtom for the Biſhop of* Alexandria *to have the Eccleſiaſtical Juriſdiction over all* Egypt. By which it is plain, that the Biſhop of *Alexandria* had then a true *Patriarchal power* by *ancient Cuſtom*, *i. e.* an Eccleſiaſtical Authority over the Biſhops in *ſeveral Provinces*, anſwering to the Power which the *Præfectus Auguſtalis* had over them in the *Civil Government*. It is not at all material whether the name of *Patriarch* or *Dioceſe* (in that ſenſe as it takes in the extent of *Patriarchal Juriſdiction*) were then in uſe, for it is the *thing* we enquire after, and not the uſe of *words*: And if the Biſhop of *Alexandria* had at that time the Power of *Conſecration* of *Biſhops*, of *calling*

(a) Theodor. *l.* 1. c. 9

(b) Athanaſ. *Apol.* 2. *p.* 789.

Vide Athanaſ. *ib.* *p.* 777.

(c) Athanaſ. *Apol.* 2. *p.* 788.

(d) Am Marcel. *l.* 22. *c.* 16.

(e) Epiph. *hær.* 68. *n.* 1.

ling Councils, of *receiving Appeals* throughout *all Egypt*, no men of Senſe can deny, that he had a *true Patriarchal Power*. I grant *he had no Metropolitanes then under him in the ſeveral Provinces.* But, what then? the manner of *Adminiſtration* of the *Patriarchal power* might be different then, from following times; but the *extent of the power* is the thing in queſtion. Either then the Biſhop of *Alexandria* had a barely *Metropolitical power* or *Patriarchal*. If barely *Metropolitical*, then it could not reach beyond *one Province*; If it extended to *more Provinces*, with *full Juriſdiction*, then it was *Patriarchal*. And it is a wonder to me, ſome learned men in their warm Debates about this Canon could not diſcern ſo plain a Truth. But it is often ſaid, *That there were no ſuch things as Patriarchs at this time in the Church, nor any Dioceſes here taken notice of, as they imply an Union of ſeveral Provinces under a Patriarchal Juriſdiction.* Suppoſe there were not under thoſe *Names*; but a *Juriſdiction over ſeveral Provinces* there was in the Biſhop of *Alexandria*: Which is a true *Patriarchal power*; and *Appeals* were brought to him out of the ſeveral *Provinces*, as appears not only by the plain Teſtimony of *Epiphanius* in the caſe of *Meletius*, but by the *Juriſdiction* exerciſed by *Dionyſius* over *Pentapolis*, long before the *Council* of *Nice*. And (*f*) *Athanaſius* ſaith, *The Care of thoſe Churches then belong'd to the Biſhop of* Alexandria. If it be ſaid, *That there were then no Metropolitanes under the Biſhop of* Alexandria, *but he was the ſole Metropolitane, and therefore this was no Patriarchal, but a Metropolitane power.* I anſwer, (1.) This doth not ſolve the difficulty, but rather makes it greater; becauſe it doth more overthrow the *Metropolitane* Government of the *Church* here ſettled by the Council of *Nice*. For then there were ſeveral *Provinces* without *Metropolitanes*; How then could the *Canons* here made be ever obſerved in them, as to the Conſecration of *Biſhops* and *Provincial Synods*? (2.) I do confeſs there was ſomething peculiar in the caſe of the Biſhop of *Alexandria*. For all the *Provinces of Egypt* were under his immediate care, which was *Patriarchal* as to *Extent*, but *Metropolitical* in the *Adminiſtration*. And ſo was the *Juriſdiction* of the Biſhop of *Rome* at that time, which is the true reaſon of bringing the Cuſtom of *Rome* to juſtifie that of *Alexandria*. For as it is well obſerved by (*g*) *Chriſtianus Lupus*, *The Biſhop of* Rome *had then no Metropolitanes under him within the Provinces ſubject to his Juriſdiction*; and ſo all *Appeals* lay immediately from the ſeveral Biſhops to him. And therein lay the exact parallel between the Biſhops of *Rome* and *Alexandria*. So that, I do not queſtion, but the firſt part of this *Canon*, was brought in as a *Proviſo* to the former, which put the laſt reſort into *Provincial Synods*. For *Alexander*, Biſhop of *Alexandria*, could not but think himſelf extremely concerned in this matter, and although he prevailed againſt *Arius* in matter of *Doctrine*, yet if he had gone home ſo much leſs than he came thither, having great part of his *Authority* taken from him by *Provincial Synods*, this would have weakned his Cauſe ſo much in *Egypt*, that for his ſake the *Nicene* Fathers were willing to make an *Exception* as to the general Rule they had laid down before; Which proved of very ill conſequence afterwards: For upon this encouragement, others in following *Councils* obtained as large *Privileges*, though without pretence of *Cuſtom*; and the Church of *Rome*, though but named *occaſionally* here, to avoid envy, yet improved this to the utmoſt advantage; And the Agents of the Biſhop of *Rome* had the impudence in the (*h*) Council of *Chalcedon* to falſifie the *Title* of this *Canon*, and to pretend

---

(*f*) Athanaſ. *de ſent.* Dionyſ. p. 552.

(*g*) Lup. *in Canon. Part.* 5. p. 808.

(*h*) *Concil. Chalced. Act.* 16.

a *Supremacy* owned by it, which was as far from the intention of this *Council* as a limited *Patriarch* is from being *Head of the Church.* And it is impoſſible for them with all their *Arts* and Diſtinctions they have uſed, to reconcile this *Canon* with an univerſal and undoubted *Supremacy* in the Biſhop of that Church. For it would be like the ſaying that the *Sheriff* of *Yorkſhire* ſhall have *Juriſdiction* over all three *Ridings*, becauſe the *King* of *England* hath power over all the *Nation*. What *Parallel* is there between theſe two? But if the Clauſe be reſtrained to his *Patriarchal power*; then we are certain the Council of *Nice* did ſuppoſe the Biſhop of *Rome* to have only a *limited power* within *certain Provinces*; Which according to *Ruffinus*, who very well underſtood the *Extent* of the Biſhop of *Rome's Juriſdiction*, was only to the *Suburbicary Churches*; Which is the *greater Dioceſe* mention'd by the *Council of Arles*, it ſo very much exceeding the *Dioceſe* of any Weſtern Biſhop beſides; And it is obſervable, that (i) *Athanaſius*, as he calls *Milan* the *Metropolis* of *Italy*, *i.e.* of the *Italick Dioceſe*, ſo he calls *Rome* the *Metropolis* of *Romania*, *i.e.* of the *Roman Dioceſe*. But the Council of *Nice* fixing the laſt *Appeal* to *Provincial Synods* in other Places, utterly overthrows a *patriarchal* as well as unlimited *Juriſdiction*; where *ancient Cuſtom* did not then prevail.

(2.) This *Canon* was deſigned to *ſecure* the *Privileges* of other *Churches*. For that is the general nature of *Exceptions* to make the Rule more firm in caſes not excepted. So that all *Churches* are to enjoy their *juſt Rights* of having the laſt reſort to *Provincial Synods*, that cannot be brought within theſe Exceptions allow'd by the Council of *Nice*. And here we fix our *Right* as to the *Britiſh Churches*, that they were not under any *Patriarchal Juriſdiction* of the Biſhop of *Rome* before the Council of *Nice*, *i. e.* That he never had the Authority to conſecrate the *Metropolitanes* or *Biſhops* of theſe *Provinces*; That he never called them to his *Councils* at *Rome*; That he had no *Appeals* from hence; That the *Britiſh Biſhops* never owned his *Juriſdiction* over them, and therefore our *Churches* were ſtill to enjoy their former *Privileges* of being govern'd by their own *Provincial Synods*. It was upon this ground, the *Cyprian Biſhops* made their *Application* to the *Council* of *Epheſus*; Becauſe the Biſhop of *Antioch* did invade their *Privileges* contrary to the *Nicene Canons* pretending to a Right to *conſecrate* their *Metropolitane*, which they knew very well was a deſign to bring their Churches in ſubjection to him. The *Council* upon hearing the Cauſe declared their opinion in favour of the *Cyprian Privilege*; and not only ſo, but declared it to be *a common Cauſe that concerned other Churches which were bound to maintain their own Rights againſt all Uſurpations; And that no Biſhops ſhould preſume to invade anothers Province; And if they did uſurp any authority over them, they were bound to lay it down, as being contrary to the Canons; Savouring of Worldly ambition; and deſtructive of that Liberty which* Jeſus Chriſt *hath purchaſed for us with his own Bloud.* And therefore the Council decreed, *That every Province ſhould enjoy its own Rights pure and inviolable, which it had from the beginning, according to the ancient Cuſtom.* This important Canon is paſſed over very ſlightly by *Baronius* and others, but (k) Carolus *à Sancto* Paulo *ſaith it proceeded upon a falſe ſuggeſtion*, although the Biſhops of *Cyprus* do moſt ſolemnly avow the truth of their ancient Privilege. (l) Chriſtianus Lupus *imputes the Decree to the Partiality of the Council againſt the Biſhop of* Antioch; although he confeſſes, they inſiſted upon the *Nicene Canons*. Which even (m) Leo I. in his eager Diſputes with *Anatolius* Biſhop of *Conſtantinople* pleads for

as

(i) Athanaſ. *ad ſolit. vit. agent. p.* 832.

(k) *Geograph. Sacr. Patriarch. Antiochen.*

(l) Lupus *in Can. Epheſ. p.* 368.

(m) Leo *Epiſt.* 78, 79, 80. *ed. Nov.*

as *inviolable*, and as the *Standard* of the *Rights of Churches.* And by the Decree of the Council of *Epheſus*, all Churches are bound to ſtand up for their own Rights againſt the Uſurpations of foreign Biſhops.

But (*n*) *Joh. Morinus* apprehending the force of this conſequence, makes it his buſineſs to overthrow it, by ſhewing *that this was a particular and occaſional thing, and therefore not to be made an Example to other Churches.* A two-fold *occaſion* he aſſigns; Firſt, *the difficulty of paſſage by Sea from* Cyprus *to* Antioch, *eſpecially in Winter, when it was very poſſible a Metropolitane might die, and rather than live ſo long without one, they choſe to ſet up one themſelves; Another is the forty years Schiſm in the Church of* Antioch, *between* Euzoius, Meletius *and* Paulinus. But theſe are onely ſlight and frivolous Evaſions. For the *Cyprian Biſhops* never alledged the firſt Inconveniency, nor did the Biſhop of *Antioch* the ſecond: No, not when *Alexander* was unanimouſly choſen, as *Morinus* confeſſeth, and made his Complaint of the *Cyprian Privilege* to *Innocentius* I. as may be ſeen by his 18 *Epiſtle*; To whom the Pope gave an ignorant Anſwer, as appears by *Morinus* himſelf: For he pretends *that the* Cyprian Biſhops *had broken the* Nicene Canons, *in conſecrating their own Metropolitane, becauſe*, ſaith he, *The Council of* Nice *had ſet the Church of* Antioch, *not over any Province, but over the Dioceſe*; By which he muſt mean the *Eaſtern Dioceſe*, within which *Cyprus* was comprehended: But there is not one word of the *Dioceſe* in the *Nicene Canons*, and theſe things are referr'd to *ancient Cuſtoms*, as *Morinus* acknowledgeth; And he ſaith, *the Dioceſe of the Orient, as diſtinguiſhed from* Aſiana *and* Pontica *was not ſettled at the Time of the* Nicene *Council.* And yet he brings the Teſtimony of *Innocentius* to diſprove the Allegation of the *Cyprian Biſhops*; when he confeſſes, *that he was ſo miſtaken in the* Nicene Canons, on which he grounds that *Right*; And the *Cyprian Biſhops* had the *Nicene Canons* to plead for themſelves, as the general Council of *Epheſus* thought, who underſtood them far better than *Innocentius* ſeems to have done. If what he ſaith had been true, it is not to be thought that the Council of *Epheſus* would have determin'd in favour of the *Cyprian Biſhops*. But *Morinus* urges againſt them, (1.) *That they named onely three Biſhops*, Troilus, Sabinus *and* Epiphanius. But do they not aver that it had been always ſo *from the Apoſtles time?* (2.) *That no one pleaded for the Biſhop of* Antioch. What then? If they were ſatisfied of the truth of their Allegation, the *Nicene Council*, had already determin'd the caſe. (3.) *They only do it conditionally, if it were ſo:* But they enjoy'd their Privilege by virtue of it; which ſhews it could not be diſproved. (4.) *The* Cyprian Privilege *was granted in* Zeno'*s Time, upon finding the Body of St.* Barnabas. But it is evident they enjoy'd it before; by *the Decree of the Council of* Epheſus. And it was not properly a *Privilege*; For that implies a particular exemption; But it was a Confirmation of their *juſt Rights:* and not onely as to them, but as to *all provincial Churches.* So that this Decree is the *Magna Charta* of *Metropolitane Churches*, againſt any Incroachments upon their *Liberties:* And ſo the *Council* thought it, when *it appoints all Metropolitanes to take Copies of it, and voids all Acts that ſhould be made againſt it.*

(*n*) Morin. *Exercit. Eccleſ. l. c.* 4.

It is neceſſary now to enquire, whether the Biſhop of *Rome* had a *patriarchal* Power over the *Britiſh Churches*, before the *Council of Nice:* And the onely way to doe that, is to examine the ſeveral *patriarchal*

Rights which were allowed in the Church. And if the Marks of none of them do appear; We have reaſon to conclude, he had no *patriarchal Power.* For however ſome urge the Converſion of *Britain* by *Eleutherius* as a Pretence to the Biſhop of *Rome*'s Authority, yet, allowing it to be true, no man of underſtanding can pretend to derive a *patriarchal Power* from thence, unleſs there were a concurrence of *Juriſdiction* from that time. Neither were it of force, if Saint *Peter* himſelf had preached the Goſpel here; and ſettled the Biſhops of theſe Churches. For, by the ſame reaſon, there could have been no *Patriarchates* at *Antioch* or *Alexandria*, (where he is ſuppoſed to have placed Saint *Mark*) but if notwithſtanding, the Biſhops of thoſe Churches had a true *patriarchal Power*; Then ſo might the *Metropolitanes* of the *Britiſh Churches* have their proper Rights. Although St. *Peter* himſelf had founded theſe Churches. (o) *Morinus* ſaith, *The patriarchal Power conſiſted in theſe four things.* (1.) *In the Conſecration of Metropolitanes, and the Confirmation of other Biſhops.* (2.) *In calling Councils out of the ſeveral Provinces under his Juriſdiction.* (3.) *In receiving Appeals from provincial Synods.* (4.) *In the Delegation of perſons with authority from him to act in the ſeveral Provinces.* The firſt is that upon which the reſt are founded: As we ſee in the caſe of the Biſhop of *Antioch* and the Biſhops of *Cyprus*; For if he could have carried the Point of *Conſecration* of the Biſhop of *Conſtance*, he knew all the reſt would follow. In the *Patriarchate* of *Alexandria* it appears by the *Epiſtles* of (p) *Syneſius, That the Biſhops of* Pentapolis, *although then under a Metropolitane of their own, yet had their Conſecration from the Biſhop of* Alexandria. When *Juſtinian* advanced the Biſhop of *Juſtiniana prima* to the dignity of a *Patriarch, by giving him power over ſeven Provinces,* he (q) expreſſes the *patriarchal Power* by this; *That all the Biſhops of thoſe Provinces ſhould be conſecrated by him,* and conſequently be under his Juriſdiction, and be liable to be called to his Council, as *Juſtinian* elſe-where determines: And when the (r) Biſhop of *Juſtinianopolis* removed from *Cyprus* thither, he not onely enjoy'd the *Cyprian privilege* there, but was allow'd for a Patriarch by the Council in *Trullo*, and conſequently, the *Conſecration* of the Biſhops in the Province of *Helleſpont* belong'd to him.

And when the patriarchal Power was ſettled at *Conſtantinople*, that was the chief thing inſiſted upon, at leaſt as to *Metropolitanes*. The firſt attempt the Biſhop of *Conſtantinople* made towards any true patriarchal Power (for all that the (s) Council of *Conſtantinople* gave him was a mere honorary Title) was the *conſecrating Biſhops* in the Dioceſes of *Aſiana*, and *Pontica*, and *Thracia*: And this was charged on St. *Chryſoſtome* as an Innovation in the Synod (t) *ad Quercum*, i. e. in the *Suburbs of Chalcedon*. And his (u) actings in the Council at *Epheſus*, and *Conſecrating* of many Biſhops in that *Dioceſe*, could not be juſtified by the *Canons* of the Church: The beſt excuſe is what (w) *Palladius* makes, viz. *That his going into* Aſia, *was upon the great importunity of the Biſhops and Clergy there:* For what (x) *Morinus* ſaith, *That he did this by the Pope's Authority,* is ridiculous; It being not once thought of by St. *Chryſoſtome* or his Friends. And for a Biſhop of *Conſtantinople* to act by Authority from the Biſhop of *Rome*, was then as abſurd, as for the *Czar* of *Muſcovy* to act by *Commiſſion* from the Emperour of *Germany*. For it is plain, That one ſtood upon equal Privileges with the other; As fully appears by the Council of

Chal-

(o) Morin. *Exercit. Eccleſ. l.* 1. *c.* 29.

(p) Syneſ. *Epiſt.* 67, 76.

(q) *Novell.* 131. *c.* 3.

(r) *Novell.* 123, & 137.

(s) *Concil. Conſt. c.* 3.

(t) Phot. *Biblioth. Cod.* 59.

(u) Soz. *l.* 8. *c.* 6.

(w) Pallad. *vit.* Chryſ. *p.* 133.

(x) Morin. *Exercit. Eccleſ. l.* 1. *c.* 14.

Chalcedon, and the warm Debates which follow'd it, between the two *Sees*. And what could have ſerv'd *Leo*'s turn better againſt *Anatolius*, than to have produced St. *Chryſoſtome*'s *Delegation* from one of his Predeceſſours? But in the Council of *Chalcedon*, where the *Right* of the *Patriarch* of *Conſtantinople* was at large debated, this Act of St. *Chryſoſtome* was alledged as a remarkable Precedent to prove a *patriarchal Power*: And there (y) a *Canon* was paſſed, *That the Metropolitanes of thoſe three Dioceſes ſhould be conſecrated by the Biſhop of* Conſtantinople, which was the eſtabliſhment of his *patriarchal Authority* over them. Upon this Pope *Leo* inſiſted on the *Council* of *Nice* and the *Canons* there made, and pleaded ſtrongly, *That this was an unjuſt Invaſion of the Rights of thoſe Churches which ought to be inviolably preſerved.* And we deſire no better Arguments againſt the Pope's pretended *patriarchal Power* over theſe *Weſtern Churches*, than what *Leo* inſiſted on for the *Dioceſes* of *Aſia*, *Pontus* and *Thrace*, againſt the *patriarchal Power* of the Biſhop of *Conſtantinople*. For we plead the very ſame things; That all Churches ought to enjoy the *Rights* of *provincial Synods*: And that no Perſon can be excuſed in violating the *Nicene Canons*. But if it be pretended, *That the Biſhop of* Rome *had always a patriarchal Power over the* Britiſh *Churches*; Let any one Inſtance be given of it: Let them tell us when he *conſecrated the Metropolitanes or Biſhops of the three Provinces of* Britain; or *ſummon'd them to his Councils*; or *heard their Cauſes*; or *received Appeals from hence*; or *ſo much as ſent any one Legate to exerciſe Authority in his Name*; And if they can produce nothing of this kind, there is not then the leaſt appearance of his *patriarchal Power*.

We do not deny that the Biſhop of *Rome* had any *patriarchal Power* in thoſe times; But we ſay, It was confined within the *Roman Dioceſe*; As that did comprehend the *Churches* within the *Suburbicary Provinces*; And within theſe he exerciſed the ſame Authority that the *Eaſtern Patriarchs* did, *i. e. He conſecrated Biſhops, called Synods* and *received Appeals*, which are the main *patriarchal Rights*. But if we go beyond theſe *Provinces*, (z) *Petrus de Marca* himſelf is extremely put to it to prove the Exerciſe of a patriarchal Power; He confeſſes *the matter is not clear either as to Conſecrations or Councils*, but he runs to *References*, *Conſultations* and *Appeals in greater cauſes*; And yet he (a) confeſſes, as to *Appeals* (which onely do imply a juſt Authority) *There is no one certain evidence of them before the Council of* Sardica. So that by the confeſſion of the moſt learned and judicious of thoſe who plead for the Pope's being *Patriarch of the Weſt*, No proper *Acts* of *patriarchal Power* can be proved beyond the *Roman Dioceſe*, before the *Council of Nice*. And the ſame (b) learned Archbiſhop doth grant, *that the Biſhop of* Rome *did not conſecrate even in* Italy *out of the* Roman Dioceſe, *as appears by the Biſhops* of Milan *and* Aquileia; *Nor in* Africa, *nor in* Spain, *nor in* Gaul. And, after theſe *Conceſſions*, it is impoſſible to prove the Biſhop of *Rome* Patriarch of the Weſtern *Churches*. Which ſome late Writers of that Church have been much concerned at, and have endeavour'd to ſhew the contrary. (c) *Chriſtianus Lupus* hath written a *Diſſertation* on purpoſe; But the greateſt thing he ſaith to prove it is, *That to affirm, that the Biſhop of* Rome *had no ſuch Authority, is an* Euſebian *and Schiſmatical Errour, and came firſt from the Council of* Philippopolis; yet he grants, *That in the Weſtern* p. 790. *Provinces, the Metropolitanes did conſecrate their Suffragans, and they*

(y) *Concil. Chalced. c.* 28.

(z) Pet. de Marca *de Concord. l.* 1. *c.* 7. *n.* 7.

(a) *Id. c.* 10. *n.* 1.

(b) *L.* 6. *c.* 4. *n.* 6, 7, 8, 9.

(c) Lup. *in Canon. Part.* 5. *p.* 764.

their Metropolitanes. But all this, he ſaith, *was done by ſpecial privilege.* But where is any ſuch *privilege* to be ſeen? It is evident by the *Nicene Canons,* every *Province* had its own juſt Rights for theſe things. And if there were any *privilege,* it muſt be produced on the other ſide. He doth not deny, *That* (*d*) Leo *diſown'd having any thing to doe in the Conſecration of the* Gallican *Biſhops,* in his *Epiſtle* to the *Biſhops of Vienna,* or that (*e*) *Hincmarus* ſaith, *The* Tranſalpine *Biſhops did not belong to the Conſecration or Councils of the Biſhop of* Rome. And therefore Eccleſiaſtical Cauſes were to be heard and determin'd by *provincial Synods:* But he thinks to bring off all at laſt, by ſaying, (*f*) *That theſe were privileges indulged, becauſe of diſtance from* Rome. Which is a mere Shuffle, without any colour for it, unleſs ſuch *privileges* could be produced, for otherwiſe it will appear to be *common Right.* And yet this is the main, which a late Authour, (*g*) *Emanuel à Schelſtraet* hath to ſay about this matter. But this hath been the common Artifice of *Rome*; Where any Biſhops inſiſted on their own Rights and ancient Cuſtoms, and Canons of Councils, to pretend that all came from *privileges* allow'd by the *See* of *Rome*; And the Defenders of it are now ſhamefully driven to theſe Arts, having nothing elſe left to plead for the Pope's Uſurpation. But this laſt (*h*) Author (the preſent Keeper of the *Vatican Library,* which makes ſo great a noiſe in the World for Church Records) having endeavour'd, in a ſet Diſcourſe, to aſſert the *Pope's patriarchal Power over the Weſtern Churches,* I ſhall here examine the ſtrength of all that he produceth to that purpoſe. He agrees with us in determining the *patriarchal Rights,* which he ſaith lie in theſe three things: (1.) *In the Right of Conſecration of Biſhops and Metropolitanes.* (2.) *In the Right of ſummoning them to Councils.* (3.) *In the Right of Appeals.* All which he proves to be the juſt and true *patriarchal Rights* from the ſeventeenth *Canon* of the eighth *General Council.* And by theſe we are contented to ſtand or fall.

(*d*) Leo. *Ep.* 89. *c.* 8.
(*e*) Hincmar. *Ep.* 47. *c.* 21.
(*f*) Lup. *ib. p.* 813
(*g*) *Concil. Antioch. Can* 9. *cap.* 14. *p.* 473.
(*h*) *Antiquit. illuſtr. Diſſert.* 2.

(1.) As to the *Right* of *Conſecration of Biſhops and Metropolitanes throughout the Weſtern Churches.* He confeſſes, *That ſuch a Right was not exerciſed, Becauſe the Metropolitanes in the ſeveral Provinces were allow'd to conſecrate the Biſhops belonging to them, upon the Summons of the provincial Synod*; And for this he produces *the fourth Canon of the Council of* Nice. Here then is a plain allowance of the *Metropolitane Rights* by this *General Council*; But how doth this prove the *Patriarchal?* Or rather, is it not a plain derogation from them? *No,* ſaith he, *The patriarchal Rights are preſerved by the ſixth Canon.* I grant it; But then it muſt be proved, That the *patriarchal Rights* of the Biſhop of *Rome,* did at the time of the Council of *Nice* extend to all the Weſtern *Churches,* which I utterly deny. Yet I grant farther, That the Biſhop of *Rome* had all the *patriarchal Rights,* within the *Provinces,* which were then under his *Juriſdiction,* and were therefore called the *Suburbicary Churches.* But theſe were ſo far from taking in all the Weſtern *Churches,* that they did not comprehend the *Provinces* of *Italy* properly ſo called: But he offers to prove out of *Gratian,* and from the Teſtimony of *Pelagius,* Biſhop of *Rome, That by reaſon of the length of the way, the Biſhops of* Milan *and* Aquileia *did conſecrate each other.* But is ſuch Authority ſufficient to prove that the Biſhops of *Milan* and *Aquileia* were of old ſubject to the *Roman Patriarchate?* We have nothing to prove this, but the bare word of one who was too much concerned

C 4. *Act.* 1. *n.* 94.
n. 96.

cerned to be a competent Witneſs; and too much alone to be a ſufficient Witneſs in this matter. The length and difficulty of the way was no hindrance afterwards for obtaining the Pope's conſent for the *Conſecration* of the Biſhop of *Milan*, as appears by the Inſtance of *Gregory* produced by him; Why then ſhould that be alledged as the *Reaſon* before? For the Ways were not one jot ſhorter or eaſier to paſs. But if we compare the *Election* and *Conſecration* of St. *Ambroſe* at *Milan*, with that of *Deusdedit* in St. *Gregory*'s Time; We ſhall ſee an apparent difference in the Circumſtances of them. For at the firſt there was a *provincial Synod* by the Emperour's appointment, as (*i*) *Theodoret* relates it, who referr'd the choice to the Emperour; But he declining it, and the City falling into great heats about it, St. *Ambroſe* was of a ſudden choſen, being then *Governour* of the *Province*, and ſo was Inthronized, by the Biſhops there preſent. Not one word here of the conſent of the Biſhop of *Rome* required, or ſo much as mention'd; And yet Pope *Damaſus* was as ready to aſſert any thing that looked like a *Right* of his *See*, as *Pelagius* or *Gregory*. But at that time St. *Ambroſe*, at *Milan*, had as great Authority as *Damaſus* at *Rome*; And the *Italick Dioceſe* was as conſiderable as the *Roman*. If *the length and difficulty of the Way* were the true Reaſon why St. *Ambroſe* did not go to *Rome*; yet why no Meſſenger ſent? Why no Agent from the Pope to declare his conſent? But then the Extent of the *Roman Dioceſe* was better underſtood, wherein all the Biſhops were to receive Conſecration from the Biſhop of *Rome*, having no *Metropolitane* of their own; But this did not reach ſo far as *Milan*. This *Roman Dioceſe* was truly *patriarchal*, having *ſeveral Provinces* under it, and was therein peculiar and made a Precedent for the Biſhop of *Alexandria*, all the other Weſtern *Churches* being then govern'd by their ſeveral Biſhops and Metropolitanes. (*k*) *Jac. Leſchaſſier* thinks *that five of the eleven Provinces of* Italy *made up this Dioceſe*; I mean the Provinces of *Auguſtus*, and not of *Conſtantine*; *And within theſe were about ſeventy Biſhops who belonged to the Conſecration of the Biſhop of* Rome, *having no other Metropolitane*; *And with this*, as he obſerves, *the old* Notitia *of the* Vatican, *produced by* (*l*) Baronius, *agrees*; wherein the *Suffragans* of the Biſhop of *Rome* are ſaid to be the Biſhops of *Campania*, the *Marſi*, *Tuſcia*, *Umbria* and *Marchia*: Which *Notitia* is the ſame with the *Provinciale Romanum*, publiſhed by (*m*) *Miræus*, and compared by him with four *MSS.* wherein are ſet down all the Biſhops of the *Roman Province*, as it is there called. (*n*) *Ferd. Ughellus* reckons up *ſeventy Biſhops of thoſe who were immediately under the Biſhop of* Rome's *Juriſdiction, and had no Metropolitane over them*; Theſe were within the Provinces of *Latium*, *Valeria*, *Tuſcia*, *Picenum* and *Umbria*; which neither anſwering exactly to the *Juriſdiction* of the *Roman Prefect*, nor to that of the *Vicarius Urbis*; We are not to judge of the Extent of this *Dioceſe* from that of the *Civil Government*, but from *ancient Cuſtom*, to which the Council of *Nice* doth expreſly attribute it. In the *Diurnus Romanus*, lately publiſhed by (*o*) *Garnerius* out of an ancient *Manuſcript*, there is one Title, *De Ordinatione Epiſcopi Suburbicarii à* Romano *Pontifice*, where the whole Proceſs, as to the *Conſecration* of a new Biſhop, is ſet down, but from thence it appears, that none but the *Suburbicary Biſhops* belonged to his *Conſecration*. We freely grant then, That the Biſhop of *Rome* had a *patriarchal Power* over *ſeveral Provinces*: as the Biſhop of *Alexandria* was allowed to

have

(*i*) Theod. *l.* 4. *c.* 5, 6.

(*k*) *Les Oeuvres de* Leſchaſſier, *p.* 454.

(*l*) Baron. *A.D. n.* 23.

(*m*) Miræ. *Notit. Epiſcop. p.* 64.

(*n*) Ughell. *Ital. Sacr. To.* 1.

(*o*) Garn. *Diurn. Rom. c.* 3. *p.* 52.

have by the Council of *Nice* in imitation of him; And that within this *Dioceſe* he did exerciſe this as a *patriarchal Right* to *conſecrate Biſhops* within thoſe ſeveral *Provinces*, as the Biſhop of *Alexandria* did: But we deny that ever the Biſhop of *Rome* did exerciſe this part of his Patriarchal power beyond the foremention'd *Provinces*.

But to prove the larger Extent of the Pope's Power as to *Conſecrations* the Epiſtle of *Siricius* to *Anyſius* Biſhop of *Theſſalonica* (p) is urged, *whom the Pope makes his Legate in the Part of* Illyricum, *and charges him, that no Conſecrations ſhould be allowed which were made without his conſent: And the ſame appears by the Epiſtles of* Boniface *to the Biſhops of* Theſſaly *and* Illyricum, *and of* Leo *to* Anaſtaſius. All which are publiſhed together by *Holſtenius* out of the *Barberine Library*; or rather out of his Tranſcripts by *Card. Barberine* (but (q) *Hieron. Alexander* cites a Paſſage out of the ſame *Collection* as in the *Vatican Library*) but from whenceſoever it came, the Objection ſeems to be the more conſiderable, becauſe, as (r) *Holſtenius* in his Notes obſerves, (s) Blondel *had denied that it could be proved by any Monument of Antiquity, That the Biſhop of* Theſſalonica *was Legate to the Pope before the time of* Leo.

But, to give a clear account of this matter, *Leo* himſelf, in his *Epiſtle* to *Anaſtaſius*, derives this Authority no higher than from *Siricius*, who gave it to *Anyſius* Biſhop of *Theſſalonica*, *certa tum primum ratione commiſit, ut per illam Provinciam poſitis, quas ad diſciplinam teneri voluit, Eccleſiis ſubveniret. Siricius* immediately ſucceeded *Damaſus*, who died according to (t) *Holſtenius*, 11 *Dec.* 384. Three years after the Council of *Conſtantinople* had advanced that *See* to the *Patriarchal dignity*; which gave great occaſion of Jealouſie and Suſpicion to the Biſhops of *Rome*, that being the *Imperial City* as well as *Rome*; And (u) *Socrates* obſerves, *That from that time* Nectarius *the Biſhop of* Conſtantinople, *had the Goverment of* Conſtantinople *and* Thrace, *as falling to his ſhare.* This made the Biſhops of *Rome* think it high time to look about them, and to inlarge their *Juriſdiction*, ſince the Biſhop of *New Rome* had gained ſo large an acceſſion by that *Council*; And to prevent his farther incroachments Weſtwards, his *Dioceſe* of *Thrace* bordering upon *Macedonia*, the ſubtileſt Device they could think of, to ſecure that *Province* and to inlarge their own Authority, was, to perſwade the Biſhop of *Theſſalonica* to act as by *Commiſſion* from the Biſhop of *Rome*: So that he ſhould enjoy the ſame *Privileges* which he had before. And being back'd by ſo great an Intereſt, he would be better able to conteſt with ſo powerfull a Neighbour as the Biſhop of *Conſtantinople*. And if any objected, *That this was to break the Rules ſettled by the Council of Nice*; They had that anſwer ready; *That the Biſhop of* Conſtantinople *began*: and their Concernment was, to ſecure the *Rights* of other *Churches* from being invaded by him; By which means they endeavour'd to draw thoſe Churches bordering on the *Thracian Dioceſe*, firſt to own a Submiſſion to the Biſhop of *Rome* as their *Patriarch*; which yet was ſo far from giving them eaſe, which ſome it may be expected by it, that it only involved them in continual Troubles, as appears by that very *Collection* of *Holſtenius*. For the Biſhops of *Conſtantinople* were not negligent in promoting their own Authority in the Provinces of *Illyricum*, nor in withſtanding the *Innovations* of the Biſhop of *Rome*. To which purpoſe they obtained an *Imperial Edict* to this day extant in both (w) *Codes*, which ſtrictly forbids any *Innovation* in the Provinces of *Illyricum*,

(p) Schelſtraet. n. 97, &c.

(q) H. Alexander. *de Region. ſuburbic. Diſſ.* 2. *p.* 167.

(r) Holſten. *Not. ad Coll. Rom. p.* 295.

(s) *Primautè p.* 393.

(t) Holſten. *Diagrammat. Chronog. Pontif.* Damaſi.

(u) Socr. *l.* 5. *c.* 8.

(w) Theod. 16. *l.* 45. *t. de Epiſc.* C. Juſt. *de SS. Eccl. l.* 6.

cum, and declares, *That if any doubtful Caſe happen'd, according to the ancient Cuſtom and Canons, it was to be left to the provincial Synod, but not without the advice of the Biſhop of* Conſtantinople. The occaſion whereof was this, *Perigenes* being rejected at *Patræ*, the Biſhop of *Rome* takes upon him to put him into *Corinth*, without the conſent of the *provincial Synod:* This the Biſhops of *Theſſaly*, among whom the chief were, *Pauſianus*, *Cyriacus* and *Calliopus*, look upon as a notorious *Invaſion of their Rights*; and therefore in a *provincial Synod* they appoint another Perſon to ſucceed there. Which Proceeding of theirs is heinouſly taken at *Rome*, as appears by (*x*) *Boniface*'s Epiſtles about it, both to *Rufus* of *Theſſalonica*, whom he had made his *Legate*, and to the *Biſhops* of *Theſſaly*, and the other *Provinces*. But they make Application to the *Patriarch* of *Conſtantinople*, who procures this Law, in favour of the ancient *provincial Synods*, and for reſtraint of the *Pope's* Incroachments, but withall, ſo as to reſerve the laſt reſort to the Biſhop of *Conſtantinople*. At this *Boniface* ſhews himſelf extremely nettled, as appears by his next Epiſtle to *Rufus*, and incourages him, *to ſtand it out to the utmoſt*; *And gives him Authority to excommunicate thoſe Biſhops, and to depoſe* Maximus, *whom they conſecrated according to the ancient Canons.* But all the Art of his management of this Cauſe lay, in throwing the *Odium* of it upon the Ambition of the Biſhop of *Conſtantinople*; And thus the Contention between the Biſhops of the two Imperial Cities proved the deſtruction of the *Ancient Polity* of the Church, as it was ſettled by the Council of *Nice*.

(*x*) *Collect. Rom. p.* 54, 65, 69.

It is ſaid by (*y*) *Petrus de Marca* and *Holſtenius*, *that all this attempt of* Theodoſius *was to no purpoſe*; *Becauſe afterwards the Biſhops of* Macedonia *ſubmitted to the Pope's Power*; *And that Reſcript was revoked by another of* Theodoſius *publiſhed in the* Roman *Collection.* It cannot be denied, That for ſome time the Biſhop of *Rome* prevailed, but it appears, that it was not long, by the ſad Complaint made to *Boniface* II. of the Prevalency of the *Patriarch* of *Conſtantinople* in thoſe parts made by *Stephen*, Biſhop of *Lariſſa*, the *Metropolis* of *Theſſaly*, and his Brethren *Theodoſius*, *Elpidius* and *Timotheus:* And our (*z*) Author himſelf confeſſes, that it appears by the *Notitiæ*, *That theſe Provinces were at laſt wholly taken away from the Juriſdiction of the Biſhop of* Rome, *and made ſubject to the Patriarch of* Conſtantinople.

(*y*) *De Concord. l.* 4. *c.* 2. *n.* 1.

(*z*) *Concil. Antioch. c.* 13. *act.* 1. *n.* 2. *p.* 421.

From which account of the matter of *Fact* we have theſe things very obſervable. (1.) That there was no Precedent could be produced as to the Pope's interpoſing in their *Conſecrations* before the time of *Siricius*. It is true, *Damaſus* his Epiſtle to *Acholius* is mention'd ſometimes by the following Popes; But any one that reads both his Epiſtles in the (*a*) *Roman Collection* will find, that neither of them do relate to this matter: And the former is not only directed to *Acholius*, but to ſeveral other *Biſhops*; And the Deſign of it is, *To adviſe them to take care, that a worthy perſon be put into the See of* Conſtantinople *in the approaching Council*; And to the ſame purpoſe is the following Epiſtle to *Acholius*. But what is this to the Pope's Power about *Conſecrations* in the *Provinces* of *Illyricum?* And how was *Acholius* more concern'd than *Euridicus*, *Severus*, *Uranus*, and the reſt of the Biſhops? (2.) That the Biſhop of *Rome*'s interpoſing in their *Conſecrations* was diſliked and oppoſed as *an Innovation* by the Biſhops of thoſe Provinces. Which appears by the Epiſtles of Pope *Boniface* about the Caſe of *Perigenes:* For by the *Canons* of the Church, the *Conſecration* and Deſignation of

(*a*) *Collect. Rom. p.* 37.

p. 42.

the *Biſhops* of the Province was left to the *provincial Synods:* And therefore they did not underſtand on what account the Biſhop of *Rome* ſhould interpoſe therein. (3.) That the Law of *Theodoſius* was principally deſigned to reſtore the Canonical Diſcipline and the Authority of provincial Synods. For the words are, *Omni innovatione ceſſante, vetuſtatem & Canones priſtinos Eccleſiaſticos, qui nunc uſque tenuerunt, per omnes* Illyrici *Provincias ſervari præcipimus.* Which cannot be well underſtood of any other *Canons* than ſuch as relate to the Eccleſiaſtical Government of Provinces, and not of any *peculiar Cuſtoms* there, as *Gothofred* miſtakes the meaning of them: And in caſe any difference did ariſe, it was to be left *Conventui ſacerdotali ſanctóque Judicio,* i. e. *To the provincial Synod,* and not to any *Legate* of the Biſhop of *Rome*; Whoſe incroachment was that *Innovation* which was to be laid aſide: as is now plain by the *Roman Collection,* without which this Law was not rightly underſtood, as appears by the ſeveral attempts of *Baronius, Peron* and *Gothofred.* (4.) That although by the means of *Honorius,* upon the importunity of the *Biſhop* of *Rome* this Reſcript was recalled by (b) *Theodoſius:* Yet the former only was enter'd into the *Codes* both of *Theodoſius* and *Juſtinian*; which hath all the formality of a Law, being directed to the *P. P.* of *Illyricum,* and hath the date by *Conſuls* annexed; but the Revocation is only a *Reſcript* from *Theodoſius* to *Honorius,* and refers to an *Edict* ſent to the *P. P.* of *Illyricum*; which not appearing, the other being enter'd into the *Code,* gives great ground to believe that this *Revocation* was voided, and the former ſtood as the *Law*; Which ought rather to be preſumed to be the *Act* of *Juſtinian* himſelf, the Privileges of *Conſtantinople* being concerned herein, than merely the Pique of *Trebonian* and the *Collectors* of the Laws againſt the *Roman* See, as (c) *Holſtenius* ſuggeſts. So that from this whole matter it appears what Oppoſition the Pope's interpoſing in *foreign Conſecrations* met with, not only from the Biſhops of thoſe *Provinces,* but from the *Imperial Laws.*

But let us now ſee what Patriarchal Authority, as to *Conſecrations,* the Biſhops of *Rome* exerciſed in theſe more Weſtern *Churches.* As to *Gaul,* our (d) Author confeſſeth, *That the Biſhops of* Rome *did not challenge the practice of Conſecrations to themſelves, as appears by the Words of* Leo *to the Biſhops of the Province of* Vienne, which he produces. *Non Nobis Ordinationes veſtrarum Provinciarum defendimus:* (for ſo he underſtands theſe Words of *Conſecrations*, although they are capable of another meaning, viz. *That he did not take upon him to manage the Affairs of the* Gallican *Churches,* but only took care that they ſhould do it themſelves according to the *Canons,* which was *Leo*'s Pretence in that (e) Epiſtle) but then *he diſtinguiſheth between the Right it ſelf, and the Exerciſe of it, which may be parted with by particular privileges granted, but the Right it ſelf may be ſtill reſerved*; And the ſame he after ſaith in general of the (f) Weſtern *Provinces,* wherein he can trace no Footſteps of the practice, and therefore concludes, it muſt be from *privileges granted by the Biſhops of* Rome *by reaſon of diſtance, which the Patriarch of* Alexandria *would not grant.* But we are now proving the *Right* by the *Practice,* and therefore it is unreaſonable to alledge a *Right* without it; For this way of proving is ridiculous; *viz.* to prove that the Pope had *patriarchal Rights,* becauſe he did *exerciſe them*; And then to ſay, Though he did *not exerciſe them,* yet he had them; And ſo to prove that he had them, becauſe we was *Patriarch*

(b) *Collect. Rom.* p. 81. 83.

(c) Hol. *Not. ad Collect. Rom.* p. 284.

(d) *Antiquit illuſtr. Diſſert.* 2. c. 4 *art.* 1. *n.* 101.

(e) Leo, *Epiſt.* 10. c. 8. *ed. Nov.*

(f) Schelſtr. *ib. n.* 105, 106.

arch of the Weſt. Yet this is in truth the way of proof this late Author uſeth; He ſheweth from *Lupus, That all Conſecrations of Metropolitane and provincial Biſhops belong to the Patriarch:* Then to prove a *patriarchal Power*, it is neceſſary to prove, that all the Conſecrations within the Provinces do belong to that See. But how doth this appear as to the Weſtern *Provinces?* Did all the *Conſecrations* of Biſhops within them belong to the Biſhops of *Rome?* If not, then they were not within the *Roman* Patriarchate: If they did, we expect the proof of it by the *practice*. No, he confeſſeth, *the practice was different; But ſtill they had the patriarchal Right.* How ſo? *Yes*, ſaith he, *That is plain, becauſe the Biſhop of* Rome *was Patriarch of the Weſt.* This way of proving may be good againſt *De Marca*, who had granted the Pope to be the *Weſtern Patriarch*; but it is ridiculous to thoſe that deny it.

But he attempts ſomething farther, viz. (*g*) *That the Biſhop of* Rome *had, before the Council of* Nice, *the power of depoſing Biſhops in* Gaul, *as appears by* Martianus *of* Arles *depoſed by* Stephanus. This (*h*) *Martianus* had openly declared himſelf of the *Novatian Party*; at which *Fauſtinus*, Biſhop of *Lyons*, and other Biſhops in *Gaul* were very much troubled, and expreſſed their Reſentments of it, but he ſlighted their Cenſures of him: Both parties made Applications to St. *Cyprian*, and *Martianus* deſired to preſerve Communion with him; But he was utterly rejected there for joining in the *Novatian Schiſm.* But it ſeems, by St. *Cyprian*'s Epiſtle, *he had ſtill hopes not to be condemned at* Rome, altho' the *Schiſm* began there. For, ſaith he, *How ill would it look, after* Novatian *himſelf had been ſo lately and univerſally rejected, to ſuffer our ſelves to be deceived by his Flatterers?* St. *Cyprian* and his *Collegues* were in no danger, for they had already detected and condemned him, therefore this muſt be underſtood of *Stephen*, which is the Reaſon he preſſes him ſo hard, and with ſome Authority to diſpatch his Letters to the People of *Arles* to chuſe another Biſhop in the place of *Martianus*, *Dirigantur in Provinciam & ad Plebem* Arelatæ *conſiſtentem à te Literæ*, &c. And a little before he tells him, *He ought to ſend his mind at large to their Brethren the Biſhops of* Gaul, *That they ought not ſuffer him to inſult over their Fraternity*, &c. And the Reaſon he gives for this Freedom which he uſeth with him is, *Becauſe they held the Balance of the Government of the Church in common among them; And, being ſeveral Paſtours, they took care of the ſame Flock, who ought all to join in condemning ſuch a Follower of* Novatian, *and thereby preſerve the Reputation of their Predeceſſors,* Cornelius *and* Lucius, *who were glorious Martyrs: and he eſpecially who ſucceeded them.* And ſo, not doubting his compliance, in a friendly manner he deſires him, *to let him know who ſucceeded* Martianus *at* Arles, *that he might know to whom to write.* I appeal to any Man of common Senſe, whether this looks like the *Application* made to the *Weſtern Patriarch*, to whom St. *Cyprian* himſelf owed ſubjection as ſuch. For when the Biſhops of *Rome* began to challenge a *patriarchal Power* over the Churches of *Theſſaly*, they expected *Application* to be made to them in a *Style* ſuitable to that Dignity, as is very remarkable in the (*i*) *Roman Collection*; As in the Petition of *Stephanus*, Biſhop of *Lariſſa*, the *Metropolis* of *Theſſaly*, *Domino meo ſancto ac beatiſſimo & revera venerando Patri Patrum, & Archiepiſcopo atque Patriarchæ* Bonifacio *data ſupplicatio à* Stephano *exiguo:* And in the very ſame Style *Elpidius*, *Stephanus* and *Timotheus*. Theſe write like men that knew their diſtance, and what Authority the Biſhop of *Rome* then challenged; But

(*g*) *Id. n.* 101.

(*h*) Cypr. *Ep.* 68. *ed. Ox.*

(*i*) *Collect. Rom. p.* 20.

p. 31.

the meek and humble St. *Cyprian* ſeems to ſtand upon equal Terms with the Biſhop of *Rome*, or rather, as if he were upon the higher Ground, he takes upon him to tell him his duty, and rather checks him for his neglect in it, than owns any Authority in him ſuperiour to his. So that if any *patriarchal Power* be to be inferr'd from this Epiſtle, it would be much rather, that St. *Cyprian* was *Patriarch* of the Weſt, than the Biſhop of *Rome*; ſince he is rather *ſuperiour*, who directs what another ſhould do, than he who doeth what is directed; And if from hence it follows, *That the execution of the Canons was in the Biſhop of* Rome, it will likewiſe follow, that the *directing* that *execution* was in the Biſhop of *Carthage*.

But we are told, (*k*) *that, even in* Africa, *no Conſecrations were allow'd, without the conſent of the Biſhop of* Rome: This is great News indeed, of which the *African Code* gives us no information: But (*l*) *Holſtenius finds* it in an Epiſtle of *Siricius* or of *Innocentius*, (which he pleaſes, for the ſame Rules are in both) only in the Canon Law it is taken from *Innocentius*, and the true Senſe is given of it, *Extra conſcientiam Metropolitani Epiſcopi, nullus audeat ordinare Epiſcopum*: But what is this to the *Roman Patriarchate?* And our Author doth not ſeem to rely upon it; But he alledges a Paſſage in *Optatus*, *that* Eunomius *and* Olympius, *two Biſhops, were ſent to* Carthage *to conſecrate a Biſhop in the place both of* Cecilian *and* Donatus: And *Albaſpinæus* ſaith, *they were ſent by the Pope's Authority*. But this *Obſervation* of his he hath not from (*m*) *Optatus*, by whom it rather appears, that they were ſent by the Emperour, who ſtopt *Cecilian* at *Brixia*. And no one that reads the Paſſages about *Milthiades* at that time, and how *Conſtantine* joined *Marinus*, *Maternus* and *Rheticius* in *Commiſſion* with him, can ever imagine, that the Biſhop of *Rome* was then eſteemed the *Patriarch* of the Weſt; and, as ſuch, to have had *Juriſdiction* over the Biſhops of *Africa*.

The laſt (*n*) Attempt to prove the Pope's *patriarchal Power*, as to *Conſecration* in the Weſtern *Churches*, is *from his Authority of giving Palls to the Metropolitanes*. Which he proves from *Gregory*'s Epiſtles, as to the *Biſhops of* Arles *and* London; *And from an Epiſtle of* Boniface, *Biſhop of* Mentz, *wherein*, he ſaith, *it was agreed in* France, *That the Metropolitanes ſhould receive Palls from the* Roman *See*. But how far are we now gone from the *Council* of *Nice* and the Rules of *Church-polity* then eſtabliſhed? We do not deny, that the Biſhops of *Rome* did aſſume to themſelves in following Ages a more than *patriarchal Power* over the Weſtern *Churches*: But we ſay there are no footſteps of it in the Time of the *Council* of *Nice*; And that what Power they gained, was by *Uſurpation* upon the *Rights* of *Metropolitanes* and *provincial Synods* then ſettled by general conſent of the Biſhops of the Chriſtian Church. But this *Uſurpation* was not made in an Inſtant, but by ſeveral Steps and Degrees, by great Artifice and Subtilty, drawing the *Metropolitanes* themſelves, under a Pretence of advancing their *Authority*, to betray their *Rights*. And among the Artifices of the Court of *Rome* this of the *Pall* was none of the leaſt; For by it the Popes pretended to confirm and inlarge the *privileges* of *Metropolitanes*, which hereby they did effectually overthrow, as though they received them merely from the Favour of the Biſhop of *Rome*, which did undoubtedly belong to them by ancient Right. But that this was a mere Device to bring the *Metropolitanes* into dependence on the Court of *Rome*,

appears

(*k*) Schelſtraet. *ib.* *n.* 102.

(*l*) *Not. in Coll. Rom.* *p.* 265.

(*m*) Optat. *l.* 1.

(*n*) Schelſtraet. *ib.* *n.* 100, 101.

appears by the moſt ancient Form of ſending the *Pall* in the (*o*) *Diurnus Romanus*, where it is finely called, *the ſhewing their unanimity with* St. Peter. But what the *Nature* and *Deſign*, and *Antiquity* of the *Pall* was, is ſo fully ſet forth by (*p*) *Petrus de Marca*, and (*q*) *Garnerius*, that I ſhall ſay no more of it: Only that from hence the ancient *Rights* of the *Metropolitane Churches* do more fully appear, becauſe it was ſo long before this *Badge* of *Subjection* was received in theſe Weſtern *Churches*; For the *Synod* which *Boniface* mentions, wherein the *Metropolitanes conſented to receive Palls from* Rome, was not till the middle of the 8th. Century: And great Arts and Endeavours were uſed in all the Weſtern *Churches*, before they could be brought to yield to this real *Badge* of the Pope's *patriarchal Power* over them. Which is particularly true of the *Britiſh Churches* which preſerved their *Metropolitane Rights*, as long as their Churches were in any tolerable condition; And that without ſuffering any diminution of them from the Pope's *patriarchal Power*: As will farther appear in this Diſcourſe.

(*o*) *Diurn.* *Rom.* p.88.

(*p*) De *Concord. l.* 6. *c.* 5, 6, 7.

(*q*) Garner. *App. ad Not. c.* 4. *Diurn. Rom.*

(2.) The next patriarchal Right to be examined, is that of *calling Biſhops within their Juriſdiction to Councils.* It is truly obſerved by (*r*) *de Marca*, *That thoſe who received Conſecration from another, were bound by the ancient Diſcipline of the Church to attend to his Councils*; And in the Senſe of the old Canon Law, (*s*) *thoſe two Expreſſions, To belong to the Conſecration, or to the Council, were all one.* And ſo every *Metropolitane* had a Right to ſummon the *Biſhops* of his *Province*, and the *Primates* or *Patriarchs*, as many as received *Conſecrations* from them. Thus the Biſhop of *Rome*'s *patriarchal Council* conſiſted of thoſe within his own *Dioceſe* or the *Suburbicary Churches.* Where there being no *Metropolitanes*, the *Roman Council* did much exceed others in the number of Biſhops belonging to it: Thence *Galla Placidia* relates, *how ſhe found the Biſhop of* Rome *compaſſed about with a great number of Biſhops which he had gather'd out of innumerable Cities of* Italy, *by reaſon of the Dignity of his Place.* Its ſeems then no Biſhops of other Weſtern *Churches* were ſummon'd to the *Roman Councils.* But the *Biſhops* of *Sicily* were then under the *Italian* Government, and reckon'd with the *Italian Biſhops.* It may be queſtion'd, whether in *Ruffinus* his Time they were comprehended within the *Suburbicary Churches.* But in *Leo*'s Time the Biſhops of *Rome* had inlarged their *Juriſdiction* ſo far, as to ſummon the Biſhops of *Sicily* to their Councils. This is evident from *Leo*'s Epiſtle to all the Biſhops of *Sicily*, where he charges them *every year to ſend three of their Number to a Council in* Rome; And this he requires in purſuance of the *Nicene Canons*; From whence it ſeems probable, That the Biſhop of *Rome* did by degrees gain all the Churches within the Juriſdiction of the *Vicarius Urbis* as his *patriarchal Dioceſe.* For *Sicily* was one of the *ten Provinces* belonging thereto. But our (*t*) Author ſaith, *That the Council of* Nice *ſpeaks there only of provincial Councils, and not of patriarchal.* What then? Was *Sicily* within the *Roman Province*, conſidering the Biſhop of *Rome* merely as a *Metropolitane*? That is very abſurd, ſince *Sicily* was a *Province* of it ſelf, and as ſuch, ought to have had a *Metropolitane* of its own: And ſo all the other neighbour Provinces to *Rome*; whereas we read of none there; but as far as the Biſhop of *Rome*'s *Juriſdiction* extended, it was *immediate*, and ſwallow'd up all *Metropolitane Rights.* I know (*u*) *Petrus de Marca* thinks *there were Metropolitanes*

within

(*r*) De *Concord. l.* 1. *c.* 7. *n.* 3.

(*s*) De *Conſtantin. Patriarch. p.* 162.

(*t*) Schelſtraet. *ib. n.* 108.

(*u*) De *Concord. l.* 1. *c.* 7. *n.* 4.

within the Suburbicary Churches; But I ſee no Authority he brings for it beſides the *Nicene Canon* and the *Decrees* of *Innocentius* and *Leo* which relate to other *Churches*. But any one that carefully reads the Epiſtles of *Leo* to the *Biſhops* within thoſe *Provinces*, and compares them with thoſe written to the Biſhops without them, will, as (*w*) *Queſnel* hath well obſerved, find ſo different a ſtrain in them, that from thence he may juſtly infer, that there were no *Metropolitanes* in the former, but there were in the latter. When he (*x*) writes to the Biſhop of *Aquileia* he takes notice of his *provincial Synod*, and directs the Epiſtles of general concernment to the *Metropolitane*; as he doth not only to him, but to (*y*) the Biſhop of *Ravenna* too. And when (*z*) *Euſebius*, Biſhop of *Milan*, wrote to him, he gives an account of the *provincial Council* which he held. But there is nothing like this, in the Epiſtles ſent to the Biſhops within the *ten Provinces*, no mention is therein made of *Metropolitanes*, or of any *provincial Synods*. But here we find the Biſhops of *Sicily* in common ſummon'd to ſend three of their number to an *annual Council* at *Rome*. From whence I conclude, That the Pope's *patriarchal Council* lay within the compaſs of theſe *Suburbicary Churches*. I do not deny but upon occaſion there might be more Biſhops ſummon'd to meet at a Council in *Rome*; As when (*a*) *Aurelian* gave the Biſhops of *Italy* leave to meet at *Rome* in the Caſe of *Paulus Samoſatenus*. And when they met with *Julius*, in the Caſe of *Athanaſius*, and ſuch like Inſtances of an extraordinary Nature and very different from the fixed *canonical Councils*; which were *provincial* elſe-where, but in the *Roman Dioceſe* they were *patriarchal*; yet they extended no farther than to the Biſhops within the *Suburbicary Churches*. And whoſoever conſiders the Councils of *Italy* in St. *Ambroſe*'s Time, publiſhed by (*b*) *Sirmondus*, will find that the Biſhops of the *Italick Dioceſe* did not think themſelves obliged to reſort to *Rome* for a *patriarchal Council*. And, which is more obſervable, the latter of them extremely differs from *Damaſus* about the ſame matter; which was the *Conſecration* of *Maximus* to be Biſhop of *Conſtantinople*. For (*c*) *Damaſus*, in his Epiſtle to *Acholius*, &c. bitterly exclaims againſt the ſetting up *Maximus*, as though all Religion lay at ſtake, and admoniſhed them at the next Council at *Conſtantinople* to take care that a fitter Perſon be choſen in his room: And the ſame he re-inforces in another Epiſtle to *Acholius* alone. But (*d*) St. *Ambroſe*, and the *Biſhops* of *Italy* with him, in a Conciliar Addreſs to *Theodoſius*, juſtifie the *Conſecration* of *Maximus*, and diſlike that of *Gregory* and *Nectarius*. Now in this Caſe I deſire to know, whether this Council own'd the Biſhop of *Rome*'s patriarchal Power? For (*e*) *Em. à Schelſtraet* following *Chriſtianus Lupus*, ſaith, *That in the Pope's patriarchal Power is implied, that the Biſhops are only to conſult and adviſe, but the determination doth wholly belong to the Pope as Patriarch; And that the Biſhop of* Alexandria *had the ſame power appears by the Biſhops of* Egypt *declaring they could not do any thing without the Biſhop of* Alexandria. Let us then grant, That the Biſhop of *Rome* had the ſame Authority within his *patriarchal Dioceſe*, doth not this unavoidably exclude the Biſhops of the *Italick Dioceſe* from being under his *Patriarchate*? For if they had been under it, would they have, not barely met, and conſulted, and ſent to the Emperour without him, but in flat *oppoſition* to him? And when afterwards the Weſtern Biſhops met in Council at *Capua*, in order to the compoſing the Differences in the Church of *Antioch*, altho' it

(w) *Not. in* Leon. *Epiſt.* 17.

(x) Leo *Ep.* 6. *c.* 2.

(y) *Ep.* 120.

(z) *Ep.* 135.

(a) Euſeb. *l.* 7. *c.* 24.

(b) Sirmond. *Append. ad C.* Theod. *p.* 97

(c) *Collect. Rom. p.* 37

(d) *Append. p.* 104.

(e) Schelſtraet. *ib. n.* 109.

it were within the *Roman Patriarchate*, yet it being a Council of Biſhops aſſembled out of the *Italick Dioceſe* as well as the *Roman*, the Biſhop of *Rome* did not *preſide* therein, but St. *Ambroſe*; as appears by (*f*) St. *Ambroſe* his Epiſtle to *Theophilus*, about the proceedings of this Council; For he ſaith, *He hopes what* Theophilus *and the Biſhops of* Egypt *ſhould determine in that Cauſe about* Flavianus, *would not be diſpleaſing to their Holy Brother, the Biſhop of* Rome. And there follows another (*g*) Epiſtle in St. *Ambroſe* which overthrows the *Pope's patriarchal Power* over the Weſtern *Churches* by the confeſſion of the Pope himſelf. For that which had paſſed under the name of St. *Ambroſe* is now found by (*h*) *Holſtenius* to be written by *Siricius*, and is ſo publiſhed in the *Roman Collection*, and ſince in the (*i*) *Collection* of *Councils* at *Paris*. This Epiſtle was written by *Siricius* to *Anyſius* and other Biſhops of *Illyricum*, concerning the Caſe of *Bonoſus*, which had been referr'd to them by the Council of *Capua*, as being the neighbour Biſhops, and therefore, according to the *Rules* of the Church, fitteſt to give Judgement in it. But they, either out of a complement or in earneſt, deſired to know the *Pope*'s opinion about it. So his Epiſtle begins, *Accepi literas veſtras de* Bonoſo *Epiſcopo, quibus, vel pro veritate, vel pro modeſtia, noſtram ſententiam ſciſcitari voluiſtis.* And are theſe the *Expreſſions* of one with *patriarchal Power*, giving anſwer to a Caſe of difficulty which *canonically* lies before him? But he afterwards declares, he had nothing to do in it, ſince the Council of *Capua* had referr'd it to them, and therefore they were bound to give Judgment in it. *Sed cum hujuſmodi fuerit Concilii* Capuenſis *judicium——advertimus quod nobis judicandi forma competere non poſſit.* If the Biſhop of *Rome* had then *patriarchal Power* over all the Weſtern *Churches*, how came he to be excluded from judging this Cauſe by the Proceedings of the *Council* of *Capua?* Would Pope *Siricius* have born this ſo patiently and ſubmiſſively, and declined meddling in it, if he had thought that it did of *Right* belong to him to determine it? If the *Execution* of the *Canons* belongs to the Biſhop of *Rome* as the *Supreme Patriarch*, how comes the *Council* of *Capua* not to refer this matter immediately to him, who was ſo near them; But, without ſo much as asking his Judgment, to appoint the hearing and determining it to the Biſhops of *Macedonia?* We have no reaſon to queſtion the ſincerity of this Epiſtle which *Card. Barberine* publiſhed as it lay with others in *Holſtenius* his Papers taken out of the *Vatican*, and other *Roman MSS.* by the expreſs *Order* of *Alexander* VII. And altho' a late (*k*) *Advocate* for the Pope's Power in *France* againſt *De Marca*, hath offer'd ſeveral Reaſons to prove this Epiſtle counterfeit, yet they are all anſwer'd by a (*l*) *Doctor* of the *Sorbon*. So that this Epiſtle of *Siricius* is a ſtanding Monument, not only againſt the Pope's abſolute and unlimited Power, but his *patriarchal* out of his own *Dioceſe*.

But to juſtifie the Pope's *patriarchal Power* in calling the Weſtern *Biſhops* to his *Council* at *Rome*, we have ſeveral (*m*) *Inſtances* brought; As of ſome *Gallican Biſhops* preſent at the Council under *Damaſus*; *Wilfrid*, an *Engliſh Biſhop* under *Agatho* a Legate from the *Council* held in *Britain*; with *Felix* of *Arles* and others; and ſome others of later times. But what do *extraordinary Councils*, meeting at *Rome*, prove, as to the Biſhop of *Rome*'s being *Patriarch* of the Weſtern *Churches?* Do the Weſtern *Councils*, meeting at *Milan*, *Arles*, *Ariminum*, *Sardica*, or ſuch Places, prove the Biſhops of them to be all *Patriarchs?* Theſe things are

(*f*) Ambroſ. *Ep. l.* 10. *ep.* 78.

(*g*) *Epiſt.* 79. *ed.* Eraſm.

(*h*) *Collect. Rom. p.* 189.

(*i*) *Concil. Labb. t.* 2. *p.* 1033.

(*k*) *Des Jugemens Canon. des Eveſques, p.* 562.

(*l*) *De antiquis & majoribus Epiſc. cauſis, c.* 29.

(*m*) Schelſtraet. *ib. n.* 113. 115.

are not worth mentioning, unleſs there be ſome circumſtance to ſhew that the Biſhop of *Rome* called the Weſtern *Biſhops* together by his *patriarchal Power*, for which there is no evidence brought. But there is a very great difference between *Councils* aſſembled for *Unity of Faith* or *Diſcipline* from ſeveral *Dioceſes*, and *provincial Synods*, and *patriarchal Councils* called at certain times to attend the *patriarchal See*, as is to be ſeen in the (*n*) *Diurnus Romanus*, where the Biſhops, within the *Roman Patriarchate*, oblige themſelves to obey the Summons to a *Council* at *Rome*, at certain fixed times, as *Garnerius* ſhews; which, he ſaith, *was three times in the year.* But he adds, *this extended no farther than to the Biſhops within the Suburbicary Churches, who had no Primate but the Biſhop of Rome*, and ſo this was a true *patriarchal Council.*

(3.) But the laſt Right conteſted for, is, that of *Appeals in greater Cauſes.* By which we underſtand ſuch Application of the Parties concerned as doth imply a *Superior Juriſdiction* in him they make their reſort to, whereby he hath full Authority to determine the matters in difference: For otherwiſe *Appeals* may be no more than *voluntary Acts* in the *Parties*, and then the Perſon appealed to hath no more Power than their *Conſent* gives him. Now in the Chriſtian Church, for preſervation of Peace and Unity, it was uſual to adviſe in greater Caſes with the Biſhops of other *Churches*, and chiefly with thoſe of the greateſt Reputation, who were wont to give their Judgment, not by way of *Authority*, but of Friendly correſpondence; not to ſhew their Dominion, but their Care of preſerving the Unity of the Church. Of this we have a remarkable Inſtance in the *Italick Council*, of which St. *Ambroſe* was *Preſident*, who did interpoſe in the *Affairs* of the Eaſtern Church; not with any pretence of Authority over them, but merely out of Zeal to keep up and reſtore Unity among them. They knew very well how ſuſpicious the *Eaſtern Biſhops* were of the *Weſtern Biſhops* meddling in their matters ever ſince the Council of *Sardica* (of which afterwards) but they tell them, *it was no new thing for the Weſtern Biſhops to be concerned when things were out of order among them.* (*o*) *Non Prærogativum*, ſay they, *vindicamus examinis, ſed Conſortium tamen debuit eſſe communis arbitrii.* They did not challenge a Power of calling them to account, but they thought there ought to be a mutual Correſpondence for the general good, and therefore they received *Maximus* his Complaint of his hard uſage at *Conſtantinople.* Will any hence infer, that this Council or St. *Ambroſe* had a *Superior Authority* over the Patriarch of *Conſtantinople?* So that neither *Conſultations, Advices, References*, nor any other *Act* which depends upon the *Will* of the *Parties*, and are deſigned only for a *common good*, can prove any true *patriarchal Power.* Which being premiſed, let us now ſee what Evidence is produced from hence for the Pope's *patriarchal Power* over the *Weſtern Churches.* And the main thing inſiſted upon is, (*p*) *The Biſhop of* Rome'*s appointing Legates in the Weſtern Churches to hear and examine Cauſes, and to report them.* And of this, the firſt inſtance is produced of the *ſeveral Epiſtles of Popes to the Biſhops of* Theſſalonica *in the* Roman *Collection.* Of which a large account hath been already given: And the firſt beginning of this was after the Council of *Sardica* had out of a Pique to the *Eaſtern Biſhops* and Jealouſie of the Emperor allow'd the Biſhop of *Rome* the *Liberty* of granting a *re-hearing* of *Cauſes* in the *ſe-*

veral

(*n*) Diurn. Rom. p. 66.

(*o*) App. ad Cod. Theod. p. 106.

(*p*) Schelſtraet. *ib.* n. 123.

veral Provinces, which was the pretence of ſending *Legates* into them; And this was the firſt conſiderable ſtep that was made towards the advancing the Pope's Power over the *Weſtern Churches*. For a preſent (q) *Doctor* of the *Sorbon* confeſſeth, *that in the ſpace of* 347 *years, i.e.* to the *Sardican* Council, *No one Inſtance can be produced of any Cauſe wherein Biſhops were concerned, that was ever brought to* Rome *by the Biſhops that were the Judges of it*. But if the Pope's *patriarchal Power* had been known before, it had been a regular way of proceeding from the Biſhops in *provincial Synods* to the *Patriarch*. And withall, he ſaith, *before that Council no inſtance can be produced of any Judges Delegates for the review of Judgment paſſed in provincial Synods: And whatever Privilege or Authority was granted by the Council of* Sardica *to the Biſhop of* Rome, *was wholly new, and had no Tradition of the Church to juſtifie it; And was not then received either in the Eaſtern or Weſtern Churches*. So that all the Pleas of a patriarchal Power, as to the Biſhop of *Rome*, with reſpect to *greater Cauſes* muſt fall very much ſhort of the Council of *Nice*. As to the Inſtance of *Marcianus* of *Arles*, that hath been anſwered already; And as to the Depoſition of Biſhops in *England* by the Pope's Authority in later Times, it is of no importance, ſince we do not deny the matter of Fact, as to the *Pope's Uſurpations*; But we ſay, they can never juſtifie the exerciſe of a *patriarchal Power* over theſe *Churches* by the *Rules* eſtabliſhed in the Council of *Nice*.

(q) De antiquis & majoribus Episcoporum cauſis, p. 71.

p. 75.

p. 91, &c. 132, &c.

But it is ſaid, *That the Council of* Arles, *before that of* Nice, *attributes to the Biſhop of* Rome, *Majores Diœceſes, i.e.* according to *De Marca*, *all the Weſtern Churches*; But in anſwer to this, I have already ſhew'd how far the *Weſtern Biſhops* at *Arles* were from owning the Pope's *patriarchal Power* over them, becauſe they do not ſo much as deſire his *Confirmation* of what had paſſed in Council; But only ſend the *Canons* to him to publiſh them. But our Author and *Chriſtianus Lupus* ſay, *that ſuch is the Patriarch's Authority, That all Acts of Biſhops in Council are in themſelves invalid without his Sentence, which only gives Life and Vigour to them*; *As they prove by the Patriarch of* Alexandria. But if the Biſhop of *Rome* were then owned to be *Patriarch* over ſeven or eight *Dioceſes* of the Weſt, according to *De Marca*'s expoſition; how came they to ſit and make *Canons*, without the leaſt mention of his Authority? So that either they muſt deny him to be *Patriarch*, or they muſt ſay he was affronted in the higheſt manner by the *Weſtern Biſhops* there aſſembled. But as to the expreſſion of *Majores Diœceſes*, it is very queſtionable, whether in the time of the *Council* of *Arles*, the diſtribution of the Empire by *Conſtantine* into *Dioceſes* were then made, and it ſeems probable not to have been done in the time of the *Council* of *Nice*, *Dioceſes* not being mentioned there, but only *Provinces*; And if ſo, this Place muſt be corrupt in that expreſſion, as it is moſt certain it is in others; And it is hard to lay ſo great weight on a place that makes no entire ſenſe. But allowing the expreſſion genuine, it implies no more than that the Biſhop of *Rome* had then more *Extenſive Dioceſes* than other *Weſtern Biſhops*; Which is not denied, ſince even then he had ſeveral *Provinces* under his immediate Government, which no other *Weſtern Biſhop* had.

(r) St. *Baſil*'s calling *the Biſhop of* Rome, *Chief of the Weſtern Biſhops*, implies nothing but the dignity of his *See*, and not any *patriarchal Power* over the *Weſtern Churches*.

(r) Schelſtraet. *ib.* n. 77.

It muſt be a degree of more than uſual ſubtilty to inſer *Damaſus* his *patriarchal Power over the Weſt*, (s) becauſe St. *Jerome* joins *Damaſus* and the *Weſt* together, as he doth *Peter* and *Egypt*: Therefore *Damaſus* had the ſame Power over the *Weſt* which *Peter* had over *Egypt*. It ſeems St. *Jerome*'s language about the different *Hypoſtaſes*, did not agree with what was uſed in the *Syrian Churches*, and therefore ſome charged him with falſe Doctrine; he pleads for himſelf, that the Churches of *Egypt*, and the Weſt, ſpake as he did, and they were known then neither to favour *Arianiſm* nor *Sabellianiſm*; And, to make his Allegation more particular, he mentions the names of the *Patriarch* of *Alexandria* and the Biſhop of *Rome*. But a Cauſe extremely wants Arguments which muſt be ſupported by ſuch as theſe.

(s) *Id. n.* 78.

If (t) St. *Auguſtine* makes *Innocent to preſide in the Weſtern Churches*; he only thereby ſhews the *Order* and *Dignity* of the *Roman See*; but he doth not own any *Subjection* of the *Weſtern Churches* to his Power, ſince no Church did more vehemently withſtand the Biſhop of *Rome*'s Incroachments than the Churches of *Africa* did in St. *Auguſtine*'s time; As is notorious in the buſineſs of *Appeals*, which tranſaction is a demonſtration againſt his *patriarchal Power* over the *African Churches*. And the Biſhop of *Rome* never inſiſted on a *patriarchal Right*, but on the *Nicene Canons* wherein they were ſhamefully baffled.

(t) *Id. n.* 79.

It cannot be denied that (u) Pope *Innocent*, in his Epiſtle to *Decentius Eugubinus*, would bring the *Weſtern Churches* to follow the *Roman Traditions*, upon this pretence, *That the Churches of* Italy, Gaul, Spain, Africa, Sicily, *and the Iſlands lying between were firſt inſtituted either by ſuch as were ſent by St.* Peter *or his Succeſſors*. But whoſoever conſiders that Epiſtle well, will not for *Innocent*'s ſake lay too much weight upon it. For, Is it reaſonable to think, that the *double Unction*, the *Saturday Faſt*, the *Eulogiæ* ſent to the ſeveral *Pariſhes* in *Rome*, were *Apoſtolical Traditions* which all the *Weſtern Churches* were bound to obſerve, becauſe they were firſt planted by thoſe who were firſt ſent from *Rome*? But the matter of Fact is far from being evident, for we have great reaſon to believe, there were Churches planted in the *Weſtern Parts*, neither by St. *Peter* nor by thoſe who were ſent by his Succeſſours. Yet let that be granted; What connexion is there between receiving the Chriſtian Doctrine at firſt by thoſe who came from thence, and an Obligation to be ſubject to the Biſhops of *Rome* in all their *Orders* and *Traditions*? The *patriarchal Government* of the Church was not founded upon this, but upon the ancient Cuſtom and Rules of the Church; as fully appears by the Council of *Nice*. And therefore the Churches of *Milan* and *Aquileia* though in *Italy*, the Churches of *Africa* though probably the firſt Preachers came from *Rome*, never thought themſelves bound to follow the *Traditions* or obſerve the *Orders* of the *Roman Church*, as is very well known both in St. *Cyprian*'s and St. *Auguſtine*'s times. But if the Pope's power be built on this ground, what then becomes of the *Churches* of *Illyricum*? Was the Goſpel brought thither from *Rome*? And, as to the *Britiſh Churches*, this very Plea of *Innocent* will be a farther evidence of their *exemption* from the *Roman Patriarchate*; ſince *Britain* cannot be comprehended within thoſe *Iſlands which lie between* Italy, Gaul, Spain, Africa *and* Sicily, which can only be underſtood of thoſe *Iſlands* which are ſituate in the *Mediterranean Sea*.

(u) *Id. n.* 80.

And if no Inſtance can be produced of the Biſhop of *Rome*'s patriarchal Juriſdiction over the *Britiſh Churches*, why ſhould not we claim the ſame benefit of the *Nicene Canons* which *Leo* urges ſo vehemently in ſuch a parallel Caſe? Neither can it be ſaid, *that afterwards, Subjection and Conſent makes a juſt patriarchal Power*; for neither doth it hold as to the *Britiſh Churches*, whoſe Biſhops utterly refuſed to ſubmit to *Auguſtine* the Monk; And if it doth, all the force of *Leo*'s Arguments is taken away. For there were both *Preſcription* pleaded, and a *Conſent* of the *Biſhops* of the *Dioceſes* concerned in the Council of *Chalcedon*. But *Leo* ſaith, *the* Nicene *Canons are beyond both theſe, being dictated by the Spirit of God, and paſſed by the common Conſent of the Chriſtian Church; And that it was a Sin in him to ſuffer any to break them.* Either this is true or falſe. If falſe, how can the Pope be excuſed who alledged it for true? If true, then it holds as much againſt the Biſhop of *Rome* as the Biſhop of *Conſtantinople*. And as to the *Preſcription of* 60 *years*, he ſaith, the *Canons of* Nice *were before, and ought to take place, if the practice had been never ſo conſtant*, which he denies. Nay, he goes ſo far as to ſay, *Though the numbers of Biſhops be never ſo great that give their conſent to any alteration of the* Nicene *Canons, they ſignifie nothing, and cannot bind.* Nothing can be more emphatical or weighty to our purpoſe than theſe Expreſſions of Pope *Leo*, for ſecuring the *Privileges* of our *Churches*, in caſe no patriarchal Power over them can be proved before the *Council* of *Nice*. And it is all the reaſon in the World, That thoſe who claim a *Juriſdiction* ſhould prove it, eſpecially when the *Acts* of it are ſo notorious that they cannot be conceal'd; as the *Conſecration* of *Metropolitanes*, and matters of *Appeals* are, and were too evident in latter Times, when all the World knew what Authority and Juriſdiction the Pope exerciſed over theſe Churches. I conclude this with that excellent Sentence of Pope *Leo*, *PRIVILEGIA ECCLESIARUM SANCTORUM PATRUM CANONIBUS INSTITUTA, ET VENERABILIS* NI-

Quoniam diſpenſatio mihi credita eſt, & ad meum tendit reatum, ſi paternarum regulæ Sanctionum, quæ in Synodo Nicæna *ad totius Eccleſiæ Regimen, Spiritu Dei inſtruente, ſunt traditæ me, quod abſit, connivente violentur.* Leo *ad* Marcian. Aug. *Ep.* 78. *c.* 3.

Quoniam contra Statuta paternorum Canonum, quæ ante longiſſimæ ætatis annos in Urbe Nicæna *ſpiritualibus ſunt fundata Decretis, nihil cuique audere conceditur.* Leo *ad* Pulcher. *Ep.* 79. *n.* 2.

Superbum nimis eſt & immoderatum, ultra proprios terminos tendere, & antiquitate calcatâ alienum jus velle præripere, atque ut unius creſcat Authoritas, tot Metropolitanorum impugnare Primatus quietiſque Provinciis, & olim Sanctæ Synodi Nicænæ *moderatione diſpoſitis, bellum novæ perturbationis inferre, atque ut venerabilium Patrum Decreta ſolvantur, quorundam Epiſcoporum præferre conſenſum cui tot annorum ſeries negavit effectum. Nam* 60 *fere annus hujus conniventiæ eſſe jactatur qua ſe prædictus Epiſcopus æſtimat adjuvari, fruſtra cupiens id ſibi prodeſſe, quod etiam ſi quiſquam auſus eſt velle, nullus tamen potuit obtinere.* Id. ib.

Nulla ſibimet de multiplicatione congregationis ſynodalia Concilia blandiantur, neque trecentis illis decem atque octo Epiſcopis quantumlibet copioſior numerus Sacerdotum vel comparare ſe audeat vel præferre: cum tanto divinitus privilegio

Nicæna *ſit Synodus conſecrata, ut ſive per pauciores ſive per plures Eccleſiaſtica Judicia celebrentur omni penitus auctoritate ſit vacuum quicquid ab illorum fuerit conſtitutione diverſum.* Ad *Anatol.* Ep. 80. n. 1.

CÆNÆ *SYNODI FIXA DECRETIS, NULLA POSSUNT IMPROBITATE CONVELLI NULLA NOVITATE VIOLARI.* The *Privileges* of *Churches* which were begun by the *Canons* of the *Holy Fathers* and confirmed by the Council of *Nice* can neither be deſtroy'd by wicked Uſurpation nor diſſolved by the Humour of Innovation.

In the next great Council of *Sardica*, which was intended to be *general* by the two Emperours *Conſtans* and *Conſtantius*, it is commonly ſaid, that (*w*) *Athanaſius* expreſly affirms the *Britiſh Biſhops* to have been there preſent. But ſome think this miſtake aroſe from looking no farther than the Latin Copy in *Athanaſius*, in which indeed the words are plain enough to that purpoſe; but the ſenſe in the Greek ſeems to be the ſame. For *Athanaſius* pleads his own Innocency from the ſeveral Judgments which had paſſed in his Favour. Firſt, by 100 Biſhops in *Egypt*; next, by above 50 Biſhops at *Rome*; thirdly, in the great Council at *Sardica*, ἐν ᾗ, in which, as ſome ſay, above 300 Biſhops out of the ſeveral Provinces there mention'd conſented to his Innocency. But here lies an inſuperable difficulty, for * *Athanaſius* himſelf elſe-where affirms, *that there were but* 170 *Biſhops in all there preſent*; and therefore it is impoſſible he ſhould make 300 there preſent. Which ſome have endeavour'd to reconcile, by ſaying, *the latter was the true number preſent*; *but the former of thoſe Biſhops ſcattered up and down who did agree in the Sentence which paſſed in favour of* Athanaſius: But then the Greek here cannot be underſtood of thoſe preſent in Council; and, on the other ſide, if it be not ſo underſtood, then the words do not prove what he deſigns, *viz.* that he was acquitted in the *Sardican* Council; in which, although the number were not ſo great, I ſee no reaſon to exclude the *Britiſh Biſhops*.

It is true, that in the (*x*) Synodical Epiſtle of that Council, only *Italy*, *Spain* and *Gaul* are mention'd; and ſo likewiſe in the (*y*) *Subſcriptions*. But it is well obſerved by (*z*) *Bucherius*, that *Athanaſius* reckons up the *Britiſh Biſhops* among thoſe of *Gaul*. And (*a*) *Hilary*, writing to the *Gallican Biſhops* of *Germania prima* and *Germania ſecunda*, *Belgica prima*, *Belgica ſecunda*, *Lugdunenſis prima*, *Lugdunenſis ſecunda*, *Provincia Aquitanica* and *Provincia Novempopulana*; after he hath diſtinctly ſet down theſe, he then immediately adds, *And to the Biſhops of the Provinces of* Britain. Which makes me apt to think, that about that time, the *Biſhops* of *Britain* were generally joyn'd with thoſe of *Gaul*, and are often comprehended under them where they are not expreſly mention'd. And, to confirm this, (*b*) *Sulpicius Severus*, ſpeaking of the Summons to the Council of *Ariminum*, mentions only of theſe Weſtern Parts *Italy*, *Spain* and *Gaul*; But afterwards ſaith, *That the Biſhops of* Britain *were there preſent*. So that *Britain* was then comprehended under *Gaul*, and was ſo underſtood at that time; as *Sicily* was under *Italy*, as (*c*) *Sirmondus* ſhews. And *Sextus Rufus* doth put down the deſcription of *Britain* under that of *Gaul*, as (*d*) *Berterius* hath obſerved. For otherwiſe, who could have thought that *Athanaſius* had meant the Biſhops of *Britain*, when he reckons up only the *Provinces* of *Gaul*? But he declared that they were preſent with the *Gallican Biſhops*.

But

(*w*) Athanaſ. *Apol.* 2. *p.* 720.

* *Ad ſolit. vit. agent. p.* 818.

(*x*) Athan. *p.* 756.

(*y*) Athan. *p.* 767.

(*z*) Bucher. *Belg. Roman. l.* 9. *c.* 4. *n.* 4.

(*a*) Hilar. *de Synodis.*

(*b*) Sulpic. Sev. *l.* 2.

(*c*) Sirmond. *Advent. c.* 5.

(*d*) Berter. *Diatr.* 1. *c.* 3.

But it hath been urged with great appearance of Reaſon, that *ſince the* Britiſh *Biſhops were preſent at the Council of* Sardica, *The* Britiſh *Churches were bound to obſerve the Canons of it; and Appeals to the Biſhop of* Rome *being there eſtabliſhed, they were then brought under his Juriſdiction, as Patriarch of the Weſtern Churches.* To give a clear account of this, we muſt examine the Deſign and Proceedings of that Council. The occaſion whereof was this; *Athanaſius*, Biſhop of *Alexandria*, being depoſed for ſome pretended miſdemeanours by two Synods of Eaſtern Biſhops, and finding no redreſs there, by the prevalency of the *Arian Faction*, makes Application to the Weſtern Biſhops, and to *Julius* Biſhop of *Rome*, as the *chief* of them, and earneſtly deſires that his Cauſe might be heard over again, bringing great Evidence from the Biſhops of *Egypt* and other places, that he never had a fair Hearing, but was run down by the Violence of the *Euſebian party* at *Tyre* and *Antioch*. The Biſhop of *Rome* communicating this with the Weſtern Biſhops, as at large appears by *Julius* his Epiſtle in *Athanaſius*, he, in their name as well as his own, ſends to the Eaſtern Biſhops, That this Cauſe might be heard before indifferent Judges: And to that end, that they would come into theſe Parts, and bring their Evidences with them. This they decline; Upon which, and a fuller Examination of the matter, they receive *Athanaſius*, *Marcellus* and others into Communion with them. This gives a mighty diſtaſte to the Eaſtern Biſhops; at laſt the two Brothers, *Conſtantius* and *Conſtans*, agree, there ſhould be a *general Council* called at *Sardica*, to hear and determine this matter. The Biſhops meet; But the Weſtern Biſhops would have the reſtored Biſhops admitted to Communion, and ſit in Council; This the Eaſtern Biſhops utterly refuſe; and upon that withdrew to *Philippopolis*; And declare againſt their Proceedings at *Sardica*, as repugnant to the *Nicene Canons:* The Weſtern Biſhops continued ſitting, and made new *Canons* to juſtifie their own Proceedings. This is the true ſtate of the matter of Fact; as far as I can gather it out of the authentick Writings on both Sides. For the one ſide inſiſts upon the Juſtice of *re-hearing a Cauſe, wherein there was ſo great ſuſpicion of foul dealing*; And the other, *that the matters which concerned their Biſhops, were not to be tried over again by others at a diſtance; And that this was the Way to overthrow the Diſcipline of the Church, as it had been ſettled by the Council of* Nice *and the ancient Canons of the Church.* It is apparent by the Synodical Epiſtle of the *Greek* Biſhops who withdrew to *Philippopolis*, That this was the main Point inſiſted on by them; *That it was the bringing a new Law into the Church; For the Eaſtern Biſhops to be judged by the Weſtern; The ancient Cuſtom and Rule of the Church being; That they ſhould ſtand or fall by their own Biſhops.* The Weſtern Biſhops on the other ſide pleaded, *That this was a Cauſe of common concernment to the whole Church; That there had been notorious partiality in the management of it; That* Athanaſius *was condemned, not for any pretended miſcarriages ſo much, as for his Zeal againſt* Arianiſm; *That the Cauſe was not heard in* Egypt, *where he was charged, but at a great diſtance, and therefore in common Juſtice, it ought to have a new hearing by the Eaſtern and Weſtern Biſhops together.* But the Eaſtern Biſhops finding that the Weſtern would not forſake the Communion of *Athanaſius* and the reſt, they look'd on the Cauſe as prejudged, and ſo went away. However the other proceeded to the clearing the Biſhops accuſed, which they did by a *Synodical Epiſtle*, and then made ſeveral *Canons*, as *againſt Tranſlations from mean Biſhopricks to better*, Can. 1. *and uſing*

uſing Arts to procure them, Can. 2. *Againſt placing Biſhops in ſuch places where a ſingle Presbyter would ſerve, and the abſence of Biſhops at Conſecrations*, Can. 6. *Againſt their unſeaſonable Applications to the Court*, Can. 7. 8, 9, 20. *Againſt being made Biſhops* per Saltum, Can. 10. *Againſt their Non-reſidence*, Can. 11, 12. *Againſt receiving thoſe who were excommunicated by others*, Can. 13. *About the Appeal of Presbyters*, Can. 14. *Againſt taking Presbyters out of anothers Dioceſe*, Can. 15. *Againſt their Non-reſidence*, Can. 16. *About the Reception of baniſhed Biſhops*, Can. 17. *About* Eutychianus *and* Muſæus, *and the perſons ordained by them*, Can. 18, 19.

But the main *Canons* of this *Council* are the third, fourth and fifth, which concern the *re-hearing* of the *Cauſes* of *Biſhops*; And the intereſt the Biſhop of *Rome* was to have therein. For the right underſtanding whereof we are to conſider the ſeveral ſteps and methods of Proceeding therein eſtabliſhed. (1.) *That the Cauſes of Biſhops in the firſt Inſtance were ſtill to be heard and determin'd by the Biſhops of the Province*; That is plain by the firſt part of *Can.* 3. *Which forbids any Biſhop in caſe of difference with another, to call Biſhops out of a neighbour Province to hear it.* This was agreeable to the *Nicene Can.* 5. Herein it is ſuppoſed that they reflect on the Council of *Antioch*'s Proceedings againſt *Athanaſius*; But the Council of *Antioch* did not proceed upon St. *Athanaſius* in the firſt *Inſtance*, but upon this ground, viz. *That being depoſed in the Council of* Tyre, *he afterwards returned to the Biſhoprick of* Alexandria, *without being firſt reſtored by a greater Synod.* But this ſeems to have been very hard uſage of ſo great a man; For they firſt made the *Canons* themſelves, *Can.* 4. 12. and out of them they framed an *Article*, by virtue whereof they deprived *Athanaſius*. And herein lay the Art of the *Euſebian party*, for if they had framed the *Canon* ſo as it is extant in (*e*) *Palladius*, it would never have paſſed the Council; For it was not a Council of mere *Arians*, as is commonly thought, but of many (*f*) Orthodox Biſhops, together with them in ſome things were over-reached by the Artifices of the *Euſebian Party*; And they did not meet purpoſely againſt *Athanaſius*; But 97 (*g*) *Biſhops* were ſummon'd by the Emperor to meet at the ſolemn Dedication of the great Church at *Antioch* called *Dominicum Aureum*; (*h*) as they had done before on the like occaſion at *Jeruſalem*; And (*i*) *Euſebius* ſaith, *Such Aſſemblies of Biſhops were frequent at ſuch times.* Theſe, being meet together, framed ſeveral Canons, for the better Ordering and Government of the Churches, out of which, being paſſed by general Conſent, the *Euſebians*, who hated *Athanaſius*, framed ſufficient *Articles* againſt him. For, by the fourth Canon, *if a Biſhop, being depoſed by a Synod, doth officiate, he is never to be reſtored*; By the twelfth, *If a Biſhop depoſed, makes Application to the Emperor, and not to a greater Council of Biſhops, he is not to be reſtored.* But now *Athanaſius*, being depoſed by the *Tyrian Synod*, was reſtored upon his *Application* to the Emperor, without any *Synod* called to that end, and did execute his Office as Biſhop of *Alexandria*; and for this reaſon, the Council of *Antioch* confirmed his Depoſition.

A (*k*) late Author goes about to prove, *That the Canon againſt* Athanaſius *did not paſs the Council of* Antioch, *but that it paſſed an Aſſembly of* 40 Euſebians, *when the reſt were gone:* But this is incredible (as (*l*) *Baronius* his Conceit is ridiculous, who takes the 36 *Manſions* that *Antioch* was diſtant from *Alexandria* for 36 *Arian Biſhops*) and there is no Teſti-

(*e*) Pallad. *vit.* Chryſoſt. *p.* 78.

(*f*) Hilar. *de Synod.* *p.*227,228.

(*g*) Athanaſ. *de Synod.*

(*h*) Phot. *Biblioth.* *Cod.* 257.

(*i*) Euſeb. *l.* 10. *c.* 3.

(*k*) Schelſtraet. *de Concil. Antioch. diſſert.* 5. *c.*3.

(*l*) Baron. *A. D.* 341. *n.* 5.

Teſtimony of Antiquity to prove it. But there is no reaſon to imagine any other Canon againſt *Athanaſius* beſides theſe two, for they effectually did his buſineſs. That which *Palladius* ſaith, *That in the Canon it was ſaid, whether the Biſhop were depoſed juſtly or unjuſtly* is very improbable; But that which gave occaſion for him to ſay ſo was, becauſe the ancient Canon called *Apoſtolical* 28 had in it the word δικαίως, *juſtly*, which they left out, the better to effect their Deſign; That ſo the merits of the Cauſe might not be enquired into. But there was an Error in the firſt Inſtance committed, not by the Council of *Antioch*, but by that of *Tyre*; unleſs the extraordinary Summons of that Council by the Emperor's Command, as (*m*) *Euſebius* ſaith, be a *diſpenſation*, as to *the regular Proceedings in common Caſes*; But there was ſcarce any thing regular in the Proceeding of that Council; For, according to the Rules of the Church, this Cauſe ought to have been heard in *Egypt*, by the Biſhops there; And they juſtly complain of the Neglect of this in their (*n*) *Synodical Epiſtle*; And (*o*) *Liberius* made a reaſonable Propoſition to *Conſtantius*; *That a Council might be ſummoned at* Alexandria; *That this Cauſe, which had given ſo much diſturbance, ſhould be heard upon the Place, all Parties being preſent.* Which was the beſt *Expedient* at laſt; But the moſt natural way was to have begun there; And therefore the *Sardican Council* did very well to reduce the *Nicene Canon* about proceeding within the *Province* in the *firſt Inſtance*.

(2.) *If the Party be grieved at the Sentence paſſed againſt him, then that there be a re-hearing of it granted*, Can. 2. This the Council of *Antioch* allow'd, *Can.* 12. *by a greater Synod of Biſhops, but takes away all hopes of Reſtitution from him that made his Appeal to the Emperor.* The meaning of the Canon is, not to exclude an *Addreſs* for a greater *Synod*; but an *Appeal*, to have the *Emperor* reverſe the Sentence, without any farther hearing by another Aſſembly of Biſhops. So that the final reſort was hereby ſettled in a greater *Council*, from which no *Appeal* ſhould lie. This *Canon* is ſuppoſed to be particularly deſign'd againſt *Athanaſius*; But I do not find that he made Application to the Emperor to be reſtored with a *Non-obſtante* to the Sentence of the *Tyrian Council*; But to have a more indifferent hearing by *another Council*. So the Biſhops of *Egypt* teſtifie in their *Synodical Epiſtle* extant in *Athanaſius*; But their Proceeding againſt him at *Antioch* was, becauſe after this he took Poſſeſſion of his *See* without another Sentence of a *greater Synod*; But the great difficulty is, to reconcile this Canon with the fifteenth of the ſame Council, *which takes away all Liberty of Appeal from the unanimous Sentence of a provincial Synod.* (*p*) *Petrus de Marca*, a Man of more than ordinary Sagacity in theſe matters, was ſenſible of this appearance of *Contradiction*; and he ſolves it thus, That *no Appeal* is allow'd from a provincial Synod, *Can.* 15. But notwithſtanding, by *Can.* 12. there is a Liberty of proceeding by way of *Petition* to the Emperor, for a *re-hearing* the Cauſe by a *greater Synod*. And in this Caſe the Emperor was to be Judge, whether it were fit to grant another hearing or not, and although by this Canon, in the Caſe of a general Conſent, no neighbour Biſhop could be called in; as they might in caſe of Difference by *Can.* 14. Yet if the Emperor thought they proceeded *partially*, he might either join Biſhops of another Province with them, or call a more general Council out of the Province, as *Conſtantine* did at *Tyre*. This was the undoubted Right of the Emperors, to call together Aſſemblies of Biſhops for what Cauſes they thought expedient. But (*q*) *Socrates* expreſly

---

(*m*) Euſeb. Conſtant. *c.* 41, 42.

(*n*) Athanaſ. *Apol.* 2. *p.* 726, *&c.*

(*o*) *Concil. Labb. To.* 2. *p.* 778.

(*p*) *De Concord. l.* 7. *c.* 2. *n.* 6.

(*q*) Socr. *l.* 2. *c.* 40.

preſly ſaith, *That no Appeal was allow'd by the Canons of the Church*; For ſpeaking of *Cyril* of *Jeruſalem*'s being depoſed, he ſaith, he appealed to a greater *Court* of *Judicature*, which Appeal *Conſtantius* allow'd; but then he adds, *That he was the firſt and only perſon who, contrary to the Cuſtom and Canons of the Church, made ſuch an Appeal.* *H. Valeſius* contradicts *Socrates*, becauſe of the *Appeal* of the *Donatiſts* to *Conſtantine* from the Council of *Arles*. But this is nothing to the purpoſe; for the Actions of the *Donatiſts* were not regarded; And beſides, their *Appeal* was to *Conſtantine*, *to hear the Cauſe himſelf*; But here *Cyril* appealed to a greater number of Biſhops, according to the *Canon* of *Antioch*. And then appear'd at the Council of *Seleucia* to have his Cauſe heard. (r) *Baronius* is much puzzled with this Expreſſion of *Socrates*, becauſe *it would take away Appeals to the Pope*; But the Eaſtern Biſhops never underſtood any ſuch thing; And *Cyril* made his *Appeal* to *a greater Synod*. The Canons of *Sardica*, which *Baronius* quotes, were not received and ſcarce known in the Eaſtern Church. *Athanaſius* fled to the Weſtern Biſhops, becauſe he was ſo ill uſed in the Eaſt, not becauſe *of any Authority in the Biſhop of* Rome *to receive Appeals*. But *Cyril* went according to the Canons of *Antioch*, making *application* to *Conſtantius* to be heard, by a *greater Synod*. (s) *Sozomen* ſaith, *that* Conſtantius *recommended the Cauſe of* Cyril *to the Council of* Ariminum. But that cannot be, *ſince* (t) *he expreſly forbad the Weſtern Biſhops in that Council to meddle with the Cauſes of the Eaſtern Biſhops*; *And declares, whatever they did in that matter ſhould have no effect.* Therefore the Council to which *Conſtantius* referred this Cauſe, muſt be that of *Seleucia*, which was aſſembled at the ſame time. Which ſeeming to take off from the *Right* of *provincial Synods* eſtabliſhed in the Council of *Nice*, *Socrates* condemns as *uncanonical*, and ſaith, *He was the firſt that proceeded in this method of ſeeking to the Emperor for a greater Council.*

But then, (3.) The Council of *Sardica* made an *Innovation* in this matter. For although it allows the liberty of a *re-hearing*, yet it ſeems to take away the Power of granting it from the *Emperor*, as far as in them lay, and gives it to *Julius*, Biſhop of *Rome*, *for the honour of St.* Peter; *And, if he thought fit, he was to appoint the Neighbour Biſhops of the Province to hear it, and ſuch Aſſeſſours as the Emperor was wont to ſend.* To which was added, *Can.* 4. *That no Biſhop ſhould enter into the vacant Biſhoprick upon a Depoſition, and application for a new hearing; till the Biſhop of* Rome *had given Sentence in it:* But then, *Can.* 5. it is ſaid, *That if the Cauſe be thought fit to be re-heard, Letters are to be ſent from him to the neighbour Biſhops to hear and examine it. But if this do not ſatisfie, he may do as he ſees cauſe.* Which I take to be the full meaning of *Can.* 5. And this is the whole *Power* which the Council of *Sardica* gives to the Biſhop of *Rome*.

Concerning which we are to obſerve, (1.) That it was *a new thing*; for if it had been known before, that the ſupreme Judgment in Eccleſiaſtical Cauſes lay in the Biſhop of *Rome*, Theſe *Canons* had been idle and impertinent. And there is no colour in Antiquity for any ſuch judicial Power in the Biſhop of *Rome*, as to *re-hearing of cauſes* of depoſed Biſhops before theſe Canons of *Sardica*; So that (u) *Petrus de Marca* was in the right, when he made theſe *the foundation of the Pope's Power*. And if the *Right* of *Appeal* be a neceſſary conſequent from the Pope's Supremacy; Then the non-uſage of this practice before, will overthrow the claim of *Supremacy*. In extraordinary Caſes, the great

---

(r) Baron. *A.D.* 359. *n.* 75.

(s) Sozom. *l.* 4. *c.* 16.

(t) Hilar. *in Fragm. l.* 2. *p.* 44, 45.

(u) De Concord. *l.* 7. *c.* 3. *n.* 6.

Biſhops of the Church were wont to be adviſed with; as St. *Cyprian*, as well as the Biſhop of *Rome*, in the Caſes of *Baſilides* and *Marcianus*; But if ſuch Inſtances prove a Right of *Appeals*, they will do it as much for the Biſhop of *Carthage* as of *Rome*. But there was no ſtanding Authority peculiar to the Biſhop of *Rome* given or allow'd before this Council of *Sardica*. And the learned Publiſher of (w) *Leo's* Works hath lately proved at large, *That no one Appeal was ever made from the Churches of* Gaul, *from the beginning of Chriſtianity there to the Controverſie between* Leo, *and* Hilary *of* Arles, *long after the Council of* Sardica. But ſuch an Authority being given by a particular *Council* upon *preſent Circumſtances*, as appears by mentioning *Julius* Biſhop of *Rome*, cannot be binding to poſterity, when that limited Authority is carried ſo much farther, as to be challenged for an abſolute and ſupreme Power founded upon a *Divine Right*, and not upon the Acts of the Council. For herein the difference is ſo great, that one can give no colour or pretence for the other. (2.) That this doth not place the Right of Appeals in the *Biſhop* of *Rome*, as *Head* of the *Church*; But only transfers the *Right* of *granting a re-hearing* from the *Emperor* to the Biſhop of *Rome*. And whether they could do that or not is a great Queſtion; But in all probability *Conſtantius* his openly favouring the *Arian Party* was the occaſion of it. (3.) That this can never juſtifie the drawing of *Cauſes* to *Rome* by way of *Appeal*; becauſe the *Cauſe* is ſtill to be heard in the *Province*, *by the neighbour Biſhops, who are to hear and examine all Parties, and to give Judgment therein.* (4.) That the Council of *Sardica* it ſelf took upon it to judge over again *a Cauſe* which had been judged by the *Biſhop* of *Rome*, viz. *The Cauſe of* Athanaſius *and his Brethren.* Which utterly overthrows any Opinion in them, That the ſupreme *Right* of *Judicature* was lodged in the Biſhop of *Rome*. (5.) That the *Sardican Council* cannot be juſtified by the Rules of the Church, in receiving *Marcellus* into Communion. For not only the Eaſtern Biſhops in their *Synodical Epiſtle* ſay, *That he was condemned for Hereſie by the Council at* Conſtantinople *in* Conſtantine*'s time, and that* Protogenes *of* Sardica *and others of the Council had ſubſcribed to his Condemnation*; But (x) *Athanaſius* himſelf afterwards condemned him; And (y) St. *Baſil* blames the Church of *Rome* for admitting him into Communion: And (z) *Baronius* confeſſes, *that this brought a great diſreputation upon this Council*, viz. the abſolving one condemned for Hereſie, both before and after that Abſolution. (6.) That the Decrees of this Council were not univerſally received, as is moſt evident by the known Conteſt between the Biſhops of *Rome* and *Africa* about *Appeals*. If theſe *Canons* had been then received in the Church, it is incredible that they ſhould be ſo ſoon forgotten in the *African Churches*; For there were but two Biſhops of *Carthage*, *Reſtitutus* and *Genethlius* between *Gratus* and *Aurelius*. (a) *Chriſtianus Lupus* profeſſes *he can give no account of it.* But the plain and true account is this, There was a Deſign for a *General Council*; But the *Eaſtern* and *Weſtern Biſhops* parting ſo ſoon, there was no regard had by the *whole Church* to what was done by one ſide or the other. And ſo little notice was taken of their Proceedings, that (b) St. *Auguſtine* knew of no other than *the Council of the Eaſtern Biſhops*; and even (c) *Hilary* himſelf makes their Confeſſion of Faith to be done by the *Sardican Council*. And the calling of Councils was become ſo common then, upon the *Arian Controverſies*; And the Depoſition of Biſhops of one ſide and the other were ſo frequent, that the

(w) *Tom.* 2. *diſſert.* 5. *c.* 14, *&c.*

(x) Sulpit. Sever. *l.* 2.

(y) Baſil. *Ep.* 50.

(z) Bar. *A. D.* 347. *n.* 55. *n.* 61.

(a) Chriſtian. Lup. *in Can. Sardic. p.* 215.

(b) Aug. *c.* Creſc. *l.* 3. *c.* 34.

(c) Nic. Fabr. *Opuſc. p.* 39.

remoter Churches very little concerned themſelves in what paſſed amongſt them. Thence the *Acts* of moſt of thoſe *Councils* are wholly loſt, as at *Milan*, *Sirmium*, *Arles*, *Beziers*, &c. only what is preſerved in the *Fragments* of *Hilary*, and the *Collections* of *Athanaſius*, who gathered many things for his own vindication. But as to theſe *Canons*, they had been utterly forgotten, if the *See* of *Rome* had not been concerned to preſerve them; But the *Sardican Council*, having ſo little Reputation in the World; The Biſhops of that *See* endeavoured to obtrude them on the World, as the *Nicene Canons*. Which was ſo inexcuſable a piece of Ignorance or Forgery, that all the Tricks and Devices of the Advocates of that *See*, have never been able to defend.

CHAP. IV.

Of the *Faith* and *Service* of the *Britiſh* Churches.

THE Faith *of the* Britiſh *Churches enquired into.*
The Charge of Arianiſm *conſidered.*
The true State of the Arian *Controverſie, from the Council of* Nice *to that of* Ariminum.
Some late Miſtakes rectified.
Of ſeveral Arian *Councils before that of* Ariminum.
The Britiſh *Churches cleared from* Arianiſm *after it.*
The Number and Poverty of the Britiſh *Biſhops there preſent.*
Of the ancient endowment of Churches before Conſtantine.
The Privileges granted to Churches by him.
The Charge of Pelagianiſm *conſidered.*
Pelagius *and* Celeſtius *both born in theſe Iſlands.*
When Aremorica *firſt called* Britain.
What ſort of Monk Pelagius *was.*
No probability of his returning to Britain.
Of Agricola *and others ſpreading the* Pelagian *Doctrine in the* Britiſh *Churches.*
Germanus *and* Lupus *ſent by a Council of* Gallican *Biſhops hither to ſtop it.*
The Teſtimony of Proſper *concerning their being ſent by* Cæleſtine *conſider'd.*
Of Faſtidius *a* Britiſh *Biſhop.*
London *the chief Metropolis in the* Roman *Government.*
Of Fauſtus *originally a* Britain. *But a Biſhop in* Gaul.

The great eſteem he was in.

Of the Semipelagians *and* Predeſtinarians.

Of the Schools of Learning ſet up here by the means of Germanus *and* Lupus.

Dubricius *and* Iltutus *the Diſciples of St.* German. *The number of their Scholars, and places of their Schools.*

Of the Monaſtery of Banchor, *and the ancient Weſtern Monaſteries, and their difference, as to Learning, from the* Benedictine *Inſtitution.*

Of Gildas *his* Iren, *whether an Univerſity in* Britain.

Of the Schools of Learning in the Roman Cities, *chiefly at* Rome, Alexandria *and* Conſtantinople, *and the Profeſſors of Arts and Sciences, and the publick Libraries there.*

Of the Schools of Learning in the Provinces, and the Conſtitution of Gratian *to that purpoſe: extending to* Britain.

Of the publick Service of the Britiſh *Churches;* The Gallican *Offices introduced by St.* German.

The Nature of them at large explained, and their Difference from the Roman *Offices, both as to the Morning and Communion Service.*

The Conformity of the Liturgy of the Church of England *to the ancient* Britiſh *Offices, and not derived from the Church of* Rome, *as our Diſſenters affirm.*

THE Succeſſion of the *Britiſh Churches* being thus deduced from their *original* to the times of the Chriſtian Emperors, it will be neceſſary to give an account of the *Faith* and *Service* which were then received by them.

And it is ſo much the more neceſſary to enquire into the *Faith* of the *Britiſh Churches*, becauſe they are charged with two remarkable Hereſies of thoſe times, *viz. Arianiſm* and *Pelagianiſm*; and by no leſs Authority than that of (*a*) *Gildas* and (*b*) *Bede*. (*a*) Gild. *Epiſt.* p. 12.

The Charge of *Arianiſm* is grounded upon *the univerſal ſpreading of that Hereſy over the World*, as *Bede* expreſſes it, and therefore to ſhew how far the *Britiſh Churches* were concerned, we muſt ſearch into the Hiſtory of that Hereſie, from the Council of *Nice* to the Council of *Ariminum*, where the *Britiſh* Biſhops were preſent. (*b*) Bed. *l.* 1. c. 8, 10, 17.

It is confidently affirmed by a late (*c*) Writer, *That the* Arian *Faction was wholly ſuppreſt by the* Nicene *Council, and all the Troubles that were made after that were raiſed by the* Euſebians, *who were as forward as any to anathematize the* Arians, *and all the Perſecutions were raiſed by them, under a pretence of Prudence and Moderation; That they never in the leaſt appear'd after the Council of* Nice *in behalf of the* Arian *Doctrine, but their whole fury was bent againſt the word* ὁμοούσιος *and* Athanaſius; *That in the times of* Conſtantius *and* Conſtans *the Cauſe of* Arius *was wholly laid aſide by both Parties, and the only Conteſt was about the word* (*c*) R. & L. *Part.* 1. p. 354. p. 374. p. 415.

ὁμοούσιος; *That the* Euſebian *Cauſe was not to reſtore* Arianiſm, *but to piece up the Peace of the Church by comprehending all in one Communion, or* p. 468. *by mutual forbearance.*

But if it be made appear, that the *Arian* Faction was ſtill buſie and active after the *Nicene Council*; that the Conteſt about ὁμοούσιος was with a deſign to overthrow the *Nicene Faith*; that the *Euſebians* great buſineſs was, if poſſible, to reſtore *Arianiſm*; then it will follow, that ſome Mens hatred of *Prudence* and *Moderation* is beyond their Skill and Judgment in the Hiſtory of the Church: and the making out of theſe things will clear the Hiſtory of *Arianiſm* to the Council of *Ariminum.*

But, before I come to the Evidence ariſing from the Authentick Records of the Church, it will not be unpleaſant to obſerve, that this very Writer is ſo great an Enemy to the deſign of *Reconcilers*, that it is hardly poſſible, even in this matter, to reconcile him to himſelf. For, he tells us, that the moſt conſiderable *Euſebians* in the Weſtern p. 484. Churches, *viz.* Valens, Urſacius, *and their Aſſociates had been ſecret* p. 508. Arians *all along*; *that the word* Subſtance *was left out of the third* Sirmi- p. 510. an *Creed, to pleaſe* Valens *and his Party*; *who being emboldned by this Creed whereby they had at length ſhaken off all the Clogs that had been hitherto faſten'd on them to hinder their return to* Arianiſm, *moved, at the Council at* Ariminum, *that all former Creeds might be aboliſhed, and the* Sirmian *Creed be eſtabliſhed for ever.* Doth this conſiſt with *the* Arian *Factions being totally ſuppreſt by the Council of* Nice, *and none ever appearing in behalf of the* Arian *Doctrine after*; *and the* Euſebians *never moving for reſtoring* Arianiſm, *but only for a ſort of Comprehenſion and* (d) R. & L. Part. 2. p. 3. *Toleration?* In another place he ſaith, (*d*) *the* Euſebians *endeavoured to ſupplant the* Nicene *Faith, though they durſt not diſown it.* And was *the* Arian *Faction then totally ſuppreſt while the* Euſebians *remained?* p. 4. Theſe are the Men whom he calls the *old* Euſebian *Knaves*; And for the *Acacians*, he ſaith, *when they had got the Maſtery, they put off all* Part. 1. p. 528. *diſguiſe, and declared for* Arianiſm. Is it poſſible for the ſame Perſon to ſay, that *after the* Nicene *Council, they never appeared in behalf of the* Arian *Doctrine* in the Eaſtern and Weſtern Churches; and yet, *When they put off their Diſguiſe, they declared for Arianiſm?* What is this but appearing openly and plainly for the *Arian* Doctrine? And if we believe ſo good an Author as himſelf, their Conteſt after the *Council* of *Nice* was ſo far from being merely about the word ὁμοούσιος, that he frequently ſaith, that Controverſie did take in the whole Merits of the Cauſe, as will appear from his own words in ſeveral p. 358. places. As when he ſpeaks of the *Council* of *Nice*, he ſaith, “The “whole Controverſie was reduced to the word *Conſubſtantial*; which “the *Euſebians* at firſt refuſed to admit, as being no Scripture word, “but without its admiſſion, nothing elſe would ſatisfie the Council, “and good reaſon they had for it, becauſe to part with that word “after the Controverſie was once raiſed, would have been, to give “up the Cauſe; for it was unavoidable, that if the Son were not of “the ſame ſubſtance with the Father, he muſt have been made out of “the ſame common and created ſubſtance with all other Creatures; “and therefore when the Scriptures give him a greater Dignity of “Nature than to any created Being, they thereby make him of the “ſame uncreated Subſtance with the Father; ſo that they plainly aſ“ſert his *Conſubſtantiality*, though they uſe not the word. But when

“ the Truth it ſelf was denied by the *Arian* Hereticks and the Son of God thruſt down into the rank of created Beings, and defined to be a Creature made of nothing, it was time for the Church to ſtop this Hereſie, by ſuch a Teſt as would admit of no Prevarication; which was effectually done by this word; and, as cunning and ſhuffling as the *Arians* were, they were never able to ſwallow or chew it, and therefore it was but a weak part of the *Euſebians* to ſhew ſo much zeal againſt the word, when they profeſſed to allow the thing; For if our Saviour were not a meer Creature, he muſt be of the ſame uncreated Subſtance with the Father, becauſe there is no middle between created and uncreated Subſtance; ſo that whoever denied the *Conſubſtantiality* could not avoid the Hereſie of *Paulus Samoſatenus*, which yet the *Arians* themſelves profeſſed to defie; for if he were a meer Creature, it is no matter how ſoon, or how late he was created.

And therefore it is not to be imagined that the *Euſebians* ſhould really believe the *Conſubſtantiality* of the Son, and yet ſo vehemently oppoſe the *uſe* of the *word*. Would any Men of common ſenſe, who did believe the Bread and Wine in the *Euchariſt* to be turned into the very Body and Blood of *Chriſt*, ſet themſelves with all their force and intereſt to overthrow the term of *Tranſubſtantiation?* So, if the *Euſebians* did believe the Son of the ſame *Subſtance* with the Father, to what purpoſe ſhould they cabal ſo much as they did all the Reign of *Conſtantius*, to lay aſide the word ὁμοούσιος; If it be ſaid, *It was by way of Comprehenſion, to take in diſſenting Parties:* then it is plain they were really diſſenting Parties ſtill, and conſequently did not differ only about the *Uſe* of a *Word*, but about the *Subſtance* of the *Doctrine*. And as thoſe who do believe the Doctrine of *Tranſubſtantiation*, are for the *Uſe* of the *Word*; and thoſe who believe it not, would not have the *Word* impoſed; ſo it was in all the Councils under *Conſtantius*, thoſe who chiefly oppoſed the Word *Conſubſtantial*, did it, becauſe they liked not the *Doctrine*; and thoſe who contended for it, did it, becauſe they knew the Doctrine was aimed at under the Pretence of laying aſide *an unſcriptural Word*. And the ſame Author tells us from St. *Hilary*, “ the Conſequence of ſhutting out the Word ὁμοούσιος was, *p.* 484. that it muſt be decreed either that the Son was a Creature made out of nothing, or out of another Subſtance uncreated and diſtinct from the Divine Nature. And when he gives an account of the Council of *Seleucia*, held at the ſame time with that of *Ariminum*, he ſaith, *They brake into two Parties, of the* Acacians, *who defied the Council of* *p.* 520. Nice *and all its Decrees, and the old* Euſebians, *who pretended to ſtick only at the Word* Conſubſtantial: and upon their Appeal to the Emperor, there are theſe two things remarkable. 1. That thoſe who were for *laying aſide all diſcriminating Words* were *Arians* of the higheſt ſort, *p.* 522. *viz.* Aetians, *who held the Blaſphemy of Diſſimilitude.* 2. That thoſe who were for retaining the word *Subſtance* went on this Ground, *That if God the Son exiſt neither from nothing nor from any other ſubſtance, then he muſt be of the ſame ſubſtance with the Father. Which was the very Argument*, he ſaith, *approved by the Council of* Nice *for ſetling the word* *p.* 524. ὁμοούσιος. This is a ſufficient Argument to me, that thoſe who from the Council of *Nice* did chiefly oppoſe that Word, did it with a Deſign to overthrow the Doctrine of the Son's being of the ſame ſubſtance with the Father. Which will more fully appear by a brief deduction of the *Arian Hiſtory* from the Council of *Nice* to that of *Ariminum*; not from modern Collections, but from the beſt Writers about that time.

The *Arian Faction* finding themſelves ſo much overvoted in the Council of *Nice*, that they deſpaired to carry any thing there by fair means; betook themſelves to fraudulent Arts, hoping thereby to hinder either the paſſing or the executing any Decree againſt them. At firſt, they endeavoured to blind and deceive the Council by ſeeming to profeſs the Orthodox Faith, but they made uſe of ſuch ambiguous Forms of Words as might ſerve their ends, by couching an Heretical Senſe under a fair appearance of joining in the ſame Faith with the reſt. (*e*) (*f*) This being diſcovered by the more ſagacious Defenders of the old Chriſtian Faith, they at length fixed upon the term ὁμοούσιος as the only effectual Teſt to diſcriminate the *Arians* from others; and when they had uſed their utmoſt skill and endeavour to keep this Teſt from paſſing, and found they could not prevail, they bethought themſelves of another way to keep the *Faction* alive, although the *Hereſie* might ſeem at preſent to be totally ſuppreſt. And that was, by ſuffering *Arius* and his two faſt Friends, *Secundus* and *Theonas*, to be condemned by the Council, and to be baniſhed by the Emperor; but the chief Heads of the Faction, *Euſebius* of *Nicomedia*, and *Theognis* of *Nice*, with others, reſolved upon an *Expedient* to clear themſelves, and yet to keep up the Faction; which was, by ſubſcribing the Confeſſion of Faith, and denying to anathematize *Arius* and his Followers. This is plain from the Epiſtle of *Euſebius* and *Theognis*, extant in (*g*) *Socrates* and (*h*) *Sozomen*, wherein they own their *Subſcription to the Decree of Faith*, but declare, *That they utterly refuſed to ſubſcribe the Anathema againſt* Arius *and his Adherents; becauſe they did not believe them guilty of the Hereſie charged upon them; as they found both by Writing and Converſation with them.* This *Epiſtle* was written by them during their Baniſhment, in order to their return to their Biſhopricks, from which they had been driven by *Conſtantine*'s own Order; and the Reaſon of it is given in his *Epiſtle* to the Church of *Nicomedia*, viz. (*i*) *for communicating with the* Arians *whom he had cauſed to be removed from* Alexandria *for their Hereſie and Diſturbance of the Peace of the Church there*; and the ſame Account is given of it in the Synodical Epiſtle of the Biſhops of *Egypt* extant in (*k*) *Athanaſius*. Which ſhews their Reſolution to keep up the *Faction* in ſpite of the *Council of Nice*: For if they had any regard to the Decree there paſt, they would not have preſumed to have communicated with thoſe who were expreſly *anathematized* by the *Council*; and had very hardly eſcaped it themſelves, as *Conſtantine* there upbraids them in his *Epiſtle*. But, upon this notorious Contempt, they were depoſed from their Biſhopricks, and ſent into Baniſhment; where they grew very uneaſie, and reſolved upon any Terms to be reſtored; knowing that if they continued there, the *Faction* was indeed *in danger to be wholly Suppreſt*: And, for that end, they wrote that ſubmiſſive Letter to the leading Biſhops, promiſing an univerſal Compliance upon their Reſtauration. And the main ground they built their Hopes upon, was, *becauſe* Arius *himſelf upon his ſubmiſſion was recalled*; as they declare in the end of that Epiſtle.

(*e*) Athanaſ. *de Synod. Arim. & Seleuc.* p. 921.

(*f*) Theod. l. 1. c. 8.

(*g*) Socr. l. 1. c. 14.

(*h*) Soz. l. 2. c. 16.

(*i*) Theod. l. 1. c. 20.

(*k*) Athanaſ. *Apol.* p. 727.

Which Intrigue was carried on by (*l*) (*m*) a ſecret *Arian*, Chaplain to *Conſtantia*, the Emperor's Siſter, recommended to the Emperor at her Death; who, being received into Favour, whiſper'd into his Ear very kind things concerning *Arius and his Adherents*; adding, that they were unjuſtly baniſh'd, and that the whole Controverſie was nothing but a *Pique* which the Biſhop of *Alexandria* had taken againſt one of his *Presbyters*, for having more Wit and Reputation than himſelf; and that it would become *Conſtantine*, in point of Honour and Juſtice, to recall *Arius*, and to have the whole matter examined over again. Upon this *Arius* is ſent for, and bid by the Emperor to ſet down his Confeſſion of Faith plainly and honeſtly; which is extant in the Eccleſiaſtical Hiſtorians, under the Name of *Arius* and *Enzoius*, and was framed in ſuch a ſpecious manner, as made the Emperor believe that *Arius* was indeed of the ſame Mind with the *Nicene Fathers*, only leaving out the word *Conſubſtantial*. But he would not undertake to determine himſelf, whether he ſhould be received into Communion upon this; but he referr'd the whole matter to the Biſhops then met at *Jeruſalem*; who, ſaith *Sozomen*, *unanimouſly approved this Confeſſion of Faith, and wrote a Circular Letter upon it for receiving* Arius *and his Adherents into Communion*; notwithſtanding the peremptory Decree of the Council of *Nice* to the contrary. Which Epiſtle is extant in (*n*) *Athanaſius* who looks on it as the firſt Blow given to the Authority of the *Council* of *Nice*; And he underſtands it of that *Arius*, who was Author of the Hereſie, and not of the other *Arius*, as ſome modern Writers do.

And here, Athanaſius ſaith, *they began to open their Deſign in favour of the* Arian *Hereſie, which till then they had concealed.* For they knew that work was not to be done at once; but this was a good ſtep towards the leſſening the Authority of the *Nicene Council*; which being once removed, the *Faction* did not queſtion they ſhould be able to ſet up *Arianiſm* ſpeedily. They were not ſo plain hearted to declare preſently for what they aimed at; nor to put it to the Vote, whether the *Nicene Faith* ſhould be deſtroyed or not. For that, having the great Advantage of ſo publick a Settlement, and ſuch a general Conſent of the Chriſtian World, it was not to be overthrown at once, nor by open violence, but to be taken in pieces by degrees; and the generality were to be cheated into *Arianiſm*, under other pretences and inſinuations. And the firſt thing was, to perſuade the World, that the *Arians* had been hitherto miſunderſtood, and their Doctrine miſrepreſented by ſuch factious and buſie Men as *Athanaſius*, and a few others, therefore it was abſolutely neceſſary to weaken the Authority of the Council, as being influenced by a ſmall number of Men who overſwayed the reſt; Neither was it ſafe to begin with the Matter of Faith, for that would give too great an Alarm; but it was a much more plauſible way to bring the *Arians* into Communion, as being much miſrepreſented and not owning the Doctrines which the *Athanaſian Party* did charge them with, and being once joined in Communion together, it would be fit to lay aſide all Terms of *Diſcrimination*, as tending to *Faction*; eſpecially ſuch as were lately ſet up, to put a diſtinction between the *Arians* and others. And when theſe things were done by other Councils, the Authority of the Council of *Nice* would fall to the Ground, and, as they ſuppoſed, the *Nicene Faith* together with it. But ſuch Deſigns could not be carried on ſo ſecretly and ſubtilly, but the wiſer ſort ſuſpected what was doing, as *Athanaſius* ſaith; *p.* 891. and therefore they ſoon called another Council at *Antioch*, where they made

(*l*) Socr. *l.* 1. c. 25.
(*m*) Soz. *l.* 2. *c.* 27.

(*n*) Athanaſ. *Apol.* p. 801. & *Synod. Arim. & Seleuc. p.* 899, 891.

made vehement Proteſtations to the contrary. *We*, ſay they, *are no followers of* Arius; *for, being Biſhops, how can we follow a Presbyter?* As though the World could be deceived by ſuch pitifull Reaſonings. But after they declare, *That they embraced none but the ancient Faith*, but withall confeſs they had received *Arius to Communion*; and then make a Profeſſion of their Faith very agreeable to that of *Arius* and *Euzoius*, delivered to *Conſtantine*; wherein they aſſert *the Coeternity of the Son with the Father*, but leave out his being *of the ſame Subſtance*. But fearing this would not give ſatisfaction, they added another, wherein they owned (o) *the Son to be God of God, Lord of Lord, the unchangeable Image of his Deity, Subſtance, Will, Power and Glory*: but after, they expreſs themſelves more fully, when they ſay, *they believe three diſtinct hypoſtaſes and an unity of conſent*; which overthrows the *Nicene* Faith, it being built on the *unity* of *Subſtance* and not of *Will*. It cannot be denied, that the crude expreſſions of *Arius* in the firſt Heat of the Controverſie were here rejected, viz. *that there was a time before the Son was, or that he was a Creature like other Creatures*; for they knew theſe expreſſions would not then be born, and therefore they were forced to refine *Arianiſm* to the utmoſt degree, to make it paſs down the better, till the prejudice againſt it by the Council of *Nice* were wholly removed. To which end they ſet forth ſeveral other Confeſſions of Faith to prevent the ſuſpicion of what they aimed at; but theſe were in the time of *Conſtantius*.

I return therefore to the Reign of *Conſtantine*, which excellent Prince (p) would ſuffer no alteration to be made in the *Nicene* Faith in his time; and therefore the *Secret Arians* were forced to great diſſimulation and hypocriſie, and to carry on their deſign under other pretences. So (q) *Theodoret* ſaith, *That* Euſebius *and his Party outwardly complied in the Council of* Nice *out of fear*; and he applies to them the ſaying of the Prophet, *This People honoureth me with their lips, but their heart is far from me.* And elſewhere he ſaith, (r) *The* Arians *in the Council ſubſcribed to the* Nicene *Faith, that being in Sheeps clothing, they might devour like ravening Wolves.* (s) *Sozomen* ſaith, *It was reported that* Euſebius *and* Theognis, *after their return from Baniſhment, corrupted the Perſon to whom the Subſcriptions of the Council of* Nice *were committed, and raſed out their own Names; and then openly declared againſt the Son's being of the ſame Subſtance with the Father: and that even to* Conſtantine *himſelf.* But that doth not ſeem credible to me. It being much more *probable*, which (t) *Socrates* relates, viz. *That* Euſebius *and* Theognis *having recover'd the poſſeſſion of their Churches upon their return from Baniſhment had frequent acceſs to the Emperor, who honoured them as his Converts*; and under that Pretext of embracing the *Nicene* Faith, did more miſchief than otherwiſe they could have done: and ſo made a very great Diſturbance in the Church: which he imputes partly *to their love* of *Arianiſm*, and partly to their *hatred* of *Athanaſius*: but the latter, as *Athanaſius* at large proves, was on the account of the former.

For, it being their Deſign to introduce *Arianiſm*, without owning it, next to their leſſening the Authority of the Council of *Nice*, the moſt effectual means they could think of was, by all poſſible Arts, to blacken and render odious, thoſe Perſons who moſt vigorouſly defended the *Nicene* Faith. And from hence began the great quarrel againſt *Euſtathius*, Biſhop of *Antioch*, and *Athanaſius*. As to the former, he gives an Account in the *Fragment* of a *Homily* extant in (u) *Theodoret*,

" what

(o) Ath. *p.* 892.

(q) Soz. *l.* 3. *c.* 1.

(q) Theod. *l.* 1. *c.* 5, 7.

(r) *l.* 1. *c.* 19.

(s) Soz. *l.* 2. *c.* 21.

(t) Socr. *l.* 1. *c.* 23.

(u) Theod. *l.* 1 *c.* 8.

" what ſhuffling the *Arians* uſed in the Council of *Nice* to preſerve their Biſhopricks; and, for that Reaſon, ſubſcribed to the Decree of Faith; and ſo, having eſcaped the Cenſures they deſerved, they did ſometimes ſecretly, ſometimes openly, propagate the Opinions there condemned. One of their great Arts, he ſaith, was to decline ſuch as well underſtood the Controverſie, and made it their buſineſs to oppoſe them. And ſo *Euſtathius* himſelf found to his ſorrow. For, *Euſebius* of *Nicomedia* and his Party, meeting together at *Antioch*, whom (*w*) *Theodoret* expreſly calls *the* Arian *Faction*, they there proceeded to the depoſing *Euſtathius*, upon the Accuſation of an infamous Perſon ſuborned to that purpoſe, and afterwards prevailed with *Conſtantine* to baniſh him; which being done, *Theodoret* ſaith, *There was a Succeſſion of Biſhops, who were ſecret* Arians, *as of* Eulalius, Euphronius *and* Flaccillus; *and that was the Reaſon the Orthodox Party then ſeparated themſelves, and were called* Euſtathians. (*x*) *Socrates* and (*y*) *Sozomen* confeſs, *that the quarrel about* Arianiſm *was renew'd ſoon after the Council of* Nice *both in* Egypt *and in* Bithynia, Helleſpont *and* Conſtantinople. But *Socrates* ſaith, *It was begun about the word* ὁμοούσιος, which was indeed the Pretext of the Quarrel, but the true Ground was *Arianiſm*. *Socrates*, being a Man not throughly verſed in theſe Matters, blames both ſides, *for contending about they knew not what; both agreeing in the ſame Doctrine, and yet not agreeing among themſelves.* But he did not penetrate into the depth of the *Arians* Deſigns, as *Theodoret*, a Man of far greater Judgment and Learning did. And he proves from *Euſtathius*, an eminent Biſhop of that time, and one preſent in the Council of *Nice*, that *Arianiſm lay at the bottom*; and that they complied at firſt only out of Fear, but had the ſame hatred to the true Faith they ever had; but after the Council they durſt not ſo openly ſhew it. (*z*) *Sozomen* ſaith, *the* Arian *Party charged thoſe who aſſerted* Chriſt *of the ſame Subſtance with the Father* (as the Council of *Nice* had determined) with *Sabellianiſm* and *Blaſphemy*; and *the followers of the* Nicene *Faith charged the others with Idolatry and Innovation; as aſſerting three diſtinct Gods as to Subſtance, when the Council had declared the Son of the ſame Subſtance with the Father.* And he ingenuouſly confeſſeth, that it was generally believed that *Euſtathius* was depoſed at *Antioch* for adhering to the *Nicene* Faith, and declaring himſelf againſt the *Arian* Party then prevailing in the Eaſt.

(*w*) Theod. *l.* 1. *c.* 21.

c. 22.

(*x*) Socr. *l.* 1. *c.* 23.

(*y*) Soz. *l.* 2. *c.* 21.

(*z*) Soz. *l.* 2. *c.* 18.

c. 19.

Who finding ſuch ſucceſs in their firſt attempt on *Euſtathius*, they next proceed againſt *Athanaſius*, the other great Champion of the Council of *Nice*. They (*a*) had conceived an inveterate hatred againſt him for his great zeal and activity in that Council, but their rage brake forth, after they heard that he ſucceeded *Alexander* in the See of *Alexandria*. *Euſebius* of *Nicomedia* was his mortal Enemy, who was removed to be near the Court, (though againſt the Canons;) yet he brake through all, thereby to have opportunity to fill the Emperor's Mind with Jealouſies and Suſpicions of all thoſe that oppoſed them, and eſpecially of *Athanaſius*. And (*b*) *Socrates* gives the true Reaſon of the great Spite againſt *Athanaſius*, viz. *that unleſs he were removed, there was no hopes of the* Arian *Doctrine prevailing:* which he there confeſſes was the thing the *Euſebians* aimed at. And now they thought ſuch a Snare was laid for *Athanaſius*, which it was hardly poſſible for him to eſcape. For, upon *Arius* his Submiſſion, they adviſe *Conſtantine* to ſend him to *Alexandria*, there to be received by *Athanaſius*, as the only way to put an end to all the

(*a*) Athan. *Apol.* 2. *p.* 725, 726.

(*b*) Socr. *l.* 1. *c.* 27.

Diſturbances of the Church. Away goes *Arius* with the Emperor's Command to *Athanaſius*: Who, according to their imagination, (c) refuſing to admit him, being anathematized by the Council, as the (d) firſt Broacher of a dangerous Hereſie, they eaſily exaſperated the good Emperor againſt him, as a ſeditious and turbulent Perſon; and ſo plied him with one Accuſation upon another; that at laſt *Conſtantine* ſent for him to appear before him upon an Information againſt him of no leſs than Treaſonable Practices. But upon a full hearing of the Matter by the Emperor himſelf, (e) he was acquitted, and ſent back with Marks of his Favour and vindication of his Innocency; in an Epiſtle to the People of *Alexandria*, part of which is extant in (f) *Sozomen* and (g) *Theodoret*, but at large in (h) *Athanaſius*. One would think this ſhould have diſcouraged his Enemies from any farther Proſecution of him; but theſe *Euſebians* were Men of reſtleſs, ambitious, implacable Spirits, that ſcrupled no means to compaſs their ends, which they thought they could never do, unleſs they could blaſt the Reputation of *Athanaſius*. To this end, they laid a moſt malitious deſign againſt him. Firſt, (i) they draw in the (k) *Meletian Party* in *Egypt* to join with them; who hoped to get their ends one upon the other afterwards; but at preſent they were willing to join together againſt their common Enemy; for ſo *Athanaſius* was accounted by them. And (l) *Euſebius* promiſed the *Meletians* great favour at Court, if they would manage the buſineſs againſt *Athanaſius*: which they undertook; and by their means ſo many Complaints were brought againſt *Athanaſius* to the Emperor, that he was forced for the general Satisfaction, to appoint a Council at *Tyre*, which was according to the *Euſebians* deſire, where things were managed with ſo little regard to Juſtice or common Honeſty, that, after he had plainly cleared himſelf as to the main Accuſations, he yet found they were reſolved to condemn him; and therefore he privately withdrew from thence to the Imperial Court, to acquaint the Emperor with the horrible Partiality there uſed. Upon (m) this he writes a very ſmart Letter to them, and requires them to come ſpeedily to him, (n) to give him an account of their violent Proceedings. They ſend a ſelect Number of their Party to Court with *Euſebius* of *Nicomedia* in the Head of them, who there quit all the Accuſations brought againſt *Athanaſius* at *Tyre*, and ſtart a new one which touched the Emperor in a very tender part, viz. *That he had threatned to hinder the bringing Corn from* Egypt *to* Conſtantinople; which was in effect to threaten the ſtarving his beloved City; which nettled the Emperor ſo much, that it tranſported him beyond his uſual Temper, and immediately he gave order for baniſhing *Athanaſius* into *Gaul*. Not long after *Conſtantine* died, *but before his death*, ſaith (o) *Theodoret*, *he gave order for the recalling* Athanaſius, *to the great regret of* Euſebius *of* Nicomedia *then preſent*.

Let any one now judge, whether *in* Conſtantine'*s time the* Arian *Faction were wholly ſuppreſt*; *and whether* Euſebius *and his Party were men that only pretended to Prudence and Moderation*; Who made uſe of the moſt malitious, unjuſt, abominable means, to ſuppreſs the chiefeſt Oppoſers of the *Arian* Faction? What will not ſuch men ſay to ſerve a turn, who dare to tell the World, *That the* Euſebians *were no leſs Enemies to the* Arians *than to the orthodox, and that it is a great and common Miſtake, that* Euſebius *was the ring-leader of the* Arian *Faction*? If it be a Miſtake, others have it from *Athanaſius*, and it is hard to believe that man ever read (p) *Athanaſius* his Writings, who dare ſay the

(c) Soz. *l.* 2. *c.* 18. *c.* 22.

(d) Athanaſ. *Apol.* p. 778.

(e) Socr. *l.* 1. *c.* 27.

(f) Soz. *l.* 2. *c.* 22.

(g) Theod. *l.* 1. *c.* 27.

(h) Achanaſ. *Apol.* p. 779.

(i) Soz. *l.* 2. *c.* 24.

(k) Athanaſ. *Apol.* p. 777.

(l) Socr. *l.* 2. *c.* 22.

c. 25.

(m) Socr. *l.* 1. *c.* 11.

(n) Athan. *Apol.* 803.

(o) Theod. *l.* 1. *c.* 32.

(p) Athan. *Apol.* 2. *p.* 777.

the contrary. All the Biſhops of *Egypt* in their Synodical Epiſtle from *Alexandria* charge the (*q*) *Euſebians* with *a reſtleſs deſire to promote* Arianiſm; and affirm, *that their malicious proſecution of* Athanaſius *was for no other end*; that *their Councils were called with a Deſign to overthrow that of* Nice; *that they had written againſt them as* Arians; *that the* Euſebians *joined with the* Meletians *only for the ſake of* Arianiſm; *that the Perſons ſent by the Council of* Tyre *into* Egypt *were* Arians, *and therefore declared Enemies*; *and whatever their pretences were, nothing but the advancing* Arianiſm *lay at the bottom.* Were ſo many Biſhops guilty of ſo groſs a Miſtake, who had certainly greater opportunity of knowing, and skill in judging the Men and their Deſigns than the moſt quick-ſighted Perſon of our Age can have? It would be endleſs to recite all the paſſages in *Athanaſius* his Apology, and Epiſtles, and Diſcourſes of the Councils of *Ariminum* and *Seleucia*, to prove that the *Euſebians* carried on the *Arian* Deſign, ſince a great part of them is ſpent in the proof of it. But we are told, with confidence enough, *that the Synod of* Alexandria, *in their Synodical Epiſtle, do not in the leaſt accuſe the* Euſebians *of* Arianiſm, *but only of holding Communion with them, i. e.* with the *Arians*. This cannot but ſeem ſtrange to any one that will be at the pains to peruſe that excellent Epiſtle. And even in that page, it is expreſly ſaid, (*r*) *their violent and malicious proceedings againſt* Athanaſius *were on purpoſe to diſcourage others from daring to oppoſe* Arianiſm; *and this with a particular deſign to introduce that Hereſie.* Could any Men be thought to take ſo much pains to ſet up a Doctrine they had no kindneſs to? *i. e.* Would any but *ſecret Arians* endeavour to ſet up *Arianiſm?* Unleſs we ſuppoſe them ſuch Tools to be made uſe of by others to do their buſineſs, and then to be laid aſide. But the *Euſebians* were no ſuch mean *Politicians*; for they were at the top of buſineſs, having all the advantages and opportunities to carry on their own ends; and therefore we have all the Reaſon in the World to conclude them *ſecret Arians*, who were at ſo much trouble to leſſen the Credit of the *Oppoſers* of *Arianiſm:* Which they look'd on as one of the moſt effectual means to introduce it. And although they did not openly declare themſelves *in behalf of the* Arian *Doctrine, after the Council of* Nice; which had been to hinder their own Deſign, in the time of *Conſtantine*; yet they made uſe of all the Methods which bad Men do to carry on their ends; *viz.* by falſe Inſinuations, lying Pretences, and all manner of malicious Proceedings againſt thoſe who ſtood in their Way; as is moſt notorious in the caſe of *Athanaſius*.

(*q*) Athanaſ. *Apol.* 2. *p.* 727, 728.
p. 731.
p. 733.
p. 735.
(*r*) Athan. *Apol.* 2. *p.* 738.

After the Death of *Conſtantine* we are told, *that all the Councils under* Conſtantius *that are commonly accounted* Arian, *have as fully and clearly condemned* Arianiſm, *as the* Nicene *Council it ſelf*; *It is true, they could not digeſt the Word* ὁμοούσιος; *but otherwiſe, as for the whole Scheme of* Arianiſm, *they have in all their Creeds anathematized it with all clearneſs and fulneſs of Expreſſion.* This is ſomewhat ſtrange Doctrine for one who pretends to have read *Athanaſius*, who hath taken ſo much pains to lay open the juggling of the *Arian Faction* in all thoſe Councils; and, one would think, by this manner of Writing, ſuch a Man took a particular pleaſure in contradicting him. For in his (*s*) Book of the Councils of *Ariminum* and *Seleucia*, he ſaith, *none of the Councils under* Conſtantius *could be brought to anathematize the* Arian *Hereſie, as the Council of* Nice *did.* He ſaith, *that* Conſtantius *himſelf was an* Arian *Heretick, and*

(*s*) Athanaſ. *de Synod. Arim. & Seleuc.* p. 873.
p. 870.

p. 839. *and that his chief Deſign in all thoſe Councils was, to take away the force*
p. 874 *of the Council of* Nice. He ſaith indeed, *they were not ſuch Fools to own*
this, but this was the true Reaſon of all the Councils they called, and the diſturbance
p. 870. *they made, to the great Scandal of the Chriſtian World.* Nay, he
p. 874. ſaith, *that in all their Councils they never once mention'd the* Arian *Hereſie*
as an evil thing: and if any Hereſies were mention'd, the Arian *was*
excepted, which the Nicene *Council anathematized; and they received*
with great kindneſs ſuch as were known to be Arians; *which is an Argument*
that the calling theſe Councils was not for eſtabliſhing the Truth, but
for overthrowing the Council of Nice. And to ſhew what *Conſtantius* his
p. 907. own Mind was, he obſerves, *that when he came to die he would be baptized*
by none but Euzoius, *who had been ſeveral times depoſed for* Arianiſm;
and he there affirms, that Conſtantius *continued an* Arian *to the laſt.* As
p. 909. to the Word ὁμοούσιος about which ſo much ſtir was made, he takes
notice, *that all the offence that was taken at it, was by the* Arians; *and*
the true Cauſe was, becauſe it ſtruck at the root of their Hereſie. And as to
the Word *Subſtance, he wonder'd they ſhould ſo vehemently oppoſe it, when*
themſelves confeſſed, the Son was from the Father; for either he muſt be from
ſomething without him, or ſomething within him diſtinct from his Subſtance,
or he muſt be of the Subſtance of the Father; or they muſt make the Word
and the Son to be no real Subſtance, but mere Names; and ſo they did not
really believe what they expreſſed. And he farther ſhews, *that no other way*
p. 910. *of ſpeaking doth ſufficiently expreſs the Difference between the Son of God*
and his Creatures; which are only the effects of God's Will. From whence
p. 914. he concludes, *that the oppoſition to theſe Terms,* whatever was pretended,
was from a diſlike of the Doctrine eſtabliſhed in the Council of Nice. *For*
if it had been a mere doubt about the ſignification of the Words, they ought
p. 915. *to have explained their own ſenſe, and withall to have condemned the* Arian
Hereſie.

It cannot be denied that there were ſome who agreed in the Subſtance
of the Doctrine with the Council of *Nice,* but yet diſliked the
ibid. Term ὁμοούσιος; as to theſe *Athanaſius* confeſſes them to be *Brethren;*
as long as *they acknowledged the Son not to be a Creature, nor to be from*
another Subſtance diſtinct from the Father. And among theſe he reckons
p. 916. *Baſilius* of *Ancyra;* whoſe Doctrine he doth not ſeem to diſlike, provided
that to the *ſimilitude of Subſtance in the Son* they add *his being of*
the Subſtance of the Father. And in this ſenſe the τὸ ὁμοιούσιον comes to
the ſame with the τὸ ὁμοούσιον. There were two great Arguments,
there uſed againſt the Term ὁμοούσιος; The firſt was, *that it implied*
a Partition or Diviſion of the Divine Subſtance, as a Son among Men is
ſaid to be of the ſame Subſtance with his Father, but ſo, as that there is a
Diviſion of the ſame common Nature in the ſeveral individuals. To this
Athanaſius anſwers, “That the Divine Generation muſt not be apprehended
“ like the humane; but our Conceptions of God muſt be agreeable
“ to the Divine Nature; and therefore we muſt not imagine
“ the Son of God to be of the Subſtance with the Father, after the
“ ſame manner that the Son of Man is. For, as he is the Son, ſo he
“ is the Word and Wiſdom of the Father: and the internal Word
“ or Conception in Man is no diviſible part of himſelf; but leſt the
“ Notion of *Word* ſhould ſeem to deſtroy his real Subſiſtence, therefore
“ the Notion of *Son* is added in Scripture to that of *Word;* that we
“ may know him to be a *living Word* and *ſubſtantial Wiſdom.* So that
“ when we ſay, the Son is conſubſtantial to the Father, we underſtand

“ it not by way of Diviſion, as among Bodies, but abſtracting our “ Minds from all corporeal things, we attribute this to the Son of “ God, in a way agreeing to the Divine Nature, and mean by it, that “ he is not produced by his *Will* as the Creatures are, nor merely his “ Son by *Adoption*; but that he is the *true Eternal Son of God*; by “ ſuch an emanation as Splendour from Light, or Water from the “ Fountain. And therefore when they interpreted the Term *Son* in a “ way agreeable to the Divine Nature, he wonders they ſhould ſtick ſo “ much at the word *Conſubſtantial*, which was capable of the ſame “ Interpretation. The ſecond Objection was, *That thoſe who condemned the* Samoſatenian *Hereſie, rejected the Word* ὁμοούσιον. In anſwer to this, *Athanaſius* ſhews, “ That the Word was ſo much uſed and allowed p. 918. “ in the Chriſtian Church before the *Samoſatenian* Hereſie was “ heard of, that when *Dionyſius* of *Alexandria* was accuſed to *Dionyſius* of *Rome*, for rejecting it; the Council thereupon was ſo much “ concerned, that the Biſhop of *Rome* wrote their ſenſe to the Biſhop “ of *Alexandria* about it, he returns an Anſwer, wherein he owns all “ the ſenſe contained under it, as appears by his Epiſtle in *Athanaſius*; “ but for thoſe who oppoſed *Paulus Samoſatenus*, he ſaith, they took “ the Word in a corporeal ſenſe, as if it implied a diſtinct Subſtance “ from the Father; But, ſaith he, thoſe who condemned the *Arians* “ ſaw farther into this matter; conſidering that it ought not to be “ applied to the Divine Nature as it is to corporeal Subſtances; and “ the Son of God not being a Creature, but begotten of the Subſtance of the Father; therefore with great Reaſon they uſed the “ Word ὁμοούσιον, as being moſt proper to expreſs the Senſe of the “ Chriſtian Church againſt the *Arian* Hereſie; as he ſhews there p. 920. 921. “ at large.

From theſe paſſages of *Athanaſius* it appears that there was a *third Party* then in the Church diſtinct from the *Niceniſts* and the *Euſebians*. The former would by no means yield to any relaxation of the Council of *Nice*; becauſe they evidently ſaw that this Deſign was carried on by thoſe who made it their buſineſs under that pretence to introduce *Arianiſm*, who were the *Euſebians*. But there were others extremely concerned for the Peace of the Church, and on that account were willing to let go the Term ὁμοούσιον, hoping the Doctrine might be ſecured by other Expreſſions; and this facility of theirs gave the greateſt advantage to the *Euſebian Party* in all their Councils, who continually almoſt over-reached and out-witted them, under the pretence of *Accommodation*. For by this Artifice they gained their Votes, and when they had them, made uſe of them merely to ſerve their own Deſigns; as appears by the Account the Hiſtorians give of the management of the *Arian* Affairs under the Reign of *Conſtantius*.

(t) *Socrates* ſaith, *that immediately after the death of* Conſtantine, (t) Socr. l. 2. c. 2. Euſebius *and* Theognis, *the Heads of the* Arian *Faction, apprehended it now to be a convenient ſeaſon for them to throw down the* Nicene *Faith, and to ſet up* Arianiſm; *and to this purpoſe they endeavoured to hinder* Athanaſius *from returning to* Alexandria. *But firſt they gained the Eunuchs and Court-favorites, then the Wife of* Conſtantius *himſelf, to embrace* l. 2. c. 26. Arianiſm: and ſo the Controverſie of a ſudden ſpread into the Court, Camp, Cities and all Places of the Eaſt; (for the Weſtern Churches continued quiet during the Reign of *Conſtans*, to whoſe ſhare all the Weſtern Provinces in a ſhort time fell.) After the Death of *Alexander*,

der, Biſhop of *Conſtantinople*, the two Parties openly divided in the
c. 6. Choice of a Succeſſour; the one chuſing *Paulus*, and the *Arians*, *Macedonius*;
this nettled *Conſtantius*, who coming to *Conſtantinople* calls a
Council of *Arian* Biſhops, who depoſe *Paulus*, and ſet up *Euſebius* of
Nicomedia; who preſently falls to work, going with the Emperor to
Antioch, where, under the pretence of a *Dedication*, as is obſerved in
the precedent Chapter, a Council of ninety Biſhops was aſſembled;
c. 8 *but the Deſign was*, ſaith *Socrates*, *to overthrow the* Nicene *Faith*. Here
they made ſome Canons to enſnare *Athanaſius* (of which before.) As
to the matter of Faith, they durſt not openly propoſe the nulling the
Council of *Nice*; but they gained this great Point, That the Matters
of Faith might be diſcuſſed after it, and ſo they ſet open the Gate
for New Councils which by degrees might eſtabliſh the *Arian* Hereſie.

(u) Soz. l. 3. c. 1. (*u*) *Sozomen* ſaith, *that after the death of* Conſtantine *the ſecret* Arians
began to ſhew themſelves more openly; *among whom* Euſebius *and* Theognis
eſpecially beſtirr'd themſelves to advance Arianiſm. He agrees with
Socrates as to the ſpreading of it in the Court and elſewhere; and in
the other particulars, to the Council at *Antioch*; but he ſaith, *they*
c. 5. *framed their Confeſſion of Faith in ſuch ambiguous Terms, that neither Party
could quarrel with the Words*. But they left out any mention of the
Subſtance of Father and Son, and the Word *Conſubſtantial*; and ſo in
effect overthrew the Council of *Nice*.

This is that *Confeſſion of Faith*, which the Council in *Iſauria* called
(w) Athanaſ. de Synod p. 904. p. 895. (*w*) *the Authentick one made at* Antioch *in the Dedication*. But it was
not ſo *Authentick* but they thought good to alter it; and ſome Months
after ſent another to *Conſtans* to explain themſelves more fully; whereby
they reject thoſe who ſaid, *the Son was made of Nothing or of another
Hypoſtaſis, and not from* God. Who could imagine theſe to have
been any other than very ſound and orthodox Men? Eſpecially when
three years after, they ſent a larger Confeſſion of Faith into the Weſtern
Parts for their own Vindication, wherein *they anathematize thoſe
who held three Gods, or that* Chriſt *was not God, or that he was begotten
of any other Subſtance beſides God*, &c. But that there was *juggling* under
all this appears, becauſe, as *Athanaſius* obſerves, they were ſtill altering
their *Forms*; for this again was changed ſeveral times at *Sirmium*,
before they reſolved upon that which was to be carried to the
Council of *Ariminum*. And although the difference in the matters of
Faith as delivered by them ſeem'd now very nice and ſubtle, yet they
were irreconcilably ſet againſt the Council of *Nice* and all that adhered
to it. Which was a plain Evidence that they concealed their
Senſe under *ambiguous Words*, or that they ſaw it neceſſary at preſent
to ſeem Orthodox, that ſo they might the better ſet aſide
the Council of *Nice*; which being once effected, it would be an
eaſie matter to ſet up *Arianiſm*, which was the thing they deſigned.

This Intrigue was not diſcovered fully till after the Council of *Ariminum*, but was certainly carried on all along by the *Euſebian Party*, who without theſe Artifices could never have deceived the Eaſtern Biſhops, who joined with them till they more openly declared themſelves in the Council of *Seleucia*; and then the difference was not between the *Acacians* and *Euſebians*, as ſome have weakly conjectured, but between the *old Euſebians*, who now appear'd to be *Arians* under the Name of *Acacius*, and the Followers of *Baſilius* of *Ancyra*, who ſtuck chiefly at the word ὁμοιούσιος; of whom *Athanaſius* ſpeaks before. Now to draw in theſe Men, and to hold them faſt, who had great ſway in the Eaſtern Churches, the *Euſebians* were forced to comply in *words* with them, and in all probability to ſuffer them to draw up theſe *Creeds*, provided only that they left out the *Nicene Decree* and *Anathema*'s, which would do their buſineſs at laſt. So that the *Euſebians* were forced to the utmoſt Diſſimulation and Hypocriſie, to be able to carry on the *Arian* Deſign in the Eaſtern and Weſtern Churches. But whatever their Words and Pretences were, their Actions ſufficiently manifeſted their Intentions. For they ſet themſelves with the utmoſt violence againſt all who conſtantly adhered to the Council of *Nice*, and openly favoured and preferr'd all the declared or ſecret Friends to *Arianiſm*. They cauſed *Athanaſius* to be baniſhed a ſecond time from *Alexandria*, and appointed *Gregory* in his Place, *who continued there*, ſaith (x) *Theodoret*, *with great Cruelty for ſix years, and then was murthered himſelf by the* Alexandrians; but that ſeems to have been a miſtake for *George* of *Cappadocia*, who ſucceeded him. For (y) *Athanaſius* ſaith, *he died a natural death*; but he at large deſcribes the *horrible Perſecution* both of the *Clergy* and *Laity* then in *Egypt*, who would not comply with the *Arians*; for his buſineſs was to ſet up *Arianiſm*, as *Athanaſius* ſaith. After his Death, *Conſtantius* finding ſo little ſucceſs of thoſe violent Courſes, ſends for *Athanaſius* with great earneſtneſs to come to him; and gives him free Liberty to return to *Alexandria*; and ſolemnly ſwears to him, *he would never more receive any Calumnies againſt him*; and writes ſeveral Letters on his behalf: and one very kind one to himſelf after the death of his Brother *Conſtans*, who was a true Friend to *Athanaſius*: and then his greateſt Enemies courted him, and begg'd his Pardon for what they had done; being forced to it by the violence of the Torrent againſt him: and even *Urſacius* and *Valens*, two warm Men of the *Euſebian Party*, publickly recanted what they had done againſt him, without his ſeeking, and then *anathematized the* Arian *Hereſie*. But this was done while *Conſtans* was alive, and ſo great a Number appeared in the Weſtern Churches on his ſide; but *Conſtans* being dead, the *Euſebian Party* perſuade *Conſtantius*, to take heart once more and to try what he could do to reſtore *Arianiſm*; then *Valens* and *Urſacius* recant their recantation, and lay it all on the *Fear* of *Conſtans*; and now to ſhew the Emperor's zeal for *Arianiſm*, the publick allowance is taken from *Athanaſius* and his Party, and given to the *Arians*; and the Magiſtrates threatned, if they did not communicate with them; and not only the People baniſhed that refuſed, but the Biſhops were ſummoned to appear in the *Courts* and were there told, *they muſt immediately ſubſcribe or loſe their Places*. But all this while *Toleration* was granted to all but to the followers of the Council of *Nice*. And thus all Places were fill'd with Tumult and Diſorder, and the People forced their Biſhops to the Tribunals for fear of being puniſhed themſelves. And the Reaſon of his Violence was, becauſe the *Arian* Hereſie was ſo much hated by the People, and they hoped by this means to bring them to own it. *Heraclius*, the Emperor's Lieutenant, declared in his Name, *that* Athanaſius *was to be caſt out, and the Churches given to the* Arians; and required the People to receive ſuch a Biſhop as he ſhould ſend, *viz. George* of *Cappadocia*, a violent *Arian*. But the tragical Account of all the Perſecutions, which the orthodox Chriſtians then underwent in *Egyt*, from

(x) Theod. *l.* 2. c. 4.

(y) Athan. *ad ſolit. vit. agen.* p. 823.

p. 816.

p. 817.

p. 823.

p. 825.

p. 826.

p. 828.

p. 829.

ibid.

p. 830.

p. 846.

from theſe *Men of Prudence and Moderation* is at large ſet down by *Athanaſius* himſelf; and in the concurrent Teſtimony of the *People* of *Alexandria*; ſo that nothing ſeems to have been more violent and cruel in the Heathen Perſecutions than was acted under *Syrianus* and *Heraclius* in *Egypt*. And that it was wholly for the ſake of *Arianiſm*, *Athanaſius* evidently proves by this Argument, *That if a Man were guilty of never ſo great Crimes, if he profeſſed himſelf an* Arian, *he eſcaped; but if he* p. 810. *were an Oppoſer of* Arianiſm *the greateſt Innocency could not protect him.*

811. But this was not the Caſe of *Egypt* alone, but in other Places, *The beſt Qualification for a Biſhop was to ſtand well inclined to* Arianiſm; as p. 812. *Athanaſius* affirms. *But otherwiſe, though the Perſons were never ſo well deſerving; one fault or other was found with them to caſt them out:* So, ſaith he, it was with *Euſtathius, Biſhop of* Antioch, *a Man famous for his Piety and Zeal, yet becauſe he appeared againſt* Arianiſm, *feigned Accuſations are brought againſt him, and he is ejected with his Clergy, and none but favourers of* Arianiſm *placed in their room*; and the like Examples he brings at *Laodicea*, *Tripolis*, *Germanicia*, *Sebaſtea*, *Hadrianople* and many other places; inſomuch that a conſiderable Biſhop ſcarce any where appear'd againſt *Arianiſm*, but they found ſome pretence or other to put him out, and where they could alledge no other Cauſe, p. 813. they ſaid, *It was the Pleaſure of* Conſtantius. But their dealing with *Paulus*, the Biſhop of *Conſtantinople*, was very remarkable. He being choſen by the *Anti-Arian Party*, and ſtanding in the Way of *Euſebius* of *Nicomedia*, whoſe heart was ſet upon that Biſhoprick, being ſo near the Imperial Court, he firſt procured *Paulus* his Baniſhment to *Pontus*, then he was ſent in Chains to *Singara* of *Meſopotamia*, thence to *Emeſa*, thence to *Pontus*, thence to *Cucuſus*, where he was at length ſtrangled by the *Euſebian Party*, as *Athanaſius* ſaith, he had it from the Perſons there preſent. But although *Macedonius* who ſucceeded at (z) Soz. l. 4. c. 2. *Conſtantinople* were of a temper violent enough, as (z) *Sozomen* ſhews, (a) Theod. l. 2. c. 6. yet (a) *Theodoret* obſerves, *that even he was expelled* Conſtantinople, *becauſe he would not hold the Son of God to be a Creature*; For, although he denied *Chriſt to be Conſubſtantial with the Father*; yet he aſſerted him to be *like the Father in all things*, and *made the* Holy Ghoſt *to be a Creature*; by which he ſeem'd to deny the *Son* to be ſo, and there could not keep the Favour of the *Arian* Party, which then governed all in the Eaſtern Churches; but yet in ſuch a manner, as by no means, yet to declare for *Arianiſm*. And therefore *Theodoret* takes notice, that after the c. 25. death of *Leontius*, *Eudoxius* was the firſt who pulled off his Vizard, and declared openly for *Arianiſm*; but *Leontius* his way was, to promote only thoſe in the Church, he was before hand ſure of, and to ſuffer no other to come into Orders, by which means, ſaith he, *moſt of the Clergy were* Arians, *and the People ſtill continued ſound in the* Nicene *Faith*, till *Eudoxius* his Perſecution began.

This was the miſerable Condition of the Eaſtern Churches under the *Prudence* and *Moderation* of the *Euſebian Party*; but the Weſtern Churches continued quiet and very little diſturbed with the *Arian* Hereſie while *Conſtans* lived; who was ready, not only to maintain the true Faith in his own Dominions, but to give his Aſſiſtance for the Relief of thoſe who ſuffer'd in the Eaſtern Parts. Which was the Reaſon of the calling of the Council of *Sardica* by conſent of both Emperors, although that happen'd only to widen and inlarge the Breach. However the *Sardican* Council had ſuch effect in the Weſtern Parts, as to the buſineſs of *Athanaſius*, that as (b) *Athanaſius* tells *Conſtantius*, *Valens* and *Urſacius*, two very buſie Factors in the *Arian Cauſe*, *freely own the malicious Intrigue that was carried on in the proſecution of him.* The firſt Council of *Milan* is ſuppoſed by (c) *Petavius*, to be called the ſame year that of *Sardica* ended. But (d) *Sirmondus* thinks it very improbable there ſhould be two Councils in one year; and therefore he believes it rather to have been the year before: which is the more probable Opinion. This Council of *Milan* was aſſembled on the occaſion of ſeveral Biſhops there meeting to wait on the Emperor *Conſtans* in order to a *General Council*, to put things in order in the Chriſtian Church, which the *Arian Faction* had ſo much diſturbed. While they were there the four Eaſtern Biſhops arrived, with the long Confeſſion made at *Antioch*, and deſire the Weſtern Biſhops concurrence with them in it. Theſe expreſs their diſlike of any New Confeſſion of Faith, eſpecially after the *Nicene*; but, ſince they were ſo free of their *Anathema*'s at the end of their Confeſſion, they deſired them to make ſhort Work of it, *to anathematize the* Arian *Hereſie*; which they utterly refuſed to do, and ſo diſcover'd the Juggle of that ſeeming orthodox Confeſſion. This appears by *Liberius* his Epiſtle in the *Collection* of *Church Records* in (e) *Hilary*'s *Fragments*; in which he tells *Conſtantius*, *that theſe four Biſhops were ſo far from anathematizing the* Arian *Hereſie then in order to Peace, that upon being preſſed to do it, they roſe up in a Rage and left the Council.* From hence the Weſtern Biſhops ſmelt their Deſign, however cover'd over with fair Pretences of Peace and Reconciliation. Which they farther diſcover'd by their own *Legates*, whom they ſent into the Eaſt, who made this Offer to the Biſhops there, that they would accept of their own Terms of Accommodation, provided, *they would but condemn the* Arian *Hereſie, which upon conſultation they refuſed to do.* Upon theſe plain Diſcoveries, the Weſtern Biſhops could eaſily ſee through all their propoſals for Peace; being only made with a Deſign to make them betray the Faith. So that as long as *Conſtans* lived the *Arian Faction* could make little or no impreſſion on the Weſtern Churches; but he being ſoon after taken off by the Treachery of *Magnentius*, Captain of his Guards; and the whole Empire falling to *Conſtantius* upon his Victory over *Magnentius*, a ſudden alteration here happen'd about theſe Matters. *Valens* and *Urſacius* who had ſo ſolemnly retracted their former unjuſt Sentence of *Athanaſius*, now lay it upon their fear of *Conſtans*, and appear in the Head of the *Arian Faction*, and with them, as (f) *Severus Sulpicius* ſaith, *the two* Pannonia's *declared for* Arianiſm. And now they having an Emperor to their mind, reſolve to loſe no time, but carry things on with a mighty violence, and baniſh all who would not ſubſcribe to the condemning *Athanaſius*. For this *ſtale Pretence* muſt ſtill be made uſe of to deceive the *People* and to make way for *Arianiſm*; and yet this prevailed ſo far, that, as *Hilary* ſaith, in the *Preface* to his *Fragments*, *the People wondred what made ſo many Biſhops go into Baniſhment, rather than condemn one*; and the Deſign of thoſe *Fragments* is, to ſhew *that the Matter of Faith lay at the bottom of all this violence againſt* Athanaſius. Which proceeded ſo far, that in the Council called at *Arles*, *Paulinus*, Biſhop of *Triers*, was for oppoſing the condemning *Athanaſius*, and deſiring the Matters of Faith might firſt be ſettled, depoſed by the Council and baniſhed by the Emperor. And ſo great then was the Power of Fear upon them, that ſome of thoſe very Perſons, who had clear'd *Athanaſius* at the Council of *Sardica*,

(b) Athanaſ. p. 816, 839.

(c) Petav. *de Photin. Damn.* c. 1.

(d) Sirmond. *Diatr. de de anno Syrm. Synodi.*

(e) Hilar. *Frag.* op. p. 414.

(f) Sev. Sulpic. *l.* 2. *p.* 403.

dica, did now ſubſcribe to his condemnation; among whom was *Vincentius* of *Capua* the Pope's own *Legate*; as (*g*) *Athanaſius* himſelf confeſſes. Not long after, *Conſtantius* ſummons another Council at *Milan*; where, (*h*) *Socrates* and (*i*) *Sozomen* ſay, *above three hundred Weſtern Biſhops were aſſembled:* Here again the *Arian Faction* made a great outcry about *Athanaſius*; but *Dionyſius*, Biſhop of *Milan*, and *Euſebius* of *Vercelles*, laid open the Deſign ſo far as to make the Council be broken up and themſelves to be baniſhed by the Emperor's Edict. While the Emperor continued at *Milan*, *Liberius*, Biſhop of *Rome*, was ſummon'd to attend upon him there, in order to his Baniſhment, if he did not condemn *Athanaſius*; (*k*) *Theodoret* hath preſerved the moſt material paſſages that happen'd between them; One whereof is, that if *Conſtantius* really deſigned the Peace of the Church, the firſt thing was to be a general Subſcription of the *Nicene* Faith, after which other things would more eaſily be compoſed. But this would not be hearkned to; and ſo *Liberius* was baniſhed; but afterwards he unworthily complied not only to the Condemnation of *Athanaſius*, but he profeſſed his conſent to the *Sirmian Creed*, as appears by his Epiſtle in (*l*) *Hilary*'s *Fragments*; for which *Hilary* beſtows his *Anathema*'s very freely upon him. But it is of late pleaded on behalf of *Liberius*, *that he ſubſcribed only to the firſt* Sirmian *Confeſſion in the Council againſt* Photinus *which was expreſs againſt the* Arian *Hereſie.* Whereas *Hilary* (who, I think, knew this matter ſomewhat better) ſaith in ſo many Words, *Hæc eſt perfidia* Ariana, *i.e.* that what he ſubſcribed, contained in it the *Arian Hereſie*. But where doth *Hilary* or any one elſe ſay, that *Liberius only ſubſcribed the firſt Confeſſion of Sirmium*, and upon that was reſtored? Nay, (*m*) *Sozomen* ſaith, *that* Conſtantius *at firſt required him in terms to renounce the Son's being Conſubſtantial to the Father: but afterwards they joined together the Confeſſion againſt* Paulus Samoſatenus *and* Photinus, *with that of* Antioch *at the Dedication, and to theſe* Liberius *ſubſcribed.* So that he ſtruck in wholly with the *Arian Faction* which undermined the Authority of the Council of *Nice*, and he betray'd the Faith, if he did not renounce it. The *Eudoxians* at *Antioch*, he ſaith, gave out *that both* Oſius *and* Liberius *had renounced the* Nicene *Faith, and declared the Son to be unlike the Father:* but *Liberius* clear'd himſelf by rejecting the Doctrine of the *Anomæans*, *i.e.* the open and profeſſed *Arians*; and this *Urſacius*, *Valens* and *Germinius* then at *Sirmium* were willing to accept of, having a farther Deſign to carry on in theſe Parts, which was like to be ſpoiled by the *Anomæans* appearing ſo openly and unſeaſonably in the Eaſt. And for the ſame Reaſon, they were willing to call in that which *Hilary* calls *the Blaſphemy of* Oſius *and* Potamius, as being too open and giving Offence to the Followers of *Baſilius* of *Ancyra* in the Eaſt. For now the Emperor having baniſhed ſo many Biſhops and ſtruck ſo much terrour into the reſt, thought it a convenient time to ſettle the Church-affairs to his mind in theſe Weſtern Parts, and to that end he ſummoned a *General Council*; but juſtly fearing the Eaſtern and Weſtern Biſhops would no more agree now than they did before at *Sardica*; he appoints the former to meet at *Seleucia* in *Iſauria*, and the latter at *Ariminum*; whoſe Number, ſaith (*n*) *Severus Sulpicius*, *came to above four hundred*, and to the ſame purpoſe (*o*) *Sozomen*. When they were aſſembled, *Valens* and *Urſacius* acquainted them with the Emperor's good Intentions in calling them together, and as the only Expedient for the Peace of the

Church,

(*g*) Athanaſ. *ad* Conſtant. *p.* 692.

(*h*) Socr. *l.* 2. *c.* 36.

(*i*) Soz. *l.* 4. *c.* 9.

(*k*) Theod. *l.* 2. *c.* 16.

(*l*) Hilar. *in Fragm. p.* 426.

(*m*) Soz. *l.* 4. *c.* 15.

(*n*) Sever. Sulpic. *l.* 2.

(*o*) Soz. *l.* 4. *c.* 17.

Church, they propoſed, *that all former Confeſſions of Faith ſhould be laid aſide, as tending to diſſention*; *and this to be univerſally received, which they had brought with them from* Sirmium; where it was drawn up by ſeveral Biſhops, and approved by the Emperor. Upon the reading this New Confeſſion of Faith, wherein *the Son* is ſaid *to be like the Father, according to the Scriptures, and the Name of Subſtance agreed to be wholly laid aſide:* the Biſhops at *Ariminum* appeared very much unſatisfied; and declared, they were for keeping to the *Nicene* Faith without alteration; and required of the *Arian* Party there preſent to ſubſcribe it, before they proceeded any farther; which they refuſing to doe, they forthwith (p) excommunicated and depoſed them, and proteſted againſt all Innovations in matters of Faith. And of theſe Proceedings of theirs, they ſend an account by ſeveral Legates of their own, wherein they expreſs their Reſolution to adhere to the *Nicene* Faith, as the moſt effectual (q) (r) (s) Bar againſt *Arianiſm* and other Hereſies; and they add, that the removing of it would open the Breach for Hereſie to enter into the Church. They charge *Urſacius* and *Valens* with having once been Partakers of the *Arian* Hereſie, and on that account thrown out of the Church; but were received in again upon their Submiſſion and Recantation: but now they ſay, in this Council of *Ariminum*, they had made a freſh Attempt on the Faith of the Church, bringing in a Doctrine full of Blaſphemies; as it is in *Socrates*; but in *Hilary's Fragments* it is only, that their Faith contained *multa perverſæ Doctrinæ*; which ſhews that they looked on the *Sirmian Creed* as dangerous and heretical. And in the ſame (t) *Fragments* it appears by the *Acts* of the *Council*, that they proceeded againſt *Valens*, *Urſacius*, *Germinius* and *Caius* as *Hereticks* and *Introducers of Hereſie*; and then made a ſolemn Proteſtation, that they would never recede from the *Nicene* Faith.

Their ten Brethren whom they ſent to *Conſtantius* to acquaint him with the Proceedings of the Council, he would not admit to ſpeak with him: For he was informed beforehand by the *Arian* Party how things went in the Council, at which he was extreamly diſpleaſed, and reſolved to mortifie the Biſhops, ſo as to bring them to his Will at laſt. He (u) ſends word to the Council how much his Thoughts were then taken up with his Eaſtern Expedition, and that theſe Matters required greater freedom of Mind to examine them than he had at ſuch a time; and ſo commands the Legates to wait at *Hadrianople* till his Return. The Council perceived by this Meſſage that his Deſign was to weary them out, hoping at laſt, as (w) *Theodoret* expreſſes it, to bring them to conſent *to the demoliſhing that Bulwark which kept Hereſie out of the Church*, *i. e.* the Authority of the Council of *Nice*. To this ſmart Meſſage the Council returned a reſolute Reply, *That they would not recede from their former Decree*; but humbly beg leave to return to their Biſhopricks before Winter; being put to great hardſhips in that ſtrait Place. This was to let the Emperor know how he might deal with them, and he ſends a charge to his Lieutenant, not to let them ſtir till they all conſented. And in the mean time effectual means were uſed with their Legates in the Eaſt to bring them to terms; an account whereof we have in (x) *Hilary's Fragments*, which were to null all the former Proceedings, and to receive thoſe who were there depoſed, to Communion. Which being done, they were ſent back to decoy the reſt of the Council; who at firſt were very ſtiff, but by degrees they were ſo ſoftned,

(p) Athanaſ. *ad Afric.* p. 934.

(q) Socr. *l.* 2. c. 37.

(r) Sozom. *l.* 4. c. 18.

(s) Theod. *l.* 2. c. 19.

(t) Hilar. *Frag.* p. 459.

(u) Soz. *l.* 4 c. 19.

(w) Theod. *l.* 2. c. 19.

(x) Hilar. *Frag.* p. 452.

that they yielded at laſt to the Emperor's own Terms. The very Inſtrument of their Conſent is extant in *Hilary*'s *Fragments*, wherein they declare their full Agreement to the laying aſide the Terms of *Subſtance* and *Conſubſtantial* in the Creed: *i. e.* to the voiding the Authority of the Council of *Nice*, which was the thing all along aimed at by the *Arian* Party. And (*y*) *Athanaſius* ſaith, it was there declare *unlawful to uſe the word Subſtance or Hypoſtaſis concerning God.*

p 453.

(y) Athan. *ad Afric.* p. 934.

It is time now to conſider, how far thoſe Churches can be charged with *Arianiſm*, whoſe Biſhops were there preſent and conſented to the Decrees of this Council. It is a noted Saying of (z) St. *Jerome* on this Occaſion, *that the World then groaned and wondered at its being become* Arian. Which a late Authour ſaith, *is a paſſage quite worn out by our Innovators.* Whom doth he mean by theſe *Innovators*? The *Divines* of the *Church* of *England*, who from time to time have made uſe of it? Not to prove *an Apoſtaſie of the Catholick Church from the true Faith*; which no Man in his Wits ever dream'd of, but from hence to overthrow the pretended *Infallibility* of *General Councils*, or ſuch as have been ſo called. And notwithſtanding the opprobrious Name of *Innovators* (which, as we find in thoſe of the *Church* of *Rome*, often belongs to thoſe who give it to others) it is very eaſie to prove, that this one Inſtance of the Council of *Ariminum* doth overthrow not only the Pretence to the Infallibility of General Councils, but the *abſolute* binding *Authority* of any, till after due examination of the *Reaſons* and *Motives* of their Proceedings. For it is apparent by the whole Series of the Story, as I have faithfully deduced it, that the whole Deſign of the *Arian* Party was to overthrow the Authority of the Council of *Nice*; which they were never able to compaſs by a *General Council* till this of *Ariminum*, agreeing as they declared with the Eaſtern Biſhops. So that here was a Conſent both of the Eaſtern and Weſtern Churches, the Council of *Ariminum* being approved by (*a*) (*b*) (*c*) a Council at *Conſtantinople* the ſame Year. What is now to be ſaid, when the Biſhops aſſembled in Council both in the Eaſtern and Weſtern Churches did effectually as far as their Decrees went, overthrow the *Nicene* Council? If it be ſaid, *that the Council of* Ariminum *decreed nothing poſitively againſt the* Nicene *Faith*; we are to conſider, that the *reverſing the Decree* of the *Nicene* Council was in effect overthrowing the Faith thereby eſtabliſhed; And ſo St. *Hierome* ſaith, *Tunc* Uſiæ *Nomen abolitum eſt, tunc* Nicenæ *Fidei damnatio conclamata eſt.* And then theſe Words follow, *Ingemuit totus Orbis &* Arianum *ſe eſſe miratus eſt:* and if *nothing would ever be able to ſtop out the* Arian *Hereſie but the* Nicene *Faith*, as is confeſſed; and this Council took away the *Authority* of that Council, then it at leaſt made way for the introducing Hereſie, and left all Men to be Hereticks that had a mind to be ſo. And ſo St. *Hierome* ſaith, *Valens* and *Urſacius* after the Council boaſted, *that they never denied the Son to be a Creature, but to be like other Creatures:* from whence (*d*) St. *Ambroſe* takes it for granted, that *Chriſt's being a Creature* did paſs for good Doctrine in the Council of *Ariminum.* But we are told, *that St.* Jerome *only complains of the World's being cheated and trepan'd into* Arianiſm *by the Biſhops being ſo weakly over-reached and outwitted by an handful of* Arians. Doth not St. *Jerome* plainly ſay, *the Name of Subſtance was there laid aſide, and the Council of* Nice *condemned?* And could this be a mere *Cheat* and *Trepan* to thoſe who were ſo much aware of it, as to declare at firſt, *they would never give way to it*,

(z) Hier. c. Lucif.

(a) Soz. l. 4. c. 24.
(b) Socr. l. 4. c. 41.
(c Hier. *ad* Lucif.

(d) Ambroſ. *Ep.* 33 *ad* Valent.

it, becauſe they ſaw the danger of it; and to renew their *Proteſtations* againſt it, after the Emperor's ſevere Meſſage to them about it? So that, whatever it was, it could be no *Cheat* or *Trepan* in thoſe who made ſuch *Decrees* at firſt, depoſed the *Arian* Biſhops, ſent ſuch *Meſſages* to the Emperour as they did. Which is a plain Demonſtration, that they ſaw and knew what they did; and underſtood the Conſequences of it. *But they were frighted into this Conſent at laſt.* I grant they were ſo, but what then becomes of the *Infallibility* of *Councils*, if mere *Fear* can make ſo many Biſhops in *Council* act and declare againſt their *Conſciences*? If in ſuch Meetings, the Perſons were capable of being ſway'd by any particular *biaſs*, from aſſerting the Truth, what Security can there be as to Mens *Faith* from their Authority, any farther than we can be ſecure they were not influenced by any Temporal Hopes or Fears? So that we are not barely to reſpect the *Definitions* of *Councils*, but to examine the *Motives* by which they were acted in paſſing thoſe Decrees; and if it appear, they did act freely and ſincerely, and deliver the general ſenſe of the Chriſtian Church, from the beginning, as it was in the Caſe of the *Nicene Council*, then a mighty regard ought to be ſhewed to the *Decrees* of it; but if Partiality, Intereſt, Fear, or any other ſecular *Motive* be found to ſway them in their Debates and Reſolutions, then every particular Church is at liberty to refuſe their *Decrees*, and to adhere to thoſe of more free and indifferent Councils. And this was the Caſe here, as to the Council of *Ariminum*, if the Church had been *abſolutely* tied up to the *Decrees* of *Councils*, however paſt, there had been an utter Impoſſibility of reſtoring the true *Chriſtian Faith*; for there was no ſuch *Council* aſſembled to reverſe the *Decrees* of it; but in every Church, the baniſhed Biſhops being returned, not long after, upon the death of *Conſtantius*, they took care to ſettle the true Faith in the Weſtern Churches, by leſſer Aſſemblies of the ſeveral Biſhops. A remarkable Inſtance whereof appears in (*e*) *Hilary's Fragments*, where we find the *Gallican* Biſhops met at *Paris*, renouncing the Council of *Ariminum*, and embracing the *Nicene* Faith. The like we have Reaſon to believe was done in the *Britiſh* Churches, becauſe in *Jovian*'s time, (*f*) *Athanaſius* particularly takes notice of the *Britannick Churches*, as *adhering to the* Nicene *Faith*; and (*g*) St. *Jerome*, and (*h*) St. *Chryſoſtome*, ſeveral times mention *their agreeing with other Churches in the true Faith*. Which is a ſufficient Argument to clear them from the Imputation of *Arianiſm*, which did no otherwiſe lie upon them, than as they had Biſhops preſent in the Council of *Ariminum*.

For (*i*) *Severus Sulpicius*, ſpeaking of the Care *Conſtantius* took *to provide Lodging and Entertainment for the Biſhops at* Ariminum, *out of the publick Charge*, he ſaith, *their Biſhops refuſed to accept it, only three out of* Britain, *not being able to maintain themſelves, made uſe of the publick Allowance, rather than be chargeable to their Brethren. Which*, he ſaith, *he heard* Gavidius *their Biſhop blame them for*; *but he rather thinks it a commendation for them, in the firſt place to have been ſo poor*; *and next, that they choſe not to be burthenſome to their Brethren, but rather to live on the Emperor's Charge*. This had been better ſaid of any Place, than at the Council of *Ariminum*, where the Emperor's Kindneſs was a Snare to their Conſciences; unleſs it be ſaid, That the Emperor took greater advantage by their bearing their own Charges, to make them ſooner grow weary of ſtaying there; and that if the reſt had followed the Example

(*e*) Hilar. *Frag.* p. 431.

(*f*) Athanaſ. *ad* Jov. *p.* 246.

(*g*) Hieron. *ad.* Marcel. *ad* Euagr.

(*h*) Chryſoſt. *Tom.* 3. *p.* 696. *Tom.* 6. *p.* 635. *Tom.* 8. *p.* 111.

(*i*) Sever. Sulpic. *l.* 2.

Example of the *Britains*, the Emperor might have been weary before them. But how came *the* Britiſh *Biſhops to be ſo poor above the reſt*, who were not only able to live at their own Charges, but to ſupply their Brethren? Which ſhews as much the plenty of the reſt, as it doth the poverty of the *Britains*. What became of all the Endowments of the *Britiſh* Churches by King *Lucius*? The *Britiſh* Hiſtory publiſhed by (*k*) *Geoffrey* of *Monmouth* ſaith, *That King* Lucius *gave not only all the Lands which belonged to the Heathen Temples to the Churches built by him; but added very much to them with many Privileges.* The ſame is ſaid from him by moſt of our Monkiſh Hiſtorians, whoſe Authority is no greater than *Geoffrey*'s, from whom they derive their Information; only inlarging it as occaſion ſerves; As *Thomas Rudburn* doth very particularly for the Church of *Wincheſter*, *who makes the old Lands of the* Flamins *to be twelve Miles compaſs about the Town*; *And King* Lucius *added*, he ſaith, *to the New Church, all the Suburbs of the City, with the Privilege of* Dunwallo Molmutius, *i. e. of a Sanctuary.* Methinks then the *Britiſh* Biſhops, might have been in as good a condition as the reſt of their Brethren at *Ariminum*; unleſs their Lands were taken away in the Perſecution of *Diocleſian*, as *Rudburn* ſeems to intimate, which is all as true, *as that Monks continued there from* Lucius *to the ſecond year of* Diocleſian; which was a long time before his *Perſecution* began; or there were any ſuch *Monks* in the World. But it ſeems ſtrange, that the *Britiſh* Biſhops ſhould be then under ſuch Poverty, when *Liberius*, in his Conference with *Conſtantius*, told him, *The Churches were able to bear the Charges of their Biſhops in going to Councils, without the publick Carriages.* For even before *Conſtantine*'s time, they had *Endowments*, beſides the *voluntary Oblations of the People*, which in great Churches were very conſiderable. But that there were certain *Endowments* beſides, appears both by the Edicts of *Maximinus* and *Conſtantine*. By that of *Maximinus*, not only Houſes, *but the Lands which belong'd to the Chriſtians, whether ſeized into the* (*l*) *Emperor's hands, or in the Poſſeſſion of any City, or given, or ſold, are all commanded to be reſtored.* And that this doth not relate to their *private Poſſeſſions*, but to the *publick Revenue* of their *Churches*, will appear by the following *Edict* of *Conſtantine* and *Licinius*; which in the firſt place commands *all their Churches to be reſtored*; and then is added, *becauſe the Chriſtians are known, not only to have thoſe Places where they aſſemble, but others, which likewiſe of Right belong to their Body*, i. e. their *Churches*. For ſo the Words of the Edict in (*m*) *Lactantius* are. (*Sed alia etiam habuiſſe noſcuntur ad jus corporis eorum, id eſt, Eccleſiarum non hominum ſingulorum pertinentia*) *Theſe are commanded to be reſtored, without any delay or diſpute.* Which is again inforced by another *Edict* of *Conſtantine* to *Anulinus* extant in (*n*) *Euſebius* with the former, and there are mention'd *Houſes, Gardens, or whatſoever Poſſeſſions they had.* Thoſe who would have nothing more meant by theſe Expreſſions, but *ſome Fields and Gardens rather than Lands*, may conſider that when the Church had plentiful Poſſeſſions, they were called by no other Names. So St. (*o*) *Ambroſe*, (*Agri Eccleſiæ ſolvunt Tributum.*) And in another Law of (*p*) *Conſtantine* directed to the *Provincials* of *Paleſtine* to the ſame purpoſe, and with as full and large Expreſſions; And howſoever they became alienated, the preſent Poſſeſſors were to be ſatisfied with the mean Profits; But by all means he commands a Reſtitution to be made, not only to particular Perſons,

(*k*) Galfr. *Mon.* *l.* 2. *c.* 2.

(*l*) Euſeb. *l.* 9. *c.* 10.

(*m*) Lact. de Mort. Perſec. c. 48.

(*n*) Euſeb. *l.* 10. *c.* 5.

(*o*) Ambroſ. *de trad. Baſilic.*

(*p*) Euſeb. *vit.* Conſtant. *l.* 2. *c.* 39.

ſons, but *to the Churches too.* But if the *Endowments* of *Churches* were not then conſiderable, what need ſo many *Edicts* for the *Reſtauration* of them? But *Conſtantine* did not only take ſo much care to reſtore what the Churches had before, but in caſe there were no Heirs at Law to the *Martyrs* and *Confeſſors*, he beſtows their Lands and Goods on the Churches. And after this, about four years after the Council of *Nice*, he publiſhed the famous *Conſtitution* ſtill extant in the (q) *Theodoſian Code*; wherein *a full Liberty is given to all ſorts of Perſons to leave what they thought fit by Will, to the Catholick Churches of Chriſtians.* And this, as *Gothofred* ſaith, was the true *Donation of Conſtantine*, for, by means of this Law, Riches flowed into the Church, and eſpecially at *Rome*. For although, as (r) *Paulus* ſaith, by an Edict of *M. Aurelius*, the *Collegia licita*, Societies allow'd by the Laws, *were capable of receiving Legacies and Eſtates*, yet by the (s) Laws of the Empire, the *Chriſtians* were no legal Society to that purpoſe before: And by a late Conſtitution of *Diocleſian*, *Societies were excluded from receiving Inheritances without a ſpecial Privilege*; yet now, by this Law, all thoſe Bars being removed, Riches came in ſo faſt in ſome Places, that there needed new Conſtitutions to ſet bounds to ſo great liberality.

And the Privileges which *Conſtantine* gave to the (t) *Clergy* of *exemption* from *publick Services*, drew ſo many *to take Orders*, eſpecially in *Corporations*, where the *Services* were very burthenſome; That *Conſtantine* was forced to publiſh *Edicts* to reſtrain the Numbers of them; which were not intended, *to hinder Perſons of Eſtate and Quality from entring into Orders*, as ſome have ſuggeſted, but only ſuch whoſe *Eſtates* were liable to the *publick Services*, as thoſe who were (u) *Decuriones origine*, and not merely *incolatu* were; who bore all the Offices, and did the publick Duties, having Lands given them on purpoſe in the firſt Settlement of Colonies which were called *Prædia Reipublicæ*, as (w) *Pancirol* obſerves; And therefore *Conſtantine* had reaſon to forbid ſuch entring into Orders to the Prejudice of the Government. And ſo the Title of the *Conſtitution* is, *De ordinatione Clericorum in Curiarum & Civitatum præjudicium non facienda.* Which was at that time a very juſt and reaſonable Conſtitution. But afterwards Men of great Honour and Dignities came into the Council, as not only St. *Ambroſe*, at *Milan*, who was the Conſular Governour over *Liguria*, and *Æmilia*, and St. *Paulinus*, a *Roman* Senator, *behind none in Birth*, ſaith (x) St. *Ambroſe*, having a great Eſtate in *Aquitania*, was made Prieſt at *Barcelona*, and Biſhop of *Nola*, but many Examples of this kind were in one Age in the *Gallican Church*, as (y) *Honoratus*, Biſhop of *Arles*, of a Senatorian and Conſular Family; St. *Hilary*, of *Arles*, of a very Noble Family, and born to great Riches; *Sidonius Apollinaris*, whoſe Father and Grandfather were *Præfecti Prætorio Galliarum*, and himſelf married to the Daughter of the Emperor *Avitus*, made *Præfectus Urbi, & Patricius*, one of the greateſt Perſons and Wits in *Gaul*, was made (a) Biſhop of *Auvergne*; St. (b) *German*, Biſhop of *Auxerre*, was of Noble Parents, and Governour of a Province; St. (c) *Ruricius*, Biſhop of *Limoges*, deſcended from the *Annician* Family, as *Venantius Fortunatus* ſaith, which was of that Fame at *Rome*, that St. (d) *Hierome* ſaith, *Very few of it miſſed the Conſulſhip, and two Brothers of it were Conſuls together*, as *Claudian* ſaith, a thing never ſeen before or ſince. From this Family (e) *Arnoldus Wion* proves *that the Emperors of* Germany *are deſcended.* And of this ſame Family another *Ruricius* ſucceeded his Grandfather in the ſame Biſhoprick.

But,

c. 36.

(q) C. Theod. 16. *tit.* 2. *l.* 4.

(r) D. 24. *de rebus dubiis*, *l.* 20. *cum Senat.*

(s) Baldvin. *de Leg* Conſt. *p.* 23.

(t) C. Theod. 16. *tit.* 2. *l.* 2, 3, 6.

(u) Berter. *Diatr.* 1. *c.* 10.

(w) Pancirol. *de Magiſtr. Mancip. c.* 1.

(x) Ambroſ. *Ep.* 36.

(y) Vincent. Barralis, *vit. Abbat. Lerni.*

(a) *Vit.* Sidonii Apoll.

(b) Conſtant. *vit.* German.

(c) Venant. Fort. *l.* 4. *c.* 5.

(d) Hier. *Ep.* 8.

(e) *Lign. Vit. in Præfat.*

But, beſides that general Law which gave Permiſſion to others to give liberally to Churches, *Conſtantine* of his own Revenue allow'd a proportion of Corn to be given to the *Clergy* of the *greater Cities*; Of which (*f*) *Athanaſius* ſpeaks, when he ſaith, Conſtantius *took it away from him, and his Clergy, and gave it to the* Arians; But the Gift it ſelf was continued all the time of *Conſtantius*; Then it was taken away by (*g*) *Julian*, and in part reſtored by *Jovian*..

It is then no wonder that the Biſhops at *Ariminum* refuſed the *publick allowance*, being maintained by the Revenues of their Churches; But it ſeems the *Britiſh* Churches were not then in ſo Rich a condition to maintain their Biſhops ſo long abroad; For *Conſtantine*, drawing all the Wealth and Trade of the Empire Eaſtward, for the greater Advancement of his New City; And this Country having been ſo long haraſſed with Wars, and ſcarce recovered from the Effects of them; (For the *Scots* and *Picts* had been very troubleſome to them, both in the times of *Conſtans* and *Conſtantius*; the (*h*) former came himſelf over into *Britain* to ſuppreſs them; and the latter ſent *Lupicinus* his General, who arrived at *London* about the time the Council of *Ariminum* was diſſolved) and therefore in a time of ſuch Confuſion in the *Britiſh* Province, it is not ſtrange that theſe Churches ſhould not be in ſo plentifull a condition as thoſe which were the Seat of Trade and Government. And (*i*) *Ammianus Marcellinus* obſerves, *that the Provincial Biſhops lived in a much meaner condition than thoſe of the greater Cities*, eſpecially of *Rome*; And, although a Heathen, he very much commends them for their *Temperance, Humility and Modeſty.*

But *Arianiſm* was not the only Hereſie the *Britiſh* Churches were charged with; For (*k*) *Gildas* from hence makes every following Hereſie to find a paſſage hither; among which the chief was *Pelagianiſm.* And (*l*) *Bede* doth inſinuate, *That* Pelagius, *being a* Britain, *and, ſpreading his Doctrine far and near, did corrupt theſe Churches with it*; which ſome (*m*) late Writers, having taken up, have affirmed, that both *Pelagius* and *Cæleſtius*, after their Repulſe at *Rome*, came over to *Britain*, and diſperſed their Doctrine here. (*n*) *Leland* ſadly laments the Condition of the Church of God, that had no ſooner recover'd it ſelf from *Arianiſm*, but a new Hereſie ſprung up to diſturb the Peace, and infect the minds of Chriſtians; But as *Egypt* brought forth the Author of the former Hereſie, ſo did *Britain* the Author of this, which took his name from hence; And is ſuppoſed to have been *Morgan* in *Britiſh*, which by his converſation at *Rome* he turned into *Pelagius*; And (*o*) St. *Auguſtine* ſaith, He was commonly called *Pelagius Brito*, to diſtinguiſh him, as he ſuppoſed, from another *Pelagius* of *Tarentum*. *Leland* obſerves, that ſome made him a *Britain*, as being born in that *Bretagn* which was called *Aremorica*, on the Continent. But I do not find that it had then loſt its name of *Aremorica*. The firſt time we find the name of *Britannia* given to that Country, is in the (*p*) Subſcription of *Manſuetus* to the Council of *Tours*, where he is named *Epiſcopus Britannorum*, after which time it was frequently called *Britannia Ciſmarina, Minor, Celtica*, &c. (*q*) *Dempſter* (not a *Jeſuit*, but a Lawyer) takes it very ill of *Browerus*, the *Jeſuit*, that he makes *Pelagius* a *Scot*: But not as *Dempſter* underſtands him. For (*r*) he explains himſelf, *That he meant one that came out of* Ireland, *and therefore was* Scoticæ *Originis*. For which he quotes St. *Jerome*. But Archbiſhop (*s*) *Uſher* hath obſerved, *That he ſpeaks there, not of* Pelagius, *but of* Cœleſtius, *whom he makes the*

Cerberus

(*f*) Athanaſ. *ad ſolit. p.* 8 9.

(*g*) Theod. *l.* 4. *c.* 4.

(*h*) Am. Marcel. *l.* 20. *c.* 1.

(*i*) *Id. l.* 27. *c.* 3.

(*k*) Gild. *Ep.* 1. §. 9.

(*l*) Bed. *l.* 1. *c.* 10.

(*m*) Bal. *de Scrip. l.* 1. *c.* 38. Pits, *de Script. p.* 8,. Janſon. *de hær.* Pelag. *l.* 1. *p.* 27.

(*n*) Leland. *de Script. in* Pelagio.

(*o*) Aug. *ep.* 106. *ad* Paulin.

(*p*) *Concil. Gal. Tom.* 1. *p.* 126. *A.* D. 461.

(*q*) Dempſter *Hiſt. Eccleſ. l.* 15. *n.* 1012.

(*r*) Brower. *in* Venant. Fortun. *l.* 3. *p.*69.

(*s*) *De Primord. p.* 209.

Cerberus *to* Pluto, (according to his uſual way of complementing his Adverſaries.) But both, he thinks, came out of the *Britiſh* Iſlands. The late (*t*) Publiſher of *Marius Mercator*, endeavours to ſhew, *That our learned Primate was herein miſtaken*; *And that St.* Jerome *doth not ſpeak of* Cœleſtius, *but of* Pelagius *himſelf*; *And that by* Pluto *he means* Ruffinus *dead in* Sicily *three years before St.* Jerome*'s writing theſe Words*; *But notwithſtanding he did ſtill bark through* Pelagius *his Mouth, whom he compares to a great* Scotch *Maſtiff, from which Country he is derived in the Neighbourhood of* Britain. If theſe Words relate only to *Ruffinus* and *Pelagius*, it is certain that St. *Jerome* would have it believed, *That* Pelagius *came out of* Ireland. That which makes it moſt probable, that he means them is, That in the Preface to his (*u*) *Commentaries* on *Ezekiel*, he mentions the death of *Ruffinus*, and then ſaith, *he hoped now he ſhould be quiet to go on with his* Commentaries *on the Scriptures*; But not long after he complains, *That there were others, which in his Room open'd their Mouths againſt him.* In the beginning of his *Commentaries* on *Jeremiah*, which he undertook after he had finiſhed thoſe on *Ezekiel*, he mentions one *who carped at his* Commentaries *on the* Epheſians, *and calls* Grunnius, (*i. e.* Ruffinus) *his Forerunner*; And ſaith, he was, *Scotorum pultibus prægravatus*, made fat with *Scotch Flummery*. All this agrees very well with *Pelagius*, whom (*w*) *Oroſius* deſcribes as *a very corpulent Man*; But there is one thing which makes the former Opinion not improbable, which is, That St. *Jerome* himſelf takes ſo much notice, *that* Pelagius *at that time wrote little or nothing about theſe matters, but* Cœleſtius *was the Man who appeared, eſpecially in the two main Points about Original Sin, and the Poſſibility of Perfection:* (*x*) In his Epiſtle to *Cteſiphon*, he ſaith, *That the Author of the Sect ſtill held his Peace, and his Diſciples wrote for him*; *Magiſtrorum ſilentia profert rabies Diſcipulorum.* Methinks *Rabies* agrees well enough with *Cerberus*, and here it is meant of the Diſciple *Cæleſtius*, and not of *Pelagius*; Which Expreſſion anſwers very well to the other. *Mutus Magiſter latrat per Albinum Canem.* And he ſpeaks as if he deſigned to draw him from his cloſeneſs and retirement; Which doth far better agree to the *mute Perſon*, than to the *barking Cerberus*. There is then no Improbability, that *Cæleſtius* and *Pelagius*, may be both meant; But if any other Country hath a mind to challenge *Cæleſtius* to themſelves, I think, they may be allow'd to put in their Claim notwithſtanding theſe Expreſſions. But it is very unworthy in the ſame (*y*) Author, to prove *Pelagius* to have been an *Iriſh Scot*, and at the ſame time to charge his Vices on the *Britiſh* Nation. He cannot deny, *That* Pelagius *had a great natural ſharpneſs of Wit*, ſince St. *Auguſtine* and his other Adverſaries allow it; But then he ſaith, *it was fierce and contentious, after the faſhion of his Country*; and which he could not ſhake off by his long Converſation at *Rome*. *He grants that his* Exhortations to Piety *were vehement and earneſt, but written in an uncouth and imperious Style*, more Gentis, *according to the humour of his Nation.* But why muſt the *Britiſh* Nation be reproached for the particular faults of *Pelagius*? It is a very ill way of confuting *Pelagius*, to attribute Mens Vices and Vertues to their Countries; And is contrary both to the diſcretion of a Philoſopher, and to the Grace of a Chriſtian; *Pelagius* might have had the ſame temper if he had been ſo happy as to have been born in a Neighbour Country; And I do not ſee how his Way of writing doth affect the *Britiſh* Churches; Where the Chriſtians might be very wiſe

(*t*) Garner. *Diſſert.* 1. in Mar. Mercat. c. 5.

(*u*) Hier. in Ezek. *l.* 6. *Præfat.*

(*w*) Oroſ. *Apol.* c. 27.

(*x*) Hier. ad Cteſiph. *p.* 256. *To.* 2.

(*y*) Garner. *ib.* c. 4. p. 134.

and humble, notwithſtanding this ſevere and unjuſt Character of the *Britiſh* Nation; Which (as all National Reproaches) is not ſo great a Reproach to any as to him that gives it. But the greateſt Adverſaries to *Pelagius*, did not give him ſo ill a Character; St. (z) *Auguſtine* ſaith, *he had the eſteem of a very Pious man, and of being a Chriſtian of no mean rank.* Was this *Pro more Gentis* too? And of his Learning and Eloquence St. *Auguſtine* gives ſufficient Teſtimony, in his Epiſtle to *Juliana*, the Mother of *Demetrias*, to whom *Pelagius* wrote an Epiſtle highly magnified for the Wit and Elegance of it. But *Garnerius* will not allow *that* Pelagius *was able to write it himſelf, without the aſſiſtance of his Diſciples* Cœleſtius *and* Annianus. But why ſhould this be ſo hard a thing for a Man whom he confeſſes to have had a great deal of Natural Wit, and (a) St. *Auguſtine* ſaith, *He lived long, yea, very long in* Rome, *and kept the beſt Company there?* Could a *Britain* never attain to ſo much Purity of the *Roman* Language as to write an Epiſtle to the Envy of thoſe *meliore ſolo prognatorum*, as he ſpeaks, *who were born in more happy ſoils?* What mean ſuch unbecoming reflexions, on the Country of *Pelagius*; when himſelf confeſſes he had ſo much *Mother Wit?* And one would think of the two, that is the better ſoil which produceth more *Wit* than *Words*.

Our Monkiſh Hiſtorians make *Pelagius* not only a Monk at *Bangor*, but the Abbot there; So the Author of the *Polychronicon*, and *John* of *Tinmouth*; *Leland* takes it from them; To whom *Bale* adds, *That he was made Biſhop in the Eaſt*; But without any Authority. (b) *Leland* ſaith, *That he went over into* Aremorica, *to viſit his Countrymen who were newly ſettled there, being carried over by* Maximus. *Gildas* ſeems to imply, That *Maximus* was originally a *Britain*, when he calls him *Germen plantationis ſuæ*; But *Bede* takes no notice at all of his Country. The *Saxon Annals*, *Fabius Ethelwerd*, *Huntingdon*, and others ſay, *he was born in Britain*; But (c) *Zoſimus* affirms, *That he was a* Spaniard, *and took it ill that he was no more prefer'd, when his Countryman* Theodoſius *was made Emperor*; However this were, it is certain that he was declared Emperor in *Britain*, and that he went out of *Britain* with the *Forces* here; And that *Gratian*'s *Legions* revolted to him; upon which he fled, and was killed; And that *Maximus*, being unſatisfied with *Gratian*'s ſhare of the Empire, went into *Italy* againſt *Valentinian*, and was after four years deſtroyed at *Aquileia*; But in all the Proceedings of *Maximus*, I ſee no ground for the ſettling the Colonies of *Britains* in *Aremorica*. For he landed at the Mouth of the *Rhine*, ſaith *Zoſimus*, and was well received by the *Roman* Legions there-abouts. What occaſion then was there for his coming againſt the *Aremorici*: Or, if he had driven them out, had he nothing to do with his Souldiers, but to people Countries with them? But we find the *Aremorici* in quiet poſſeſſion of their Country after this time. So that we ſee no reaſon at all for *Pelagius* to go to his Countrymen in *Aremorica*: From thence *Leland* carries him *to all the Places of Learning in* Gaul; As there were many at that time; *And while he was thus paſſing up and down, he met with* Julianus *of* Campania, *whoſe Wit and Learning recommended him to* Pelagius. But this cannot hold, *For* Pelagius *lived a long time in* Rome before his Hereſie was diſcovered; After the diſcovery of it, many years paſſed before *Julian* appeared in it; And in the laſt Work of (d) St. *Auguſtine*, juſt before his death, *He calls* Julian *a young man*; Although he had been a Biſhop in *Campania*, at a Place called *Æcula-*

num,

(z) Aug. *de Peccat. Meritis & rem. l.* 3. *c.* 1, & 3. *de Geſtis Palæſt. c.* 22. *Epiſt.* 106.

(a) Aug. *de Peccat. Orig. c.* 8. 21.

(b) Leland. *de Scrip.*

(c) Zoſim. *l.* 4.

(d) Julian. *l.* 3. *n.* 171.

num, thence his Title was *Epiſcopus Eclanenſis*. The Town ſtood, ſaith (*e*) *Holſtenius*, near *Mirabella*; But ſince its Deſtruction, the See was removed to *Frigento*, and the Biſhop called *Epiſcopus Frequentinus*. If *Pelagius*, paſſing through *Gaul*, made ſo long a ſtay in *Rome*, as St. *Auguſtine* ſaith, before he was ſuſpected of Hereſie, there is no probability at all in the Monkiſh Tradition of his being *Abbat* of *Bangor*. And there is not much more of *Bangor*'s being ſo famous a Monaſtery at that time, or of *Pelagius* his being a *Monk* therein: For the *Britiſh* Monaſteries were no elder than St. *Patrick*'s time, as I may have occaſion to ſhew afterwards. And even at *Rome* it ſelf the Monaſtick State had not been long known there, being brought out of the Eaſt by *Athanaſius* and *Euſebius* of *Vercelles*. And in *Pelagius* his time, thoſe were called *Monks* at *Rome*, who had no Office in the Church, but yet retired from the common Employments of the World for *Sacred Studies* and *Devotion*; and where any Number of theſe lived together, that was called a Monaſtery; Such was the *Monaſterium Pinneti*, mention'd by (*f*) *Ruffinus*, not far from *Rome*; Probably a Houſe of *Melania*; whither they were wont to retire in times of greater Devotion. *Garnerius* confeſſes *that* Pelagius *was no otherwiſe a Monk, than as thoſe were then called ſo who led ſtricter Lives than others within their own Houſes*; of which Number he reckons *Pammachius*, *Paulinus*, *Melania*, *Demetrias* and others at that time, to whom *Pelagius* was well known, and much eſteemed by them, before his Hereſie was diſcover'd. The chief Employment of theſe Perſons, next to their Devotions, was the *Study* of the *Scriptures*, as appears by St. *Jerome*'s Epiſtles; And ſome grave Perſon made it his buſineſs to inſtruct his Diſciples therein: So St. *Jerome* did at *Bethlehem*; So *Ruffinus* did *Pammachius*, *Melania* and her Family; And ſo *Pelagius* did at *Rome*, where he had Scholars whom he brought up, as appears both by *Cæleſtius*, and *Julianus* whom he inſtructed very young, and by *Timaſius* and *Jacobus*. From this Employment it was that he wrote his ſhort *Commentaries* on St. *Paul*'s *Epiſtles*, and his *Epiſtles* to *Melania* and *Demetrias*; But after he was accuſed of *Hereſie*, his time was ſpent in Vindication of himſelf, in *Africa*, *Aſia* and *Rome*; and after many Bandyings to and fro from want of underſtanding the meaning of *Pelagius*, he was, beſides the *Councils* in *Africa*, at laſt condemned in a *Council* at *Antioch*, under *Theodotus*, as (*g*) *Marius Mercator* ſhews; And from thence forward, he ſpent the Remainder of his Life in Obſcurity, dying ſomewhere in the Eaſt.

From whence it appears, that there is no probability, that *Pelagius* and *Cæleſtius* ſhould come back to *Britain*, to ſpread their Hereſie here. For he complain'd of his Age, when he ſet forth his *Commentaries* at *Rome*, about *Anno Dom.* 404. And he was certainly in the Eaſt at the Council of *Dioſpolis*, *Anno Dom.* 415. from whence he ſent *Cæleſtius* to *Rome*, but abode there himſelf with *Albina*, *Pinianus* and *Melania*; and wrote Letters to clear himſelf firſt to *Innocentius*, and then to *Zoſimus*, who was ſo well ſatisfied therewith, that he wrote a ſharp Letter to the *African* Biſhops (who had condemned him) in his Vindication; ſeverely taxing his Accuſers; Although there were Hereſie in that Confeſſion which *Cæleſtius* tendred to *Zoſimus*, and which he eſteemed Orthodox. And (*h*) St. *Auguſtine* is fain to make uſe of all his Wit to bring the Pope off from approving of Hereſie. (*i*) *Henr. de Noris* confeſſeth *that he was circumvented by the* Pelagians. *But it was*

(*e*) Holſten. *in* Cluver. *Ital. p.* 1203.

(*f*) Ruffin. *Op. p.* 9.

(*g*) Marius Merc. *in Comment. c.* 3.

(*h*) Aug. *de Peccat. Origin. c.* 6. *ad* Bonifac. *l.* 2. *c.* 3.

(*i*) Noris *Hiſtor. Pelag. l.* 1. *c.* 12.

in a matter of Fact, ſaith (k) *Janſenius*; What, when he denied Original Sin in that very Paper he deliverd in to *Zoſimus!* (l) *Cappellus* thinks it better *to deny* Zoſimus *his Letter*; but therein he is condemned by (m) *Petavius*, and others who have lately written about this matter, and ſay, *that* Cappellus *his Opinion is ſingular and falſe*, being contradicted by the Teſtimonies of *Marius Mercator*, *Facundus Hermianenſis* and St. *Auguſtine*: And one of them blames the Pope *for too great eaſineſs*; and the other *for too great haſtineſs*, and doth think, *that the buſineſs of Appeals, then conteſted by the* African *Biſhops ſtuck in the Pope's Stomach, which made him willing to take this Occaſion to rebuke them.* But the *African* Fathers proceeding ſmartly againſt the *Pelagians*, notwithſtanding *Zoſimus* his Letter, made him to comply too, in condemning both *Cæleſtius* and *Pelagius*, notwithſtanding his former Epiſtle. So that upon the whole matter, *Pelagius* and *Cæleſtius*, by their own natural Wit, had, in all probability been too hard for a whole Succeſſion of Popes, *Innocentius*, *Zoſimus* and *Xyſtus*, had not the *African* Fathers interpoſed, and freely told them what the true Doctrine of the Church was. For (n) they offer'd to ſubſcribe *Innocentius* his *Epiſtles*. *Zoſimus* was very well ſatisfied, and thought them peeviſh and unreaſonable that were not. (o) *Xyſtus* was *their Patron at* Rome, before the *African* Biſhops appear'd ſo reſolute in the Cauſe. And had it not been for them; for all that I can ſee, *Pelagianiſm* had ſpread with the *Approbation* of the *Roman See*.

But notwithſtanding it was at laſt condemned at *Rome*, and *Imperial Conſtitutions* publiſhed againſt it; Yet it found a Way over into the *Britiſh* Churches, by the means of one *Agricola*, the Son of *Severianus*, a *Pelagian* Biſhop, as (p) *Proſper* informs us. It appears by the Reſcript of (q) *Valentinian* III. *Anno Dom.* 425. *There were ſeveral* Pelagian *Biſhops in* Gaul. And the ſevere Execution of the Edict there was probably the occaſion of this *Agricola's* coming over hither and ſpreading that Doctrine here. (r) *Bale* and (s) *Pits* run into many Miſtakes about this *Agricola*. (1.) They call him *Leporius Agricola*, and then confound the two Stories of *Leporius* and *Agricola* together: For after his Preaching *Pelagianiſm*, they mention his *Converſion* and *Recantation* by St. *Auguſtine's* means. Now there was one *Leporius* of whom (t) *Caſſian* and (u) *Gennadius* ſpeak, that was a Diſciple of *Pelagius*, who was driven out of *Gaul* by *Proculus*, Biſhop of *Marſeilles*, and *Cylinnius* of *Forum-Julii*, and ſo went into *Africa*, where being convinced by St. *Auguſtine*, he publiſhed his *Recantation* extant in (w) *Sirmondus* his *Gallican Councils*, and elſewhere; And *Aurelius*, *Auguſtinus* and *Florentius*, gave an account of it to the Biſhops of *Provence*; But there is no *Pelagian Error* there mention'd, but ſomething of *Neſtorianiſm*: And by *Leontius* ſucceeding *Cylinnius* in his See, before *Anno Dom.* 420. It follows, that *Leporius* recanted before the *Pelagian Hereſie* was ſpread into theſe Parts; And therefore this *Leporius* could have nothing to do in it: Beſides, it ſeems probable that this *Leporius*, after his *Recantation*, continued in *Africa*; For one *Leporius*, a Presbyter, is (x) mention'd in the Election of *Eradius* in the See of Hippo, *Anno Dom.* 426. and (y) St. *Auguſtine* ſaith, *he was a Stranger*, (2.) *Bale* makes him *the Son of* Severus Sulpicius, *a* Pelagian *Prieſt in* Britain: But *Proſper* and *Bede* ſay, he was the Son of *Severianus*, a Biſhop. It is true (z) *Gennadius* charges *Severus Sulpicius* with *Pelagianiſm* in his old Age; But if he died, as the

(k) Janſen. *Hiſt. Pelag. p.* 28.
(l) Cappell. *de Appellat. c.* 2. § 28.
(m) Petav. *Dogm. Theol. Tom.* 3. *de Hær. Pelag. c.* 1 §. 15. Garner. *Diſſ.* 2. *de Synodis in Cauſa Pelag* Natal. Alex. *Sæc.* 5. *p.* 169.
(n) Aug. *ad* Bonif. *l.* 2. *c.* 3, 4.
(o) Aug. *Ep.* 104.
(p) Proſper. *in Chron.* Florent. & Diony. *Conſ.*
(q) *Concil. Gall. Tom.* 1. *p.* 54.
(r) Bal. *de Scrip. Brit. Cent.* 1. *n.* 4.
(s) Pits *de Scrip. Æt.* 5. *n.* 34.
(t) Caſſian. *de Incarn. l.* 1. *c.* 4.
(u) Gennad. *de Script. c.* 59.
(w) *Concil. Gall. To.* 1. *p.* 51.
(x) Aug. *Ep.* 110.
(y) Aug. *Serm.* 50. *de diverſis.*
(z) Gennad. *de Script. c.* 19.

(*a*) *Sammarthani* ſay, *Anno Dom.* 410. *Pelagianiſm* was not known to the World then; And (*b*) *Guibertus Abbas* frees him from the imputation of it: But this *Severus* never was a Biſhop, and therefore could not be the Father of *Agricola*, (3.) They both make him *a Monk of Bangor*; which had need to have been a large Place to receive all that they ſend thither. (4.) They ſay he did write againſt one *Timotheus*, a *Britiſh* Heretick; *two Books*, ſaith *Bale*; *but one*, ſaith *Pits*; Which ariſes from a Miſtake of *Sigebert*'s Copy, where *Britannia* is put for *Bithynia*, as our Learned Archbiſhop *Usher* hath obſerved: And *Pits* ſeemed to have ſome miſtruſt of this, for he doth not affirm his ſpreading his Doctrine in *Britain* as the other doth.

But *Pelagianiſm* was not ſpread here by *Agricola* alone; for (*c*) *Proſper*, ſpeaking of *Celeſtine's* care to root it out of *Britain*, he ſaith, *It had taken Poſſeſſion here by the Enemies of God's Grace*, Solum ſuæ originis occupantes, *returning to the Soil from whence they ſprang:* So that there were more than one, and thoſe *Britains* who, being infected with that Hereſie themſelves did return hither to infect others. From hence (*d*) ſome have thought that *Cæleſtius* at leaſt, if not *Pelagius*, did come hither, being driven out of *Italy* by *Celeſtine*; as *Proſper* relates: which *Janſenius* thought not improbable: But it now appears by the *Commonitorium* of *Marius Mercator* delivered to *Theodoſius* in the Conſulſhip of *Dionyſius* and *Florentius*, *i. e. Anno Dom.* 429. That *Cæleſtius* did return into the Eaſt, and was baniſhed from *Conſtantinople* by the Emperor's Edict; From whence it follows, That *Cæleſtius* came not into theſe Parts; nor do we read what became of him after the Council of *Epheſus*, wherein he was condemned by 275 Biſhops, as the ſame *Marius Mercator* ſhews. Whoſe account of theſe things, being a Perſon of that time, and active in this Cauſe, hath clear'd ſeveral things, which were much in the dark before.

But whoſoever they were who brought *Pelagianiſm* hither, it appears by *Proſper* that they were *Britains*, and had too great Succeſs here by the ſpreading of *Pelagianiſm*. But care was taken by the ſounder part to get it out; and therefore, diſtruſting their own ſufficiency to deal with ſuch ſubtile Adverſaries, *they ſend for help*, ſaith (*e*) *Bede*, *to the Biſhops of* Gaul; *Who called a great Council, and unanimouſly choſe* Germanus *and* Lupus, two Biſhops of great Reputation, to come over on purpoſe. They readily undertook the Employment, and performed it with great Succeſs, as it is at large related by (*f*) *Conſtantius* and *Bede*. It is afirmed by a late (*g*) Author, *That the Acts of the Council which ſent* Germanus *and* Lupus *are ſtill in being, with the Inſtructions given them at their coming hither*; If ever they come to light, they will very much clear this intricate part of the Hiſtory of the *Britiſh Churches*. For there is now fifteen years difference among Writers about the time of their coming. *Proſper* ſaith it was, *Anno Dom.* 429. But *Sigebert*, as (*h*) *Sirmondus* obſerves, places it, *Anno Dom.* 446. To which he thinks *Bede*'s Relation doth beſt agree; And *Sirmondus* himſelf puts it that year *Aetius* III. and *Symmachus* were Conſuls, in the 21 of *Valentinian* III. and 5 of *Leo* I. If this Computation of the time be true, then it is impoſſible that St. *German* ſhould be ſent hither by *Celeſtine*, as *Proſper* affirms; For *Xyſtus* was Pope after *Celeſtine*, *Anno Dom.* 432. And it is incredible, That if

he

(*a*) *Gall. Chriſtia. To.* 1. *p.* 147.

(*b*) *Apud.* Bolland. *Acta Sanct. Jan.* 29.

(*c*) Proſper. *c.* Coll.

(*d*) Janſen. *Hiſt. Pelag. l.* 1.

(*e*) Bed. *l.* 1. *c.* 17.

(*f*) Conſtant. *vit.* Germani.

(*g*) Garner. *diſſ.* 2. *c.* 21.

(*h*) Sirmond. *Not. in Concil. Gall. Tom.* 1. *p.* 86.

he had been ſent hither by Commiſſion from him, neither *Conſtantius* in his Life of St. *German*, who lived ſo near that time; nor the Author of the Life of St. *Lupus Trecenſis*; nor *Bede* ſhould take any notice of it. But they all mention the particular Application made by the *Britains* to the *Gallican* Biſhops for their Aſſiſtance; and their meeting in Council on purpoſe, and chuſing, and diſpatching St. *German* and *Lupus*, without any intimation of *Celeſtine*. (*i*) *Baronius* and (*k*) *Janſenius* go about to reconcile theſe things, by ſaying, *Either that the Pope approved him whom the Council choſe*; *Or that the Pope left it to the Council to chuſe*; But neither of theſe will hold. For *Proſper* ſaith, *That* Celeſtine *ſent him*, Vice ſuâ, *in his own Name and ſtead*; Which is very different from appointing a Council to chuſe one to be ſent: And *Conſtantius* ſaith, *That immediately they went*; Which ſhews they did not ſtay for the Pope's Approbation. And withal, the kindneſs was not ſo great at that time between *Celeſtine* and the *Gallican* Biſhops, That either he ſhould ſend to them to appoint; or they ſhould wait for his direction in this matter. For *Proſper* and *Hilary* had made great Complaints of them at *Rome*, as favouring *Pelagianiſm* too much. And, among theſe, *Hilary*, Biſhop of *Arles*; was the chief. For (*l*) *Proſper* complains of him particularly in his Epiſtle to St. *Auguſtine*, which was ſent to him, *Anno Dom.* 428, or 429. as the late Editors of St. *Auguſtine*'s Epiſtles conclude; So that *Hilary* was Biſhop of *Arles* at that time before St. *Auguſtine*'s death, *Anno Dom.* 430. After his death, the ſame *Proſper* and another *Hilary* join in a Complaint to *Celeſtine*, and went to *Rome* on purpoſe; as appears by his (*m*) Anſwer, who therein reproves the Biſhops of *Gaul*, *for giving too much countenance to ſome Presbyters who vented new Doctrines*, viz. *Caſſian* and his Followers; *and who reflected on the Memory of St.* Auguſtine. It is not therefore any ways probable that the *Gallican* Biſhops, having been complained of ſo long before St. *Auguſtine*'s death, that he wrote a Book in anſwer to them before he died, ſhould be intruſted by *Celeſtine* to chuſe Perſons to go over into *Britain* to confute *Pelagianiſm*, when he ſuſpected them, from *Proſper*'s Information, to be too much inclined to it. It ſeems therefore moſt likely that St. *German* and *Lupus* were ſent by a Council of *Gallican* Biſhops, without the Pope's Concurrence, ſince *Conſtantius*, who certainly knew all the circumſtances of this matter, ſaith nothing at all of it. And this St. *German* was ſo great with *Hilary*, Biſhop of *Arles*, that he joined with him in the depoſing *Chelidonius* (for which Pope *Leo* was ſo incenſed againſt him) as *Honoratus* affirms in his Life: which was no new acquaintance, but of ſo long ſtanding, that if *Hilary* of *Arles* were at that time ſuſpected at *Rome*, St. *German* would hardly have been pitched upon by *Celeſtine* for his Legate into *Britain*.

(*i*) Baron. *A. D.* 429. *n.* 9.
(*k*) Janſen. *Hiſt Pelag. l.* 1.
(*l*) Proſper. *Ep. ad* Aug. *inter* Aug. *Epiſt.* 225.
(*m*) Concil. *Gall. Tom.* 1. *p.* 59.

I wonder how (*n*) *Baronius* and (*o*) *Voſſius* came to miſtake the *Hilary* who joined with *Proſper*, for *Hilary* Biſhop of *Arles*; Since this *Hilary* never was a Diſciple of St. *Auguſtine*'s, as the other was; And he was certainly Biſhop of *Arles*, after St. *Auguſtine*'s death, when *Celeſtine* mentions the other *Hilary* as preſent with *Proſper* at *Rome*, when they informed againſt the Biſhops of *Gaul*. For *Honoratus* ſucceeded *Patroclus* in the See of *Arles*; *Proſper* ſaith, that *Patroclus* was killed, *Anno Dom.* 426. *Honoratus* continued but two years in the See: And ſo *Hilary* might well be newly Biſhop of *Arles*, when *Proſper* and the other

(*n*) Baron. *A. D.* 426. *n.* 20.
(*o*) Voſſ. *Hiſt. Pelag. l.* 1. *c.* 19.

other *Hilary* ſent to St. *Auguſtine*, as plainly appears by their Epiſtle; So that *Semipelagianiſm* did not, as Archbiſhop (p) *Uſher* ſuppoſes, then begin in *Gaul*, when St. *Germanus* and *Lupus* were here employ'd againſt *Pelagianiſm*, but was begun before, and embraced by thoſe very Biſhops who ſent them hither; Who for their own Vindication appear'd zealous againſt *Pelagianiſm*, and were therefore willing to embrace this opportunity to ſend two of their Number into *Britain*. And it is the more ſtrange, that ſo Learned a Perſon ſhould fall into this miſtake, when he had ſo fully proved, as (q) *Holſtenius* confeſſes, That *Hilary*, Biſhop of *Arles*, did favour the *Semipelagians*; and it is certain that *Proſper* did complain of him to St. *Auguſtine* (if the Copies be not corrupt, as he ſhews they are not) before St. *German*'s Voyage into *Britain*. For St. *Auguſtine* received the Complaint time enough to write his two Books of *Predeſtination* and *Perſeverance*, in anſwer to it, after his Book of *Retractions*, and before his elaborate Work againſt *Julian*, and therefore they are probably ſuppoſed to be written, *Anno Dom.* 428. If we then yield that St. *German*'s coming hither was when *Proſper* ſaith, *Anno Dom.* 429. yet we find that *Semipelagianiſm* had prevailed among the *Gallican* Biſhops before that time, or elſe there was no cauſe at all for *Proſper*'s Complaint.

And to make it appear yet more improbable, that *Celeſtine* ſhould ſend St. *Germanus* and St. *Lupus*; We are to conſider, that *Lupus* was Brother to *Vincentius Lirinenſis*, and were both of the ſame Society. Which *Vincentius* was a great Stickler in the *Semipelagian* Cauſe, as all the Members of that Society that were conſiderable were engaged in it; And when the Pope wrote ſo ſmartly againſt the Accuſers of St. *Auguſtine*'s Doctrine, it is very unlikely he ſhould pitch upon one of that Society moſt ſuſpected for it, and whoſe Brother appeared ſo early and ſo warmly in it; Not only by the Objections under his Name in *Proſper*; But by the whole Deſign of his *Commonitorium*; Which, if I miſtake not, was levell'd againſt thoſe who went about to broach a new Doctrine about *Predeſtination*, as they ſaid, under St. *Auguſtine*'s Name. And they who carefully read over that Diſcourſe, and conſider the drift of it, will find I am not miſtaken: But (r) *Baronius* is, when he would clear the Author of the *Commonitorium* from favouring thoſe who impugned St. *Auguſtine*'s Doctrine about *Predeſtination*; Which was quite another thing from favouring *Pelagianiſm*, which *Caſſianus*, *Fauſtus*, and this *Vincentius* all profeſſed to abhor.

But what ſhall be ſaid to *Proſper*, who affirms, *that* Celeſtine *ſent St.* German? (1.) (s) *Proſper*, in his undoubted Work againſt *Caſſian*, doth not affirm it. For there he only ſaith, *That* Celeſtine *took care to free* Britain *from* Pelagianiſm. Why is not the Miſſion of St. *German* here mention'd, when it had been moſt ſeaſonable againſt the chief of the *Semipelagians*? No doubt *Proſper* would not have loſt this Opportunity of magnifying *Celeſtine*'s Care, by ſending Biſhops of ſo great Reputation. Eſpecially, if theſe Biſhops were not *Semipelagians*; But if ſo, why doth he not mention them in that Work as ſuch, when he complains how much *Semipelagianiſm* did prevail, and even among their Biſhops? (2.) The *Proſper* publiſhed by *Pithæus* never mentions it, which he thought to be the genuine *Chronicon* of *Proſper*. (t) *Hadrianus Valeſius* concludes one or the other not to be genuine; ſince they

differ

(p) Uſſer. *de Prim.* p. 344.

(q) Holſten. *Not. in Martyrol. Rom.* 345.

(r) Baron. *Not. ad Martyrol.* 24. *Maii.*

(s) Proſper. c. Caſſ. *ad fin.*

(t) *Rer. Franc.* l. 3. p. 102.

differ in point of time, and it is not probable the ſame Man would write two ſeveral Books about the ſame matter with ſuch Diverſity. (*u*) *Bucherius* thinks it impoſſible the ſame Perſon ſhould write both; yet both paſs under the Name of *Tyro Proſper*; and ſo he ſaith the ancient *MS.* of it, which he had (which was like that (*w*) *Pontacus* calls *Lodunenſe*) had that Name in the Title of it; But *Pontacus* his had the Title of *Proſper Aquitanus*, where he is ſaid to be *Epiſcopus Regini*, and great debate hath been, whether he was Biſhop of *Regium Lepidum* in *Italy*; or of *Regium* (*Rez*) in *Gaul*; But (*x*) *Sirmondus* proves, *he was neither one nor the other*; By the Teſtimonies of *Gennadius*, *Victorius*, *Marcellinus*, and others; And by *Fauſtus* immediately ſucceeding *Maximus* in that See: And ſo leaving no room for *Proſper* between them. But there was a *Proſper* Biſhop of *Orleans* at that time; and another *Proſper*, Biſhop of *Regium Lepidum* in *Italy*, as (*y*) *Ughellus* ſhews, which might occaſion the Miſtake; But, beſides theſe, (*z*) *Sirmondus* tells us, there was another *Proſper* in *Gaul* who wrote a *Chronicon* too, and ended at the ſame time with *Tyro Proſper*; with this difference, that the one was only an *Appendix* to St. *Jerome*, the other an entire *Chronicon*, as *Gennadius* expreſſes it. Which is ſuppoſed to be that publiſhed by *Labbe* out of ſeveral *MSS.* But (*a*) thoſe who have carefully examin'd it have found ſuch a difference in the *Computation* uſed in the ſeveral parts of it, That they cannot think them written by the ſame Author; And therefore conclude that publiſhed by *Pithæus* to be the genuine *Chronicon* of *Proſper*, as far as it reaches; And that the firſt Part, which ſhould make it entire, is not yet diſcover'd. So that it remains uncertain whether this Paſſage be in the true *Proſper* or not. Our (*b*) Learned Primate of *Armagh* was of Opinion, *That the Chronicon publiſhed by* Pithæus *was not written by* Proſper, *but by* Gennadius; becauſe *Boſton* of *Bury* ſaith, *That* Gennadius *added a Chronicon to St.* Jerome. And, I confeſs, the Paſſage in it about the Hereſie of the *Prædeſtinati* doth better agree with *Gennadius* than *Proſper*; And for that Reaſon *Sirmondus* hath found out another *Proſper*. But the Preſident (*c*) *Mauguin* ſaith, *it was counterfeited by the* Semipelagians *in* Proſper*'s Name*; *And that there is no mention in any Authors of another* Proſper *who publiſhed a Chronicon, which ended at the time the true* Proſper *did, viz. Anno Dom.* 444. *Sirmondus* ſaith, *All the ancient Copies had the Name of* Proſper *upon it.* And it is ſo quoted by *Sigebert*; But if he had a mind to paſs for the other *Proſper*, he would never have differ'd ſo materially as he doth from him. So that this whole matter is very dark and obſcure yet. (3.) Suppoſe it be granted that *Proſper* wrote ſo, yet there is greater Reaſon to believe *Conſtantius* than *Proſper* in this matter. For *Conſtantius* was not only living in that Age, but a Perſon of great Reputation, as appears by *Sidonius Apollinaris* his Epiſtles to him; and one that wrote with great fidelity, ſaith (*f*) *Baronius*; And therefore it cannot be ſuppoſed that he ſhould not expreſly ſet down by whom St. *German* was ſent into *Britain*. Beſides, *Conſtantius* is not alone; but the Author of the Life of St. *Lupus* gives the ſame account; and ſo doth *Bede*, (with whom *Paulus Diaconus*, *Freculphus*, *Erricus* and *Ado Viennenſis* agree) And he places their coming after the Reign of *Theodoſius*; And therefore it was impoſſible that *Celeſtine* ſhould ſend them.

(*u*) Doctr. *Tem.* c. 12. *p.* 212.

(*w*) Pontac *App. ad Chron.* p. 28.

(*x*) Sirmond. *Not. ad* Sidon. Apoll. *l.* 8. *ep.* 15.

(*y*) Ughell. *Ital Sacr. Tom.* 2. p. 299.

(*z*) Sirmond. *Hiſt. Prædeſt. c.* 5.

(*a*) *Annal. Eccleſ. Franc. A. D.* 455. *n.* 7. 433. *n.* 18.

(*b*) Uſſer. *de Prim.* p. 429.

(*c*) Maug. *Hiſt. & Chronica Diſſert. p.* 319.

(*f*) Baron. *A. D.* 429. *n.* 9.

St. *Germanus* and *Lupus* being thus employ'd by the Biſhops of *Gaul*, in a ſolemn Conference at (*g*) *Verulam* they diſputed with the *Pelagians*; and had ſo great Succeſs therein; and by their Preaching up and down in many places, *That they left the* Britains *well ſettled*, as they ſuppoſed, *in the ancient Faith.* But no ſooner were they returned, but ſome of the *Pelagians* got ground again; which occaſion'd another Meſſage to St. *German*, who then took with him (*h*) *Severus*, Biſhop of *Triers*; And then they prevailed ſo far as to procure the baniſhment of theſe Heretical Teachers, according to the Edict of *Valentinian*; And from thence forward *Bede* obſerves *that the* Britiſh *Churches continued ſound and orthodox.*

(*g*) Matt. Weſt. *A. D.* 446.

(*h*) Bed. *l.* 1. *c.* 21.

But here it will be proper to conſider how juſtly two *Britiſh* Biſhops have been charged with *Pelagianiſm*; the one is *Faſtidius*, and the other *Fauſtus.*

As to *Faſtidius*, (*i*) *Leland* confeſſes, *that his memory had been loſt, but for the mention which* Gennadius *makes of him* (*k*); who ſaith of him, *that he was* Britannorum Epiſcopus; *And wrote a Book to one* Fatalis, De vita beata, *wherein the Doctrine was very ſound and good.* (*l*) *Trithemius* highly commends him, *as a man of great Wit and Eloquence, an excellent Preacher, and very pious Man.* (*m*) *Bale* ſaith, *that, being made Biſhop, he preached over all* Britain, *and was, as is reported, Metropolitane of* London: What *Bale* ſpeaks *upon report*, (*n*) *Pits* affirms *with confidence*, that he was *Archbiſhop of* London. (*o*) Archbiſhop *Uſher* thinks, they had no other ground for this, but a different reading in *Gennadius*, Britanniarum Epiſcopus. *From whence they concluded, He muſt be Archbiſhop of* London, *that being, as they ſuppoſed, the Metropolis of* Britain; *but he rather inclines to the opinion of* Berterius; *That* York *was then the Metropolis of* Britain; *not only becauſe it was a* Roman *Colony, but becauſe the* Prætorium *and Emperor's Palace was there.* But theſe Arguments are not ſufficient to overthrow *London*'s being the chief *Metropolis* of the *Roman* times. For every Province had its *Metropolis*; And the ſuperiority of one *Metropolis* above another depended on the Reſidence of the *Roman* Governour, the *Vicarius Britanniarum.* I grant that, in the time of the Wars with the Northern *Britains*, *York* was the chief Seat of the Emperor when he was here, as in the times of *Severus* and *Conſtantius*; but that was for the conveniency of attending the Wars, and being near to give Directions and ſend Supplies. But the Preheminence of Places in the *Roman* Account did depend more upon the *Civil* than the *Military Officers*; Theſe being more uncertain than the other, and where the Supreme *Court* of *Judicature* was, that was the *chief Metropolis*, and that was where the Supreme Governour of thoſe Provinces had his Reſidence. Thus every Province had a Preſident in the *Metropolis*; but where there was a Superiour Officer over theſe Preſidents, as the *Vicarius Britanniarum* was over the five Provinces, the Place of his reſidence was the *higheſt Metropolis*, becauſe the Preſidents Courts were in Subordination to his, whether they were *Conſular* or *Preſidial*; and therefore the ſolemn *Conventus* out of the Provinces were appointed there. Of theſe things we have a clear inſtance in the Caſe of *Arles*, whereby the Conſtitution of (*p*) *Honorius*, *the ſeven Provinces, over which that was the Metropolis, were to have an annual Aſſembly there*, where the chief Magiſtrate reſided; and the Reaſons there given are, the great conveniency of that City being upon the River *Rhoſne*, both for other buſineſs and trading into all parts.

(*i*) Leland. *de Script.*

(*k*) Gen. *Catalog.*

(*l*) Trith. *de Script.*

(*m*) Bal. *Cent.* 1. *n.* 41.

(*n*) Pit. *de Scrip. At.* 5. *n.* 30.

(*o*) Uſſer. *de Prim.* p. 317.

p. 97.

(*p*) *Vit.* Sirmond. *Not. ad* Sidon. Apollin. p. 245.

The ſame Reaſons will hold to make *London* the *chief Metropolis* in the *Roman* times, becauſe of its admirable ſituation for Trade and Commerce, and the opportunity of ſending into, or receiving Diſpatches from the foreign Provinces and the Emperor's Court where ever it was. So that I ſee no reaſon to queſtion *London*'s being the chief *Metropolis* among the *Romans*. The Argument from *York's being a Colony* ſignifies nothing after *Antoninus* gave the *Jus Civitatis* to the whole Empire; and *London* was a *Colony* before *York*, (as I may ſhew elſewhere) and of a higher nature, when it was called (*q*) *Auguſta*, which ſhews that it was then the *Imperial City of* Britain, that name being given to no other City in *Britain* beſides. And it is obſerved by the learned (*r*) *Marc. Velſerus*, *That thoſe Cities which had the Title of* Auguſta *conferred upon them*, *where the* Capita Gentium, *the chief Metropoles of the Provinces*; And ſince by the general Rule of the Church, the Eccleſiaſtical Government did follow the Civil, There is no reaſon to queſtion, but if *Faſtidius* were then Biſhop of *London*, he was the chief *Metropolitane* over the *Churches* of *Britain*.

(*q*) Am. Marcel. *l.* 27.8.28.3.

(*r*) Velſer. *Rer. Vindel. l.* 5.

But whether *Faſtidius* were *Metropolitane*, or only a *Britiſh* Biſhop, his Doctrine is of late charged to be inclinable to *Pelagianiſm*. For *Holſtenius* found in an ancient *MS.* the Book *Faſtidius* wrote *De Vita Chriſtiana* with his name to it, and ſo publiſhed it; but it is not directed *ad Fatalem*, but to a certain Widow. In this Book a late (*s*) *Auguſtinian* hath diſcovered, as he thinks, *ſome Tincture of* Pelagianiſm; but to any candid Reader his Exceptions will appear very frivolous, and there is ſo much of true Primitive Chriſtianity in the reſt of it, as makes good the Character which *Gennadius* and *Trithemius* give of him. Out of which Book, and no great one, *Bale* hath made *four*, one *De Vita Chriſtiana*, a ſecond *De Doctrina Spiritûs*, a third *De Viditnate ſervanda*, a fourth, *Admonitiones Piæ*. *Pits* keeps the ſame number, but leſt he ſhould ſeem to take all out of *Bale*, he alters the Title of one of them; And becauſe *Gennadius* ſaith his Doctrine was *Deo digna*, therefore *Pits*, very artificially, makes the Title of his ſecond Book to be *De Doctrina Deo digna vel ſpirituali*. *Boſton* of *Bury* makes him *the Author of two Books*, by miſtaking *Gennadius*; but as far as we can find, there is but one exſtant. (*t*) *Dempſter* hath found *Faſtidius to have been born upon the Mountains of the Weſtern parts of Scotland*, and he makes him Author of a fifth Book called *Chronicon Scotorum*, which is a Strain beyond *Pits*. He poſitively affirms that he lived *An. Dom.* 440. *Trithemius* ſaith, about *An. Dom.* 420.

(*s*) Hen. de Noris, *Hiſt. Pelag. l.* 1. *c.* 19.

(*t*) Dempſter. *Hiſt. Eccleſ. l.* 6. *n.* 530.

As to *Fauſtus*, his Caſe is much harder. That he was originally a *Britain* I find not denied by any; For although (*u*) *Facundus* calls him a *Gaul*, yet that was becauſe of his being a Biſhop ſo long there, as *Sirmondus* obſerves; he being *Ortu* Britannus, *habitaculo Regienſis*, as (*w*) *Alcimus Avitus* ſaith, in his Epiſtle to *Gundobadus*, King of the *Burgundians*, *to whom*, he ſaith, *Fauſtus was known*. In his (*x*) Epiſtles to *Ruricius*, *Fauſtus* ſpeaks of his living in a *State of Baniſhment*, *and the Comforts he found in it*; This our Learned (*y*) Primate underſtood of his living *out of his own Country*; But (*z*) *Hen. de Noris*, *of a Baniſhment by* Euaricus *an* Arian *King then in* Gaul, *which he ſuppoſes he underwent for writing againſt the* Arians. If he had produced any Teſtimony of ſuch Baniſhment, there might have been Reaſon to have underſtood his Expreſſion ſo; But ſince there is none, and his Words are general as to his Country; I ſee no cauſe to take them in any other

(*u*) Faccund. *c.* Mocian. *p.* 561.

(*w*) Alc. Avit. *Ep.* 4. *p.* 35.

(*x*) Canil. *Antiquæ Lect. To.* 5. *p.* 435.

(*y*) *De Primord. p.* 439.

(*z*) Noris *Hiſt. Pelag. l.* 2. *c.* 16.

ſenſe. For Men do not uſe to call that their Country where they live as Strangers, and he ſpeaks of the kindneſs of *Ruricius* ſo to him, that he did *Patriam in peregrinatione facere*, which cannot well bear any other ſenſe, than that he made up *the want of his own Country to him.* (*a*) *Sirmondus* grants he was a *Britain*, but he adds, *he was one of thoſe* Britains *who dwelt upon the* Loir, *i. e.* in the parts of *Aremorica*. There is no queſtion, but in the time of *Fauſtus*, there were great numbers of *Britains* there; for (*b*) *Jornandes* ſaith, *That* Riothamus, *their King or General, went with* 12000 Britains *againſt* Euricus, *King of the* Viſigoths. Which *Riothamus* (*c*) *Sidonius Apollinaris* writes to, and mentions the *Britains with him*; But it may be juſtly a queſtion, whether there were any *Colonies* of *Britains* on the Continent, before *Fauſtus* his birth; For *Fauſtus* was made Abbat of *Lerins*, before the *Saxons* came firſt into *Britain*; For he was Abbat when St. *Capraſius* died, as the Author of his Life affirms, which was about *An. Dom.* 430. But their coming was not till *An. Dom.* 449. and it will be hard to make out any Settlement of the *Britains* on the *Loir* before. It is then moſt probable that *Fauſtus* went at firſt out of *Britain* into *Gaul*, where he attained to a wonderfull Reputation both for Piety and Learning. *He was worſhipped as a Saint*, ſaith (*d*) *Noris*, *in the Church of* Riez, and his Name was preſerved in the *Calender* of the *Gallican Church*. *Molanus* was the firſt who durſt adventure to ſtrike out his name; *Baronius* follow'd him, but upon admonition reſtored it, as (*e*) *Bollandus* obſerves, who likewiſe takes notice, that he was called a Saint by *Cl. Robertus*, by *Ferrarius*, and by *Pet. Galeſinius*, in his *Martyrology*, who adds, *that his Books are piouſly and learnedly written, and that Miracles are ſaid to be wrought by him.* It is certain, he was a Perſon in mighty eſteem in his own time, as appears by the Paſſages of (*f*) *Sidonius Apollinaris*, of (*g*) *Ruricius*, and others, concerning both his Eloquence, Learning and Piety. Of whom *Sidonius Apollinaris* gives that excellent Character, *that he had learnt to ſpeak better than he was taught, and to live better than he ſpake:* He was Biſhop of *Riez*, *An. Dom.* 462. for at that time he was joined with *Auxanius* in determining the Controverſie between *Leontius* of *Arles* and *Mamertus* of *Vienna*. But nothing can more manifeſt the eſteem he was then in among the *Gallican* Biſhops, than that in the Council of *Arles* he was pitched upon as the fitteſt Perſon to draw up their ſenſe in the great Points then ſo much agitated about *Predeſtination* and *Grace*, as appears by his Preface to *Leontius*. At this Council thirty Biſhops were preſent, and there *Lucidus* preſented his *Recantation* of the *Errors* he held about *Predeſtination*, and after this *Fauſtus* wrote his Books of *Grace* and *Free-will*, to which, he ſaith, another Council at *Lyons* cauſed ſome things to be added. In theſe Books it is thought that, under a Pretence of confuting thoſe Errors, he ſets himſelf againſt St. *Auguſtine's Doctrine*, as ſeems clear by one Expreſſion in his firſt Book; *That if it be true, that ſome are predeſtinated to Life, and others to Deſtruction, ut quidam Sanctorum dixit, non judicandi naſcimur, ſed judicati:* But theſe words may refer to what follows, as well as to what went before, *As a certain holy Man hath ſaid, We are not born to be judged, but we are judged before we are born.* According to which Doctrine, ſaith *Fauſtus*, *There can be no Equity in the day of Judgment.*

It hath been a great Queſtion among ſome Learned Men, whether there were any Perſons who drew ill Conſequences from St. *Auguſtine's*

(*a*) Sirmond. *Not. ad* Facund. p. 562.

(*b*) Jornand. c. 45.

(*c*) Sidon. Apoll. *l.* 3. *ep.* 9.

(*d*) *Hiſt. Pelag. l.* 2. p. 297.

(*e*) *Acta Sanct. ad* 16 *Jan.*

(*f*) Sidon. Apoll. *Ep.* 3. 9. *l.* 9. *& in* Euchar.

(*g*) Ruric. *Epiſt. l.* 1. *ep.* 2.

Doctrine, and were therefore oppoſed by *Fauſtus* and others, or whether it were the *mere Doctrine of* St. *Auguſtine* that was ſo oppoſed by them, and urged with thoſe Conſequences as following from it. I ſee no Reaſon to deny, that the *Semipelagians* did charge the followers of St. *Auguſtine* with the ſame things which are made the Opinions of thoſe who are called the *Predeſtination Hereticks* by *Sigebert*, *Gennadius*, *Hincmarus*, and others. But yet that there were certain Perſons who did own ſuch bad Conſequences as the overthrowing *the Liberty of Man's Will* and the *Neceſſity of our Endeavours*, will appear from theſe two Reaſons. (1.) St. *Auguſtine's* Doctrine was ſo miſunderſtood by ſome in his Life-time, as appears by the Controverſie amongſt the *Adrumetine Monks*. The Caſe was this, *Florus*, one of that Society, going to *Uzala*, a City dear *Utica*, between *Hippo* and *Carthage*, where *Euodius* was then Biſhop, a Friend of St. *Auguſtine's*, there met with (*h*) St. *Auguſtine's* large Epiſtle to *Sixtus* againſt the *Pelagians*, which being ſent home, and *Florus* himſelf going to *Carthage*, before his return they were fallen into great Heats upon the Occaſion of that Epiſtle. *Some of them*, as (*i*) St. *Auguſtine* himſelf ſaith, *did ſo preach up the Grace of God, as to deny Free-will, and conſequently to ſay, That God in the day of Judgment would not render to men according to their Works*; Others ſaid, *That our Free-will was aſſiſted by the Grace of God, that we may know and do the things that are right; That the Lord, when he comes to render to every Man according to their Works, may find our Works good, which he hath prepared that we may walk in them. And they*, ſaith he, *who judge thus do judge rightly.* Therefore thoſe who thought otherwiſe did miſtake his Doctrine; For, as he ſaith, *If there be no Grace, there can be no Salvation; If there be no Free-will, there can be no day of Judgment.* To what purpoſe is all this, if ſome of theſe did not ſo miſunderſtand his Doctrine as to overthrow all Liberty of Will in Mankind? And ſo (*k*) *Euodius*, in his Anſwer to thoſe *Adrumetine Monks* ſhews, *That there is ſtill Free-will in us, but wounded by the Fall, and only recoverable by the Grace of* Chriſt. (*l*) Janſenius *grants that they did miſunderſtand St.* Auguſtine*'s Doctrine, thinking that Free-will was wholly deſtroyed by it; And that no Man ought to be reproved when he doth amiſs, but that others ought to pray that he may have Grace to do better.* But the Preſident (*m*) *Mauguin* will not allow this; For he ſaith, *That St.* Auguſtine *was at firſt falſely informed of the ſtate of the Controverſie among them by* Creſconius *and* Felix; *But after* Florus *his coming he found they were* Semipelagians *who miſunderſtood his Doctrine.* But to what purpoſe then doth (*n*) St. *Auguſtine* take ſuch pains to prove even in the Book he wrote after the coming of *Florus*, *That there is Free-will ſtill left in Mankind? Liberum itaque arbitrium confitendum nos eſt habere, & ad malum, & ad bonum faciendum.* Not ſo as to exclude *the neceſſity of Divine Grace*, as he proves at large, *but yet in ſuch a manner as to ſhew its conſiſtency with Divine Commands, and the juſt Reproof and Puniſhment of thoſe who do amiſs.* Which ſhews plainly, That he thought there were ſome ſtill who miſinterpreted his Doctrine, not barely to object againſt it, but to make ill uſe of it. Therefore (*o*) *Noris* had no Reaſon to conclude *that the Error of the* Adrumetine *Monks was* Semipelagianiſm. (2.) It appears evidently from the Caſe of *Lucidus*, and the Councils of *Arles* and *Lyons*. I grant that the Objections mentioned by *Proſper* and *Hilary* were made by the *Semipelagians*, and not by any *Predeſtination Hereticks* at that time in *Gaul*; and therein (*p*) *Sir-*

(*h*) Valent. *ad* Aug. *Ep.* 216.

(*i*) Aug. *ad* Valent. *Epiſt.* 214.

(*k*) *Apud* Sirmond. *Hiſt. Præd. c.* 1.

(*l*) Janſen. *Hiſt. Pelag. l.* 1. *p.* 27. *l.* 7. *c.* 1.

(*m*) *Prædeſt. Fab. confut. c.* 1.

(*n*) *De Corrept. & Grat. c.* 1.

c. 4. 14, 15, 16.

(*o*) *Hiſt. Pelag. l.* 2. *p.* 281.

(*p*) *Hiſt. Prædeſt. c.* 2, 3.

Sirmondus was certainly miſtaken, as he was likewiſe, when he ſaith, *that the Epiſtle of* Celeſtine *was againſt the latter, and not againſt the former.* But it appears by *Fauſtus* his Epiſtle to *Lucidus* that there were ſome who did ſo aſſert *Predeſtination* as to make all Mens Endeavours vain and uſeleſs; And this dangerous Error he renounced in his Recantation delivered to the Council of *Arles.* (q) *Manguin* is very hard put to it, when he ſaith, *That all theſe things were the mere invention of* Fauſtus; whom he makes to be *Countryman* with *Pelagius* and *Cæleſtius*, and *to have ſucked in the Poiſon of* Pelagianiſm *with his Milk.* He grants that he was famous for his Wit, Eloquence and Philoſophy; But eſpecially for *a profound cunning*, which (r) *Iſidore* mentions in him; From whence he endeavours to prove by many Arguments, *That theſe Councils and Epiſtles were all forged by* Fauſtus. But he is ſo far from perſuading Learned Men to be of his Mind, That (s) *Noris* himſelf confeſſeth *he can never aſſent to it*; And although it be looked on as part of the cunning of *Fauſtus*, that he deſigned to convey his Books ſo privately to his Countrymen the *Britains*, as appears by the Epiſtle of *Sidonius Apollinaris* to him, yet it is utterly incredible that he ſhould forge two Councils, and ſet down the Names of ſeveral Biſhops as preſent in them, with whom *Sidonius Apollinaris* was particularly acquainted, and yet he not diſcover the Cheat and Impoſture. But the *Janſeniſts* yield, that both thoſe Councils were held about *An. Dom.* 475. But they ſay, *that the Biſhops were partly* Semipelagians, *partly deceived by* Fauſtus *who was ſo*; And *Noris* doth not deny, *that there were other Perſons who were then charged with thoſe Opinions which* Lucidus *held. But*, he ſaith, *they were not many nor conſiderable enough to make a Sect; And that they did not willingly yield thoſe Conſequences. But not knowing how to anſwer the* Semipelagians, *they were forced to aſſert them; Which their Adverſaries therefore charged them with as their own Opinions.* Which ſeems no improbable Account of thoſe called *Predeſtinations.* It cannot be denied, that *Fauſtus* his Books were ſeverely cenſured after his death, not only by the *Scythian Monks* at *Conſtantinople*, among whom *Joh. Maxentius* was the chief; but by the *African* Biſhops who were then Exiles in *Sardinia*, by whom *Fulgentius* was employ'd to write againſt them. But *Poſſeſſor*, one of the *African* exiled Biſhops, being then at *Conſtantinople*, and finding great Heats about *Fauſtus* his Books, ſends to Pope *Hormiſdas*, to know his Judgment about them; Which he did at the requeſt of *Vitalianus* and *Juſtinianus* two of the greateſt Men in the Emperor's Court. He returns a cautious Anſwer as to *Fauſtus*; Which, by the way, ſhews how little Credit is to be given to the Decree of *Gelaſius* about *Apocryphal Books*, for therein *Fauſtus* his *Books* are condemned. But if this had been done by *Gelaſius*, is it probable that *Hormiſdas*, his Succeſſor, would have ſtuck ſo much at it as *Maxentius* ſaith that he did? But he refers them for the ſenſe of the Church to St. *Auguſtine*, and *Proſper*, and *Hilary*; And the *Definitions* of his *Predeceſſors. Maxentius* rails againſt this Anſwer, as unſatisfactory and next to *heretical*, and ſets St. *Auguſtine*'s Sayings againſt thoſe of *Fauſtus.* Afterwards *Cæſarius*, Biſhop of *Arles*, not only wrote againſt *Fauſtus* his Doctrine, but by his means chiefly it was condemned in the *Second Council of Orange*: Which aſſerted *the Neceſſity of Preventing* Grace; The denying whereof was the main *Error* charg'd on *Fauſtus*, not ſo much as to *good Works* for (t) *Janſenius* hath at large proved, *That the* Semipelagians *did yield the Neceſſity of Internal Grace*

as

(q) *Prædeſt. Fab. confut.* c. 7.

(r) Iſid. *de viris illuſtr.* c. 14.

(s) *Hiſt. Pelag.* l. 2. c. 15.

(t) Janſen. *Hiſt. Pelag.* l. 8.

as to them;) but *Fauſtus* and *Caſſian* and *Gennadius* denied it as to *Faith* or *Good Inclinations.*

But to return to St. *Germanus* and his Companions into *Britain*; If we give Credit to our *Antiquaries*, they did other Kindneſſes to the *Britiſh* Churches beſides the confuting *Pelagianiſm*, whereof two are moſt conſiderable. (1.) The Inſtitution of *Schools* of *Learning* among the *Britains.* (2.) The Introduction of the *Gallican Liturgy* into the uſe of theſe Churches.

(1.) As to *Schools* of *Learning*, none were more famous among the *Britains* than thoſe of *Dubricius* and *Iltutus*, who are both ſaid to have been the *Diſciples of St.* German. The Anonymous Author of the *Chronicle* in (*u*) *Leland* ſaith, *that St.* Germanus *and* Lupus, *having rooted out* Pelagianiſm, *conſecrated Biſhops in ſeveral parts of* Britain, *and among the reſt they placed a Cathedral at* Landaff, *and made* Dubricius *Archbiſhop, who diſpoſed of his Diſciples to ſeveral Churches*; *He made* Daniel *Biſhop of* Bangor, *and ſent* Iltutus *to a Place from him called* Llan Iltut, *or the* Church *of* Iltutus. (*w*) *Camden* ſaith, *to this day it is called* Llantuit, *where the Foundations of many Houſes are ſtill to be ſeen*; Near the Place called *Bovium* in the *Itinerary*, now *Boverton.* But there is another Place near *Nidum* or *Neath*, whoſe name comes very near it *Llanyltad.* The (*x*) old Regiſter of *Landaff*, after it hath mentioned *the frequent Meſſages the* Britains *ſent to the neighbour Biſhops of* Gaul *for aſſiſtance againſt the* Pelagians, *and the coming of* Germanus *and* Lupus *ſent by them*, it adds, *that they conſecrated Biſhops in many Places, and made* Dubricius *Archbiſhop over all the* Britains, *Dextralis partis* Britanniæ, *Of the right hand part of* Britain. With which *John* of *Tinmouth* and *Capgrave* agree. What this *Right hand part of* Britain *was* at the time of the Conſecration of *Dubricius* is not ſo eaſie to underſtand; Archbiſhop (*y*) *Uſher* takes it for *South Wales*; it being the cuſtom of the *Britains* to call *the South the Right hand ſide*; ſo *Aſſerius Menevenſis* calls *Suſſex* the *Region of the Right hand* Saxons. But it is obſervable that (*z*) *Aſſerius* there makes *Demetia*, or *South Wales*, to be but a part of what he calls *Dextralis pars* Britanniæ. For when he ſaith in general, *That all the Countrey of the Right hand of* Britain *ſubmitted to King* Alfred, he then inſtanceth particularly in *Hemeid* King of *Demetia*, and *Houil*, and other Kings of *Guent*, by which *North Wales* is as much underſtood as *South Wales* is by the other. And therefore I rather think *Dubricius* was made Archbiſhop over all the *Britains* in thoſe Parts; For (*a*) *Ranulphus Ceſtrenſis* ſaith, *The Biſhop of* Caerleon *had ſeven ſuffragan Biſhops under him*: And (*b*) *Matt. Weſtminſter* ſaith, *That* Dubricius *was made Archbiſhop of* Caerleon, (although he might have a Seat at *Landaff*, as the Regiſter of that Church affirms, by the Gift of *Mauricius.*) But it appears that he had then *Archiepiſcopal Power*; And poſſibly, upon the Diſturbance of thoſe times, the See might for a time be removed to *Landaff*; From whence it was again removed by St. *David* to the Town bearing his Name. But the Biſhops of *Landaff* who ſucceeded were ſo unſatiſfied with it; That the Regiſter of that Church ſaith, *That from* Oudoceus *the ſecond from* Dubricius, (for he ſucceeded *Theliaus* in that See) *They choſe rather to be Conſecrated by the Archbiſhops of* Canterbury, *than by their own Metropolitan of St.* David'*s*, as appears by the Proteſtation made by the Biſhop of *Landaff* to *Calixtus* II. in the Council of *Rhemes*, *Anno Dom.* 1119. But I confeſs, it doth not ſeem very probable that a *Britiſh* Biſhop ſhould

(*u*) *Collect. vol.* 2. *p.* 42.

(*w*) *Brit. p.* 498.

(*x*) *v. Monaſt. Anglic. vol.* 3. *p.* 188.

(*y*) *De Primord. p.* 80.

(*z*) *De Geſtis* Alfred. *ad A. D.* 884.

(*a*) *Polychron. l.* 1. *c.* 52.

(*b*) Matt. Weſtm. *A. D.* 490, *&* 507.

ſhould go for Conſecration to *Auguſtine* the *Monk* or his Succeſſors; For the *Britiſh* Biſhops did all look on them as *Intruders*; And if any ſhould have done it, how would they have been received by the *Britiſh* Churches at that time? It is therefore far more probable, either that they went over to the *Britiſh* Archbiſhop, at *Dol* in *Britannie*, or that there was a Succeſſion preſerved for ſome time of the Archbiſhops of *London* among the *Britains*, after the retirement of *Theonus* and *Thadiocus*, the two other *Metropolitans* of *London* and *York*, who, as (c) *Matt. Weſtminſter* ſaith, *did withdraw when their Churches were deſtroyed by the* Saxons, *with many of their Clergy into* Wales; where as long as that Succeſſion continued they might exerciſe ſome parts of their Function, leaving the main to the Archbiſhop of *Caerleon*, to whom of right it belonged; And *Ranulphus* ſaith; *That Province extended as far as the* Severn, *and ſo took in* Cheſter, Hereford *and* Worceſter; But before *Dubricius* was ſo much advanced, the Authors of his Life ſpeak of the *great number of Scholars which flock'd to him from all Parts of* Britain; Not the Rude and Vulgar only, but Perſons of greateſt Reputation, among whom they name St. *Thelians*, *Samſon*, *Aidanus*, and many others. Two Places they mention, where he received and inſtructed his Diſciples, one at *Hentlan*, on the River *Wye*, where they ſay *he had a thouſand Students with him, whom he brought up in humane and divine Literature.* And the other was at *Moch-rhos*, where he had a Place for Study and Devotion.

Iltutus by (d) *Vincentius*, and the (e) Author of the Life of *Samſon* is ſaid poſitively to have been *a Diſciple of St.* Germanus; And the (f) Author of the Life of *Gildas* ſaith, *That in the School of* Iltutus *many Noblemens Sons were brought up*, among whom he reckons as the chief *Sampſon*, afterwards Archbiſhop of the *Britains*, viz. at *Dol* in *Britannie*; *Paulus*, Biſhop of the *Oxiſmii*, the moſt Northern of the *Aremorici* (which Biſhoprick is ſince divided into three, *Treguier*, St. *Pol de Leon* and St. *Brieu*) and *Gildas*, called *Sapiens*, of whom afterwards: *Leland* to theſe adds *David* and *Paulinus*: And ſaith, *his School flouriſhed like an Univerſity among the* Britains. (g) *Bollandus* and *Henſchenius* make a very probable Conjecture, *That when St.* German *came into* Britain, *and found the decay of Learning to have been the great occaſion of the ſpreading of* Pelagianiſm *he appointed* Dubricius *and* Iltutus *to undertake the Education of the* Britiſh *Clergy*; And that by theſe means, as *Bede* ſaith, *theſe Churches continued afterwards pure and free from this Hereſie.* Which was a wiſe and ſeaſonable Inſtitution; And hereby we ſee the *Britiſh* Churches were not defective in Learning in their loweſt Condition, when the *Britains* were forced to leave their Habitations, and to fly into Corners.

Of which, beſides theſe Nurſeries of *Dubricius* and *Iltutus*, we have a famous Inſtance in the Monaſtery of *Banchor*, which even (h) *Bede* ſaith, *was furniſhed with learned Men at the coming of* Auguſtine *into* England. This *Banchor* was diſtant but ten or twelve Miles from *Cheſter*, as (i) *Ranulphus Ceſtrenſis*, and *Bradſhaw*, in his Life of St. *Werburg*, ſay. (k) *Leland* in his Itinerary deſcribes the Place as *ſtanding in a Valley, and having the compaſs of a walled Town, and two Gates remaining half a Mile diſtant from each other.* (l) *Camden* ſuppoſes it to be the *Bomium* in *Antoninus*, being ten Miles diſtant from *Deva*, *i. e. Cheſter*. That which was moſt obſervable in this *Britiſh* Monaſtery was, that Men there were bred up to *Learning* and *Devotion* together, and ſo more reſembling

(c) Matt. Weſtm. *A. D.* 586.

(d) Vincent. *Spec. Hiſt. l.* 21. c. 105.

(e) *Biblioth. Floriac. p.* 468.

(f) *Vit.* Gild. *ib.* c. 3.

(g) *Act. Sanct. Feb.* 9. *Vit. S.* Teliaj. *Com. præv.* §. 1. n. 3.

(h) Bed. *l.* 2. c. 2.

(i) *Polychr. l.* 4. c. 31.

(k) Collect. vol. 2. p. 63. *Itiner. p.* 308.

(l) Camd. *Brit. p.* 457.

as to them;) but *Fauſtus* and *Caſſian* and *Gennadius* denied it as to *Faith* or *Good Inclinations.*

But to return to St. *Germanus* and his Companions into *Britain*; If we give Credit to our *Antiquaries*, they did other Kindneſſes to the *Britiſh* Churches beſides the confuting *Pelagianiſm*, whereof two are moſt conſiderable. (1.) The Inſtitution of *Schools* of *Learning* among the *Britains.* (2.) The Introduction of the *Gallican Liturgy* into the uſe of theſe Churches.

(1.) As to *Schools* of *Learning*, none were more famous among the *Britains* than thoſe of *Dubricius* and *Iltutus*, who are both ſaid to have been the *Diſciples of St.* German. The Anonymous Author of the *Chronicle* in (u) *Leland* ſaith, *that St.* Germanus *and* Lupus, *having rooted out* Pelagianiſm, *conſecrated Biſhops in ſeveral parts of* Britain, *and among the reſt they placed a Cathedral at* Landaff, *and made* Dubricius *Archbiſhop, who diſpoſed of his Diſciples to ſeveral Churches*; *He made* Daniel *Biſhop of* Bangor, *and ſent* Iltutus *to a Place from him called* Llan Iltut, *or the* Church *of* Iltutus. (w) *Camden* ſaith, *to this day it is called* Llantuit, *where the Foundations of many Houſes are ſtill to be ſeen*; Near the Place called *Bovium* in the *Itinerary*, now *Boverton.* But there is another Place near *Nidum* or *Neath*, whoſe name comes very near it *Llanyltad.* The (x) old Regiſter of *Landaff*, after it hath mentioned *the frequent Meſſages the* Britains *ſent to the neighbour Biſhops of* Gaul *for aſſiſtance againſt the* Pelagians, *and the coming of* Germanus *and* Lupus *ſent by them*, it adds, *that they conſecrated Biſhops in many Places, and made* Dubricius *Archbiſhop over all the* Britains, *Dextralis partis* Britanniæ, *Of the right hand part of* Britain. With which *John* of *Tinmouth* and *Capgrave* agree. What this *Right hand part of* Britain *was* at the time of the Conſecration of *Dubricius* is not ſo eaſie to underſtand; Archbiſhop (y) *Uſher* takes it for *South Wales*; it being the cuſtom of the *Britains* to call *the South the Right hand ſide*; ſo *Aſſerius Menevenſis* calls *Suſſex* the *Region of the Right hand* Saxons. But it is obſervable that (z) *Aſſerius* there makes *Demetia*, or *South Wales*, to be but a part of what he calls *Dextralis pars* Britanniæ. For when he ſaith in general, *That all the Countrey of the Right hand of* Britain *ſubmitted to King* Alfred, he then inſtanceth particularly in *Hemeid* King of *Demetia*, and *Houil*, and other Kings of *Guent*, by which *North Wales* is as much underſtood as *South Wales* is by the other. And therefore I rather think *Dubricius* was made Archbiſhop over all the *Britains* in thoſe Parts; For (a) *Ranulphus Ceſtrenſis* ſaith, *The Biſhop of* Caerleon *had ſeven ſuffragan Biſhops under him:* And (b) *Matt. Weſtminſter* ſaith, *That* Dubricius *was made Archbiſhop of* Caerleon, (although he might have a Seat at *Landaff*, as the Regiſter of that Church affirms, by the Gift of *Mauricius.*) But it appears that he had then *Archiepiſcopal Power*; And poſſibly, upon the Diſturbance of thoſe times, the See might for a time be removed to *Landaff*; From whence it was again removed by St. *David* to the Town bearing his Name. But the Biſhops of *Landaff* who ſucceeded were ſo unſatisfied with it; That the Regiſter of that Church ſaith, *That from* Oudoceus *the ſecond from* Dubricius, (for he ſucceeded *Theliaus* in that See) *They choſe rather to be Conſecrated by the Archbiſhops of* Canterbury, *than by their own Metropolitan of St.* David'*s*, as appears by the Proteſtation made by the Biſhop of *Landaff* to *Calixtus* II. in the Council of *Rhemes*, *Anno Dom.* 1119. But I confeſs, it doth not ſeem very probable that a *Britiſh* Biſhop ſhould go for Conſecration to *Auguſtine* the *Monk* or his Succeſſors; For the *Britiſh* Biſhops did all look on them as *Intruders*; And if any ſhould have done it, how would they have been received by the *Britiſh* Churches at that time? It is therefore far more probable, either that they went over to the *Britiſh* Archbiſhop, at *Dol* in *Britannie*, or that there was a Succeſſion preſerved for ſome time of the Archbiſhops of *London* among the *Britains*, after the retirement of *Theonus* and *Thadiocus*, the two other *Metropolitans* of *London* and *York*, who, as (*c*) *Matt. Weſtminſter* ſaith, *did withdraw when their Churches were deſtroyed by the* Saxons, *with many of their Clergy into* Wales; where as long as that Succeſſion continued they might exerciſe ſome parts of their Function, leaving the main to the Archbiſhop of *Caerleon*, to whom of right it belonged; And *Ranulphus* ſaith; *That Province extended as far as the* Severn, *and ſo took in* Cheſter, Hereford *and* Worceſter; But before *Dubricius* was ſo much advanced, the Authors of his Life ſpeak of the *great number of Scholars which flock'd to him from all Parts of* Britain; Not the Rude and Vulgar only, but Perſons of greateſt Reputation, among whom they name St. *Theliaus*, *Samſon*, *Aidanus*, and many others. Two Places they mention, where he received and inſtructed his Diſciples, one at *Hentlan*, on the River *Wye*, where they ſay *he had a thouſand Students with him, whom he brought up in humane and divine Literature.* And the other was at *Moch-rhos*, where he had a Place for Study and Devotion.

(u) *Collect.* vol. 2. p. 42.

(w) *Brit.* p. 498.

(x) *v. Monaſt. Anglic. vol.* 3. *p.* 188.

(y) *De Primord.* p. 80.

(z) *De Geſtis* Alfred. *ad A. D.* 884.

(a) *Polychron. l.* 1. *c.* 52.

(b) Matt. Weſtm. *A. D.* 490, *&* 507.

(*c*) Matt. Weſtm. *A. D.* 586.

Iltutus by (*d*) *Vincentius*, and the (*e*) Author of the Life of *Samſon* is ſaid poſitively to have been *a Diſciple of St.* Germanus; And the (*f*) Author of the Life of *Gildas* ſaith, *That in the School of* Iltutus *many Noblemens Sons were brought up*, among whom he reckons as the chief *Sampſon*, afterwards Archbiſhop of the *Britains*, viz. at *Dol* in *Britannie*; *Paulus*, Biſhop of the *Oxiſmii*, the moſt Northern of the *Aremorici* (which Biſhoprick is ſince divided into three, *Treguier*, St. *Pol de Leon* and St. *Brieu*) and *Gildas*, called *Sapiens*, of whom afterwards: *Leland* to theſe adds *David* and *Paulinus*: And ſaith, *his School flouriſhed like an Univerſity among the* Britains. (*g*) *Bollandus* and *Henſchenius* make a very probable Conjecture, *That when St.* German *came into* Britain, *and found the decay of Learning to have been the great occaſion of the ſpreading of* Pelagianiſm *he appointed* Dubricius *and* Iltutus *to undertake the Education of the* Britiſh *Clergy*; And that by theſe means, as *Bede* ſaith, *theſe Churches continued afterwards pure and free from this Hereſie.* Which was a wiſe and ſeaſonable Inſtitution; And hereby we ſee the *Britiſh* Churches were not defective in Learning in their loweſt Condition, when the *Britains* were forced to leave their Habitations, and to fly into Corners.

(*d*) Vincent. *Spec. Hiſt. l.* 21. *c.* 105.

(*e*) *Biblioth. Floriac. p.* 468.

(*f*) *Vit.* Gild. *ib. c.* 3.

(*g*) *Act. Sanct. Feb.* 9. *Vit. S.* Teliaj. *Com. præv.* §. 1. *n.* 3.

Of which, beſides theſe Nurſeries of *Dubricius* and *Iltutus*, we have a famous Inſtance in the Monaſtery of *Banchor*, which even (*h*) *Bede* ſaith, *was furniſhed with learned Men at the coming of* Auguſtine *into* England. This *Banchor* was diſtant but ten or twelve Miles from *Cheſter*, as (*i*) *Ranulphus Ceſtrenſis*, and *Bradſhaw*, in his Life of St. *Werburg*, ſay. (*k*) *Leland* in his Itinerary deſcribes the Place as *ſtanding in a Valley, and having the compaſs of a walled Town, and two Gates remaining half a Mile diſtant from each other.* (*l*) *Camden* ſuppoſes it to be the *Bomium* in *Antoninus*, being ten Miles diſtant from *Deva, i. e. Cheſter*. That which was moſt obſervable in this *Britiſh* Monaſtery was, that Men there were bred up to *Learning* and *Devotion* together, and ſo more reſembling

(*h*) Bed. *l.* 2. *c.* 2.

(*i*) *Polychr. l.* 4. *c.* 31.

(*k*) *Collect. vol.* 2. *p.* 63. *Itiner. p.* 308.

(*l*) Camd. *Brit p.* 457.

ſembling our *Colleges* than the *Egyptian Monaſteries*, where Men were brought up to *Ignorance* and *Labour* as much as to *Devotion*. Wherein the *Benedictines* followed them according to their firſt Inſtitution: For St. *Benedict* himſelf not only deſpiſed Learning, as the Writers of his Life ſay; But he takes no care about it in the *Rule* of his *Order*; And when (m) *Boniface* gave an account to *Zachary* of his ſetting up a *Benedictine Monaſtery* at *Fulda*, he ſets the Monks out by their *Abſtinence and hard Labour with their own Hands, without Servants*. It is true that (n) *Trithemius* ſpeaks much of *the Schools of Learning in the Benedictine Monaſteries*, but not before *Anno Dom.* 890. which was after the (o) *Conſtitutions* of *Charles* the Great, *who appointed Schools for inſtructing Youth both in Monaſteries and Cathedrals*; Which gave the firſt Countenance and Encouragement to Learning at that time; And (p) *Lupus Ferrarienſis* ſaith, *That the reviving of Learning was then owing to him*: But although theſe *Conſtitutions* extended no farther than to *Grammar Schools*; yet from hence, thoſe who were inclined to Learning in the *Monaſteries* applied themſelves more to it; and by degrees gained a great Reputation by it, as *Rabanus Maurus* at *Fulda*, whoſe eſteem drew *Lupus* thither, and many others; Which example prevailing, and the Monks finding ſuch reſort to increaſe their Wealth as well as Reputation, as (q) *Aub. Miræus* obſerves; from that time the Monaſteries were deſirous to have ſome of their Number to be eminent for Learning, which had been before ſo much neglected by them, as wholly beſides the Rule of their Order. But the *Monaſteries* of the *Weſtern Churches* before St. *Benedict*'s time, ſuch as that of St. *Ambroſe*, St. *Euſebius* of *Vercelles*, St. *Auguſtine* in *Africa*, St. *Martin* in *Gaul*, were chiefly intended as *Nurſeries* to the Church, and the Perſons educated therein, were brought up with a deſign to do the Church Service afterwards. This method of Education taking ſo much in other Churches (as in *Gaul*, where ſo many eminent Biſhops were taken out of the *Monaſtery* of *Lerins*, according to the Rule of *Capraſius*,) St. *German* who was ſo well acquainted with St. *Honoratus*, St. *Hilary* of *Arles*, and others of that Education, might probably be the firſt Inſtrument of ſetting up this way in the *Britiſh Churches*. And to confirm this, St. *Patrick*, who carried over this *Monaſtick Education* into *Ireland*, ſpent many Years under the Diſcipline of St. *German*, as (r) *Probus* and (s) *Jocelin* the Writers of his Life do agree. And thoſe who have written of St. *German* have mention'd him as one of his Diſciples, as (t) *Erricus* of *Auxerre*. And (u) *William* of *Malmesbury* ſaith, *he was not only a Diſciple of St.* German, *but being made Biſhop by* Celeſtine, *he was ſent by St.* German *into* Ireland. And in the *Iriſh* Monaſteries there were *Schools* like thoſe of *Dubricius* and *Iltutus* for the breeding of Youth in Learning. For therein, as *Rouſe* an *Antiquary* in *Edward* IV. time ſaith, *The Maſters did teach*, Secundum formam Studiorum antiquorum, *according to the ancient Method of Learning*; Which our learned (w) Primate underſtands *of joining the Studies of humane Learning with divine*; of which he produces an Inſtance in a *MS.* of the Library of *Worceſter*; Being a Commentary of an *Iriſh* Biſhop upon *Martianus Capella*'s *Aſtrology* which he read to his Diſciples in the Monaſtery of St. *Remigius* in *Down*. And the Author of the *Opus Tripartitum* of the Life of St. *Patrick* ſaith, *That he ſet up at* Armagh *Summum ſtudium literale*. Which in the Language of that time is the ſame with an *Univerſity*, only this is a *Law-term*, and implies a *Legal Society* incorporated for the Profeſſion of Learning, which the (*x*) Civilians tell us, *None but the Supreme Authority of a Nation can do.* In this School at *Armagh*, *Caradoc* of *Lancarvan* in his Life of *Gildas* ſaith, *That he was a Profeſſor*, Studium regens & prædicans in Civitate *Ardmaca.* But the Anonymous Author of his Life publiſhed out of an ancient *MS.* by *Joh. à Boſco* (*y*) ſaith, *That* Gildas, *going over into* Ireland *in the time of* Ammeric, *i. e.* about *An. Dom.* 566. *found both Religion and Learning much decay'd there, and that he built many Churches and Monaſteries, and brought up many Noble Mens Sons therein. In his younger days*, he ſaith, Gildas *went to* Iren, *and viſited the Schools of many Learned Men, and enquired their Opinions in Philoſophical and Divine matters.*

(m) Bonifac. *Epiſt.* 141.

(n) *Chron. Hirſ. A.D* 890.

(o) *Capit. Anſeg. l.* 1. c. 17. *l.* 5. c. 95.

(p) Lup. *Epiſt.* 1.

(q) *Orig. Monaſt. l.* 2. *c.* 1

(r) Prob. *vit.* Patr. *apud* Bed. *To.* 3.

(s) Jocel. *vit.* Patr. c. 22.

(t) *Bibliotb. MSS.* Labb *Tom.* 1. *p.* 537

(u) *De Geſtis Pont. l* 2 *p.*145.

(w) *De Primord. p.* 90.

Some queſtion hath been made by Learned Men, what this Author means by *Iren*; The moſt eaſie and obvious ſenſe is to take it for *Ireland*, where there were ſo many Schools of Learning in the Monaſteries of St. *Patrick*'s Foundation; And *Iris* is uſed by (*z*) *Diodorus Siculus* for *Ireland:* And (*a*) *Ierne* in the Book *de Mundo*, and *Apuleius*; and the Inhabitants are called *Irenſes* by (*b*) *Ordericus Vitalis:* and the Country is called *Erin* by the Inhabitants, as Archbiſhop (*c*) *Uſher* obſerves; But the marginal Note of *Joh. à Boſco* hath led ſome quite out of their way in ſeeking for this Place; Which is, *That* Iren *was an Univerſity then in* Great Britain; And from hence they have proceeded to prove our famous Univerſity of *Oxford* to be meant by it; (*d*) Firſt, *Iren*, ſay they, *was miſtaken for* Icen, *and that for* Ychen, *and* Ychen *for* Rydychen, *and* Rydychen *in the* Britiſh *Tongue ſignifies the ſame with* Vadum Boum, *and that is the ſame with* Oxford. I cannot think Learned Men write theſe things any otherwiſe than as *Sports of Wit*, which are intended for the *diverſion*, and not for the *conviction* of the Reader. As likewiſe, when the ſame Authors produce out of *Conſtantius* his Life of St. *German*, *Regionis illius Univerſitas*, to prove the *Antiquity of their Univerſity.* But that Paſſage in the Copy of *Aſſerius*, printed by *Camden* is more material, viz. *That St.* German *ſtaid half a year in* Oxford, *and approved the Orders made by* Gildas, Melkin, Nennius *and* Kentigern. I know what Heats have been about this Paſſage among very Learned Men. For my part, I ſee no cauſe to miſtruſt the ſincerity of Archbiſhop *Parker* in the Edition of his very ancient Copy, where this Paſſage was not to be found; And I do not queſtion *Camden*'s Fidelity in publiſhing *Aſſerius* out of ſome other Copy; But it had been fair to have given an Account whence he had it, and for what Reaſons he inſerted it in another Edition of *Aſſerius*; and why he preferred the *Savilian* Copy before the other. But I cannot but wonder that theſe Learned Men have taken no more notice of the Inconſiſtency of this Paſſage with the Hiſtory of thoſe times. For theſe Perſons all lived a conſiderable time after St. *German*, as it were eaſie to prove, if it were worth the pains. For *Gildas* was not born till at leaſt forty four years were paſt after St. *German*'s death: which thus appears; He ſaith he was born the year of the Victory of *Aurelius Ambroſius* over the *Saxons* at the *Mons Badonicus*, which was forty four years after they came hither, *An. Dom.* 449. And by comparing St. *German*'s Embaſſy to *Valentinian* at *Ravenna*, where he died, we ſhall find that St. *German* was dead the year before the *Saxons* arrival, *An. Dom.* 448. As the (*e*) *Samarthani* ſhew. But againſt this there is a conſiderable Objection from what (*f*) *Bede* ſaith, *That the* Saxons *and* Picts *joined together*

(x) Choppin. *de Doman. Franc. l.* 3. *tit.* 27. Limn. *Jus publ. l.* 8.

(y) *Biblioth. Flor. vit.* Gild. *c.* 10.

Id. c. 6.

(z) Diod. Sic. *l.* 5.

(a) *De Mund. p.* 64. *ed.* Vulcanii.

(b) Ord. Vital. *l.* 10. *ad A. D.* 1098.

(c) *Hiſt. Gotteſch. c.* 9.

(d) *Antiq. Acad. Oxon. Apol. l.* 2. *n.* 84. *Hiſt. Acad. Oxon. l.* 1. *p.* 9, 10, 11.

(e) *Gall. Chriſtian. To.* 2. *p.* 267.

(f) Bed. *l.* 1. *c.* 20.

ther after St. German*'s coming, which occaſion'd a Victory by ſinging* Alleluiah *according to St.* German*'s direction*; and it is ſo much ſtronger, in that the very ſame Expreſſions are in *Conſtantius*. But this may be eaſily ſolved by thoſe that conſider the frequent Incurſions the *Saxons* made on the *Britains* before they were ſent for over, as appears by the *Comes Litoris* Saxonici *per* Britanniam, appointed to ſecure the Coaſts from the *Saxons*; and that *Gildas* therefore wonders the *Britains* ſhould ſend for the *Saxons*, *of whom they were ſo much afraid before*: And when the *Roman* forces were withdrawn, no doubt they did more boldly and frequently diſturb them.

Beſides, (g) *Conſtantius* ſaith in St. *German*'s Life, *that he ſucceeded* St. Amator *in his See, and continued therein thirty years and twenty five days.* But St. *Amator* died *An. Dom.* 418. as our Learned (h) Primate hath proved, *becauſe the Calends of* May *on which he died were that year*, as Conſtantius *ſaith, the fourth day of the Week*, which agrees to 418. If it be ſaid, *That this Paſſage of* Aſſerius *is meant of an Elder* Gildas, *called* Gildas Albanius, *whoſe Life the ſame excellent Antiquary ſuppoſes to be written by* Caradoc *of* Lancarvan; I anſwer, that when he comes to fix the times in his *Chronological Index*, he doth overthrow his own Suppoſition: For *Caradoc*, by his own confeſſion, makes *Gildas contemporary with King* Arthur, and he is ſaid by him to be born *An. Dom.* 493. And therefore *Caradoc*'s *Gildas* can be no elder than the *Gildas Badonicus*. Although therefore the want of skill may make *Caradoc* ſet his *Gildas* elder than he ought to have done; yet whoſoever will compare that Life publiſhed by *Joh. à Boſco* with the other by *Caradoc*, will find that they were deſigned for the ſame Perſon. And therefore *Leland*, with far more judgment, mentions but one *Gildas*; but *Bale* and *Pits* make more; but it is their Vanity to multiply Authors as well as Books. St. *Kentigern* was baptized aſſoon as he was born, by *Seruanus*, one of the Diſciples of *Palladius*, whoſe Miſſion had the ſame date with the firſt coming of St. *Germanus* and *Lupus*; And therefore it is not very probable that St. *German* ſhould ſee the Orders of *Gildas* and *Kentigern*, much leſs thoſe of *Melkin* and *Nennius*, whoſe Ages fall ſo far ſhort of the others.

But although St. *German*'s being at *Oxford* cannot be proved by ſuch obſcure and incoherent Paſſages as this; yet I doubt not but by the Evidence already produced, he did take care to advance Learning and Piety in the *Britiſh Churches* whereſoever he came: Both which were falling very much to decay upon the irruption of the barbarous Nations. While the *Roman* Empire flouriſhed there was care taken for the encouragement of Learning, eſpecially in greater Cities. At *Rome* by the Conſtitution of *Valentinian* we may ſee the Orders then made for the Regulation of Students there; as for entring their Names who came thither out of the ſeveral Provinces by the *Magiſter Cenſus*, with the *Teſtimonials* from the Governours of *Provinces*, of the Place of their Birth and Quality, who then were to declare what *Studies* they deſigned to follow, and an account was to be given of their Lodgings: And particular Officers were appointed called *Cenſuales* to make an Inſpection into their Lives, that they did avoid all Clubs called there *Conſociations*, or frequent appearing at the *Sports*, or affecting unſeaſonable and publick Entertainments. If any were found faulty, they were to be chaſtiſed, and ſent away home, but none were permitted to ſtay after twenty at *Rome*, and an account of theſe things was to be

(g) Conſtant. *vit.* German. *l.* 2. *c. ult.*

(h) Uſſer. *de Prim. p.* 382.

be taken monthly, and given in to the *Præfectus Urbis*, and return'd to the Emperor every year; as appears by the (*i*) *Conſtitution* it ſelf in the *Theodoſian Code.* By which we find, That *Rome* it ſelf was then the chief *Univerſity* of the *Empire*, to which *Students* reſorted from all the *Provinces*, and the Emperor thought it not below his Cognizance to have notice ſent him of the Numbers, Qualities and Behaviours of the *Students*; But leſt the Splendor and Vanities of *Rome* ſhould tempt them to forſake the Service of their Country, they were not permitted to ſtay there after twenty years of Age; For then, not having the Difficulties of the Language to conquer which they were uſed to while Children, at fifteen they were thought fit to be inſtructed in other Studies, and five or ſix years was all the time this Law allow'd them to proſecute them under the Maſters at *Rome*. Where, beſides an infinite number of private Teachers in that vaſt City, there were publick *Profeſſors* appointed, who had their *Schools* within the *Area* of the *Capitol*, which were called *Auditoria publica*, as we may reaſonably infer from the (*k*) *Conſtitution* of *Theodoſius*; where the *Exedræ* of the *Portico's* of the *Capitol* at *Conſtantinople* are appointed to make *Auditoria* for the *publick Profeſſors* there: And *Conſtantinople* follow'd the Pattern at *Rome*. Theſe *Exedræ* were, as (*l*) *Vitruvius* deſcribes them, Places of *Capacity* within the *Portico's*, with Seats round, in which the *Rhetoricians*, and others, were wont to diſcourſe; Or, according to (*m*) *Cicero*, they were *Cellæ ad colloquendum aut meridiandum*, ſuch as *Craſſus* had at *Tuſculum*, and *Cotta* at *Rome*, where thoſe great Men were wont to ſit for their diverſion and diſcourſe with each other: And the *Greek Gloſſary* renders **Exedra**, a *School*; ſuch a one (*n*) *Strabo* deſcribes in the *Muſæum* at *Alexandria*, which conſiſted of a *Walk*, an *Exedra*, and a great Houſe where the Learned Men did all live and eat together upon a publick Allowance, under the Government of a Perſon appointed by their Kings, and after by the *Cæſars*. This *Muſæum* was adjoining to the Palace, and near it was the famous Library of *Ptolemy Philadelphus*: For that was *in Bruchio*, as (*o*) *Epiphanius* ſaith, and was diſtinct from the other *Library* afterwards *in Serapeo* mentioned by (*p*) *Ammianus Marcellinus.* This *Bruchion* was a Region of the City, as *Epiphanius* ſaith; And ſome will have its Name from the Πυρȣχεῖον, the *Granary* of *Alexandria* being there, and by contraction it was called Πρȣχεῖον. So the *MS.* of (*q*) *Euſebius* mention'd by *Valeſius* hath it. But (*r*) *Salmaſius* would have the name taken *from the Stores laid in there for the College of Learned Men in the* Muſæum, which *Ammianus Marcellinus* calls *Præſtantium hominum domicilium*; And this Πυρȣχεῖον, he ſaith, is the ſame with Πρυτανεῖον, and *Euſtathius* ſaith, *The one ſignified the ſame at* Alexandria, *which the other did at* Athens; And, he obſerves, that it was accounted a great favour in the Emperors to grant any Learned Man τὴν ἐν Μȣσείῳ σίτησιν, *i. e. a Fellowſhip in the College.* So (*s*) *Athenæus* mentions it as the kindneſs of *Hadrian* to *Pancrates* the Poet, for flattering *Antinous*; *That he gave him a Right of Commons in the* Muſæum: As he did likewiſe to *Dionyſius* the Sophiſt, and *Polemon*, and *Nicetas Smyrnæus*, as *Philoſtratus* in their Lives relates. *Ariſtonicus* wrote the Hiſtory of the *Muſæum* at *Alexandria*, and of the Philoſophers and Learned Men who flouriſhed in it, and the manner of their living there; Out of whom (*t*) *Photius* ſaith that *Sopater* borrow'd part of the twelfth Book of his *Miſcellanies.* But this Book being loſt, as likewiſe thoſe of *Callimachus* and *Alcidamas*, no

---

(*i*) C.Theod. *l.* 14. *tit.* 9. *L.* 1. *A. D.* 370.

(*k*) C.Theod. *l.* 15. *tit.* 1. *l.* 53.

(*l*) Vitruv. *Antiq. l.* 5. *c.* 2.

(*m*) De Orator. *l.* 3.

(*n*) Geogr. *l.* 17.

(*o*) Epiph. *de Ponder.*

(*q*) Am. Marcell. *l.* 22. *c.* 15.

(*q*) Euſeb. *l.* 7. *c.* 32.

(*r*) Salmaſ. *in* Spartian. *p.* 52.

(*s*) Athen. *l.* 15.

(*t*) *Cod.* 161.

particular account can be given of the Hiſtory of it. Only in general we know, that the moſt Learned Perſons in their ſeveral Profeſſions were invited thither, and had there all the Encouragements which Freedom from Care, good Air, (for the *Muſæum* was celebrated for that by *Strabo*) ſutable Society and an excellent Library could give them; the Keepers whereof were men of the greateſt Reputation, as *Demetrius Phalereus*, *Zenodotus Epheſius*, *Eratoſthenes*, *Apollonius*, *Ariſtonymus*, *Chæremon*, *Dionyſius*, &c. In this *Muſæum* it was that (u) *Hadrian* propoſed Queſtions to the Profeſſors; and in it were Ἀγῶνες inſtituted, or Sports, by *Philadelphus* to *Apollo and the Muſes*, after the finiſhing his *Library*, and Rewards given to thoſe that overcame in the Opinions of the *five Judges* appointed for that purpoſe. From hence came the *Commiſſiones* and *Agones Sacri* among the *Romans*, at which Judges were appointed; Among whom (w) *Horace* mentions *Metius Tarpa* for one. Theſe were ſometimes performed in the *Capitol*, as (x) *Rycquius* obſerves, *i. e.* in the *Portico*'s where the *Exedræ* were like thoſe at *Conſtantinople*. What the Number of publick Profeſſors was at *Alexandria* and *Rome* is not certainly known, but at *Conſtantinople* their Number is determin'd by a (y) *Conſtitution* of *Theodoſius*. In the *Publick Schools* called there *Auditorium Capitolii* and *Auditorium noſtrum*, there were to be for the Latine Tongue *three Orators, and ten Grammarians*; For the Greek *five Sophiſts, and ten Grammarians*; *One Profeſſor of Philoſophy and two of Law.* Theſe had had their diſtinct *Schools* allotted them called *Publicæ Magiſtrationes* and *Cellæ* in the *Law*; And all others were forbidden to teach in publick, either within the *Capitol*, or elſewhere, upon pain of Infamy for the Fact, and Baniſhment out of the City. The Emperor *Valens*, by another Conſtitution, appointed for the Publick Library at *Conſtantinople ſeven Antiquaries to look after the Books, four Greek and three Latine, who were to have a publick allowance*; So that there was a *Bibliotheca Palatina* there as well as at *Rome*, and both in probability were near the *Capitol*, where the *Profeſſors* taught; For that at *Rome* was called *Bibliotheca Capitolina*, concerning which *Joh.* (z) *Sarisburienſis* ſaith, *It was reported that* Gregory *the great cauſed it to be deſtroyed, out of a fear, that Heathen Learning ſhould abate Mens Love to the Scriptures*; which was a very fooliſh and ſuperſtitious fear. For Men know better how to value the Scriptures by it. And he did ill then to fetch the Soul of *Trajan* out of *Purgatory* (but I hope one Story is no truer than the other) for he founded the *Bibliotheca Ulpia*, which was next to the *Palatina*; and *Victor* ſaith, *There were twenty ſeven more publick Libraries in* Rome. If this Story be true, *Gregory* rather follow'd the Steps of *Julian* than of *Conſtantine*; for the one envied Learning to the Chriſtians as much as the other promoted it, *Victor*'s Epitome ſaith of *Conſtantine*, that he did, *Nutrire artes bonas, præcipuè ſtudia Literarum*; And his (a) *Conſtitutions* ſtill extant do ſhew the great kindneſs he had for Learning and Learned Men; granting great Privileges and publick Salaries to the Profeſſors of Learning in the ſeveral Cities of the Empire But *Julian*, finding that Chriſtianity did ſpread by the Learning of the Chriſtians, he firſt *drew the choice of publick Profeſſors to himſelf*, by making his *Approbation* neceſſary after the *Judicium Ordinis* and *Decretum Curialium*, and ſo excluded the Chriſtians. Afterwards (b) he expreſly declared, *He would endure none to interpret Heathen Authors, who argued againſt their Religion:* But no *Conſtitution* appears in the *Code* beſides the

(u) Spartian. *in* Hadrian.

(w) Horat. *de Arte Poet. & in Satyr.*

(x) De *Capitol.* c. 35.

(y) C. Theod. *l.* 14. *tit.* 9. *l.* 3. *l.* 2.

l. 2.

(z) *Polycrat. l.* 8. *c.* 19.

(a) C. Theod. 13. *tit.* 3. *LL.* 1, 2, 3.

Ib. L. 5.

(b) Julian. *Ep.* 42.

the former tending that Way. Upon this *Proæreſius*, ſaith (*c*) St. *Jerome, left the Chair at* Athens, although he had a particular Indulgence by *Julian.* And (*d*) *Oroſius* adds, *That the Chriſtian Profeſſors of Learning almoſt univerſally forſook their Places*: But both mention an expreſs Edict of *Julian*'s to that purpoſe. Some Writers ſpeak of another Edict *forbidding Chriſtian Children to learn*; But I can find no Edict to that purpoſe. And it ſeems to me to have been only a Conſequence of the former; Since Chriſtian Parents would not ſend their Children to be taught by Heathens, having ſeen the ſad effect of it in the *Apoſtacy* of *Julian*, under his Heathen Tutors, *Mardonius*, *Maximus* and *Jamblichus.*

But by this Edict we find how univerſally Learning was then diffuſed through the *Provinces* of the *Roman* Empire, which was in a great meaſure due to *Antoninus Pius*, of whom (*e*) *Jul. Capitolinus* ſaith, *That he appointed Honours and Penſions to Rhetoricians and Philoſophers through all the Provinces*; which were confirmed and inlarged by the ſeveral Edicts of *Conſtantine* to that purpoſe, already mention'd. And (*f*) *Fr. Baldwin* takes particular notice of his Zeal to promote Learning. In *Gaul* (*g*) St. *Jerome* mentions the *Florentiſſima Studia Galliarum*; And *Conſtantius*, in the Life of St. *German*, the *Auditoria Galliarum*; after which, he ſaith, he went to *Rome* as the chief *Univerſity*, eſpecially for *Law*; thence (*h*) *Sidonius Apollinaris* calls it *Domicilium Legum*, and St. (*i*) *Auguſtine* ſaith, *he went thither to ſtudy the Laws.* But other Profeſſions flouriſhed elſewhere; as at *Carthage*, (*k*) *Salvian* ſaith, *There were Profeſſors of all Arts and Sciences*: And at *Sicca Veneria* in *Africa*, *Arnobius* was Profeſſor of *Rhetorick.* Near *Lyons* in *Gaul* the 60 Cities had dedicated an Altar to *Auguſtus*, where the *Rhoſne* and the *Arar* meet, there *Caius Caligula* appointed Prizes to be plaid both in *Greek* and *Latine Eloquence*; And not that only, but *Philoſophy* was there taught; Thence (*l*) *Odilo*, Abbat of *Clugny*, about *Anno Dom.* 1020. calls *Lyons* of old *the Mother and Nurſe of Philoſophy.* In the time of *Diocleſian* and *Maximianus*, the Nobility of *Gaul* were brought up to Learning at *Auguſtodunum* (*Autun*,) and there *Eumenius* was both *Rector* and *Profeſſor*, as appears by his Speech to *Conſtantius*, where (*m*) he celebrates ſo much the *Scholæ Mænianæ*, *Quondam pulcherrimo opere & ſtudiorum frequentiâ celebres*; which having ſuffer'd very much in the Rebellion of the *Bagandæ* under the latter *Claudius*; he was extremely concerned to have them rebuilt, which is the deſign of his excellent *Oration.* But long before, in *Tiberius* his time, (*n*) *Tacitus* ſaith, *The Sons of the Nobility did there*, Liberalibus ſtudijs operari, *improve themſelves in Learning.* (*o*) *Euſebius* mentions in the time of *Nero*, *Statius Urſulus* of *Tholouſe*, a famous Profeſſor of *Rhetorick.* And (*p*) *Auſonius* reckons up many of thoſe who had been famous there and at *Bourdeaux*, and other Places. But to ſpare our pains in particular Places, there is extant in the *Theodoſian Code* an (*q*) Edict of *Gratian*, *requiring all the chief Cities of theſe Parts of the* Roman *Empire to ſettle and maintain in them Profeſſors of Learning, both of the Greek and Roman Languages.* This Edict was directed to the *Præfectus Prætorio Galliarum*, and was commanded to be obſerved through all his *Dioceſe*, which *Gothofred* reſtrains to *the Provinces of Gaul*, excluding *Britain*, for which I ſee no reaſon; Since (*r*) *Auſonius* who was himſelf in that Office in *Gratian*'s time, comprehends the *Britains* under his *Juriſdiction.* And the *Notitia Imperii* places the *Provinces* of *Britain* under him

(*c*) Hier. *Chron.*

(*d*) Oroſ. *l.* 7. *c.* 30.

(*e*) *Vit.* Anton. Pii.

(*f*) *De Legibus* Conſtant. *l.* 2. *p.* 142.

(*g*) *Ad* Ruſtic.

(*h*) Sidon. *Ep.* 6. *l.* 1.

(*i*) *Confeſſ. l.* 6. *c.* 8.

(*k*) *De Gubern. Dei*, *l.* 7.

(*l*) *Vit.* Maioli, *Vit.* Adell.

(*m*) *Orat. pro. reſtaur. Schol. n.* 3.

(*n*) *Annal.* 3. *c.* 43.

(*o*) *In* Chronic.

(*p*) *In Profeſſ.*

(*q*) C. Theod. 13. *tit.* 3. *L.* 11.

(*r*) *In Moſell. v.* 407.

him after *Gratian*'s time. Which *Notitia* he thinks was made about *Anno Dom.* 426. By virtue of which Edict we are to ſearch for the ancient *Schools* of Learning among the *Britains*, in the *chief Cities* of the *Provinces* at that time; eſpecially at *London*, which was the *Caput Gentis*, being *Auguſta*, or the *Imperial City*, and ſo at *York* and *Caerleon.* So that the *Britiſh Churches*, as long as the *Roman Power* continued here, had the ſame advantages for Learning which they had in other *Provinces*; But when the *Roman Forces* were withdrawn, and nothing but Miſeries and Deſolation follow'd; then St. *German*'s Care proved a moſt ſeaſonable Relief to them in providing ſuch Schools as thoſe of *Dubricius* and *Iltutus*, for the breeding up of Perſons qualified for the Service of the Church; as far as the Miſeries of thoſe times would permit.

The laſt thing to be conſidered is, The *publick Service* of the *Britiſh Churches*. And in an ancient *MS.* in the *Cotton Library*, about the *Original* of *Divine Offices*, *Germanus* and *Lupus* are ſaid *to have brought into the uſe of the* Britiſh *Churches*, Ordinem Curſûs *Gallorum*. By which (*s*) Archbiſhop *Uſher* underſtands the *Gallican Liturgy*. For *Curſus* in the Eccleſiaſtical uſe of the Word is the ſame with *Officium Divinum*, as *Dominicus Macer*, in his late *Hierolexicon* ſhews; thence *Curſum celebrare*, is, *to perform Divine Offices*; And ſo the Word *Curſus* is often uſed in (*t*) *Fortunatus* his Life of St. *German*, Biſhop of *Paris*, and in our (*u*) *Saxon Writers:* But this *Curſus Gallorum* is there diſtinguiſhed from the *Curſus Orientalis*, and the *Curſus Ambroſii*, and the *Curſus Benedicti* (which little differs, he ſaith, from the *Curſus Romanus.*) And this was that which *Germanus* and *Lupus* had learnt in the Monaſtery of *Lerins*, where it was uſed by *Caſſianus* and *Honoratus*, as the Author of that Book affirms, which I find to have been the ſame which (*w*) Sir *H. Spelman* commends for its great *Antiquity*. And that Author derives the *Gallican Liturgy* from St. *John* by *Polycarp* and *Irenæus*; Which *MS. Mabillon* was inclined to think to have been the Book which *Gregorius Turonenſis* wrote *de Curſibus Eccleſiaſticis*, but for the quoting the (*x*) Life of *Columbanus* and *Attala*, which was not written till after his Death.

This will oblige us to enquire, what the *Gallican Liturgy* at this time was, and how far different from the *Roman*. It is agreed on all hands, that there was a material difference between them, but wherein it lay is not ſo eaſily underſtood. When *Gregory* ſent *Auguſtine* the *Monk* into *England*, to ſettle the *Saxon Churches*, and he was conſecrated by the Archbiſhop of *Arles*, one of the Queſtions, (*y*) *Auguſtine* propoſed, was, *ſince there was ſuch difference between the Offices of the* Roman *and* Gallican *Churches, which he ſhould follow? Gregory* anſwered, *That he ſhould chuſe what he thought moſt proper for the* Engliſh *Church*. Which implies, That there was a diverſity ſtill between them; And that the Pope did not oblige him to follow the Example of the *Roman Church*; chiefly, I ſuppoſe, Becauſe the Queen, being a Chriſtian before, and uſing the *Gallican Liturgy* in the *Publick Service*, and her Biſhop being of the *Gallican Church*, it would have given great Offence to them to have had it taken away; as likewiſe to all the *Britiſh Churches* which had been accuſtomed to it. If the Books of *Muſæus* mention'd by (*z*) *Gennadius* were extant, we ſhould eaſily underſtand wherein the difference lay. For, he being a *Presbyter* of the Church of *Marſeilles*, and a Man learned in the Scriptures, was deſired

by

(*s*) De *Primord.* p. 343.

(*t*) *Apud* Sur. 28. *Maii.*

(*u*) Bed. *l.* 4. c. 18. *Concil. Cal. c.* 7. Aſſer. *vit.* Alfr.

(*w*) *Concil. Brit. To* 1. *p.* 167.

(*x*) Mabillon. *Annal.* 1. *p.* 9.

(*y*) Bed. *l.* 1. *c.* 27.

(*z*) Gennad. *de Scriptor. c.* 79.

by *Venerius*, the Biſhop there, *to draw up a Form of Publick Service, conſiſting of two Parts,* viz. *The Morning Service, and the Communion Service.* The firſt he finiſhed in the time of *Venerius*, and is highly commended by *Gennadius for its Order, Uſefulneſs and Decency*. The ſecond, in the time of *Euſtathius* his Succeſſor, which he likewiſe commends for *its great weight and exactneſs*. And there was great Reaſon at that time, to bring the *Church-Service* into *Order*, becauſe *Caſſian* and others endeavour'd to introduce the *Monaſtick Cuſtoms* which he had obſerved in *Egypt* and elſewhere, as appears by the deſign of his *Monaſtick Inſtitutions*, eſpecially the ſecond and third Books, which he dedicated to *Caſtor*, Biſhop of *Apta Julia*, at the ſame time that *Venerius* was Biſhop of *Marſeilles*, where *Caſſian* lived. This *Muſæus* was therefore employ'd to draw up the moſt convenient *Order* for the *Publick Service*, from whence we may be able to judge of the Difference in both Parts between the *Gallican* and *Roman Offices*.

I begin with the *firſt*, viz. the *Morning Service*, which conſiſted of *Leſſons*, *Hymns* and *Pſalms*, agreeable to the *Leſſons*, and ſhort *Collects* after them.

In the *Church* of *Rome*, for a long time, *viz.* for above 400 Years, they had nothing before *the Sacrifice*, as the old *Ritualiſts* agree, beſides the *Epiſtle* and *Goſpel*; then *Celeſtine* appointed the *Pſalms* to be uſed; or as (*a*) *Walafr. Strabo* and *Micrologus* ſay, cauſed *Antiphonæ* to be made out of them and ſung. The *Epiſtle* was conſtantly taken out of St. *Paul*, as *Walafr. Strabo* proves out of the *Pontifical Book*; *in proceſs of time*, he ſaith, *other Leſſons were taken out of the Old and New Teſtament, agreeably to the time*; Which might be borrow'd from the *Gallican Church*; as other Inlargements of their *Offices* by the *Ritualiſts* Confeſſion were, and in probability the Diſtribution of the *Leſſons* was firſt begun by *Muſæus*, which we have digeſted according to the *Roman* Cuſtom in the *Lectionarius*, publiſhed by *Pamelius*, by ſome attributed to St. *Jerome*. After the *Leſſons* follow'd the *Reſponſoria*, or *Proper Hymns*, for ſo (*b*) *Iſidore* ſaith, *they were called, becauſe, one ſinging, the whole Choire did anſwer*; and (*c*) *Rhabanus Maurus* calls ſuch an *Anthem*, *Reſponſorius Cantus*; and theſe differ'd from the *Antiphonæ*, becauſe in them the whole Choire ſung each Verſe *alternatim*: But (*d*) *Rupertus* thinks, *they had their Name becauſe they anſwered to the Leſſons, being ſung immediately after them*; for *the refreſhment of the Hearer's Mind*, ſaith (*e*) *Amalarius*. But, beſides the *Leſſons* and *Hymns*, he methodiz'd the *Pſalms*, ſo as to be read agreeably to the *times* and the *Leſſons*; and not in the Order wherein they ſtand; which ſeems to have been peculiar to the *Gallican Church*. The moſt ancient Cuſtom of the *Church*, as (*f*) *Menardus* proves from *Juſtin Martyr*, and others, was *to begin the publick Service with the Leſſons*. And (*g*) St. *Ambroſe*, in one Place, ſeems to mention no more in his Church at *Milan* beſides the *Leſſons* and the *Sermon*, before his expounding the *Creed* to the *Competentes*; But in the ſame *Epiſtle* he ſpeaks of the *Pſalms* that were read in the *Morning Service*: And (*h*) elſewhere *of the People's anſwering to the Pſalms*; and it is generally ſaid by the ancient *Ritualiſts*, that St. Ambroſe *brought into the uſe of the Weſtern Church the Cuſtom of Singing the Pſalms Verſe by Verſe in turns by both ſides of the Choire*; ſo (*i*) *Iſidore*, (*k*) *Rhabanus*, (*l*) *Walafridus Strabo*, and (*m*) *Radulphus Tungrenſis*: And ſo *Paulinus* in his Life

(*a*) Walafr. *c.* 22. Microl. *c.* 1.

(*b*) *De Eccl. Officiis*, *l.* 1. *c.* 8.

(*c*) *De Inſtit. Cleric. l.* 1. *c.* 33.

(*d*) *De Officiis*, *l.* 1. *c.* 15.

(*e*) Amal. *l.* 4. *c.* 3.

(*f*) *In Sacram.* Gregor. *p.* 4.

(*g*) Ambr. *Ep.* 35. *l.* 5.

(*h*) *In Hexaem. l.* 3. *c.* 5.

(*i*) *De Offic. l.* 1. *c.* 7.

(*k*) Rab. *l.* 2. *c.* 50.

(*l*) Wal. *c.* 25.

(*m*) Rad. *c.* 12.

Life ſaith, *he brought up the Uſe of* Antiphonæ, *in the Weſtern Church.* And (n) *Sigebert* adds, *that he took it from the Greeks.* And (o) St. *Auguſtine* ſets down the occaſion of it, *viz. When the People at* Milan *were perſecuted by the* Arians, *and reſolved to abide in the Church. And therefore to keep them well employ'd he thought upon this Cuſtom of the Eaſtern Churches*; Which not only continued there, but from thence ſpread into other Churches, not without oppoſition in ſome Places; as (p) St. *Auguſtine* confeſſes, *it met with ſome at* Carthage; But withal he ſaith, *he wrote in Vindication of it.* In the *Eaſtern Church* it was of ancient uſe, if (q) *Socrates* ſay true; for he ſaith, *it begun upon a Divine Viſion to* Ignatius, *at the Church of* Antioch. But (r) *Theodoret* ſaith, *Flavianus* and *Diodorus* brought it up there; But the Words of *Theodorus Mopſueſtenus* in (s) *Nicetas* ſeem to intimate, *that they took this Cuſtom from the* Syriack *Churches*; However *Theodoret* attributes the beginning of *Singing the Pſalms of* David *in that manner in the* Greek *Churches* to them; From whence he ſaith *it ſpread into other Parts.* But we find by (t St. *Baſil*, *it was very hardly received in the Church of* Neocæſarea, *becauſe it was not introduced by* Gregory, *who firſt ſettled the Church there. Neither*, ſaith he, were the *Litanies, which they then uſed, brought in by him:* And for that Cuſtom of Singing, he ſaith, *it was practiſed in the Churches of* Egypt, Palæſtine *and* Syria, *as far as* Euphrates. But it came later into the Weſtern Church. (u) *Card. Bona* ſaith, *That* Damaſus *firſt commanded it to be uſed in all Churches by his Apoſtolical Authority*; But (w) *Card. Baronius* ſaith, *It is a plain Falſhood which the Pontifical Book affirms of* Damaſus *his appointing the Pſalms to be ſung in all Churches*, and he adds, *that the Epiſtles of St.* Hierome *and* Damaſus *about it are counterfeit.* Yet thoſe are the Authorities which, as appears by (x) *Pamelius*, the ancient *Ritualiſts* rely upon. All that *Baronius* will allow to be done in the time of *Damaſus*, was, that *St.* Jerome*'s Pſalter was then introduced at* Rome. And yet we are told, (y) that to this day, *the old Tranſlation of the Pſalter is uſed in St.* Peter's, and is called, *Pſalterium Romanum* in the *Rule* of St. *Francis*, which he forbids to be uſed in Divine Service; But the ſame is only uſed in the *Ambroſian Office.* And (z) *Card. Bona* obſerves, that St. *Gregory compoſed the* Antiphonæ *at the* Introitus, *and at the* Reſponſoria, *&c.* out of the *old Verſion*, before St. *Jerome*'s time; Of which he gives this reaſon, *That the People at* Rome *were ſo accuſtomed to it, that they would not learn the New Teſtament of St.* Jerome; And the ſame Author (a) obſerves likewiſe, *That the old* Italick *Verſion was not only uſed in* Rome, *but in all the Suburbicary Churches, and other Churches,* Gaul *only excepted.* And from thence St. *Jerome*'s *Tranſlation* was called *Verſio Gallicana*, becauſe it was immediately received into the uſe of the *Gallican Churches.* So that I ſee not how *Baronius* can make good his own Aſſertion, *That St.* Jerome*'s Tranſlation of the Pſalter was introduced by* Damaſus. But the uſe of *Alleluja* by St. *Jerome*'s means, as (b) St. *Gregory* ſaith, *was brought from the Church of* Jeruſalem. Which *Baronius* thinks *is rather to be underſtood of ſome particular manner of uſing it.* But how he can juſtifie the ancient uſe of the Singing Pſalms at *Rome*, either before or after *Damaſus* his time till *Celeſtine* was Pope, I cannot imagine, if the *Pontifical Book* ſay true, for that expreſly affirms, *that* Celeſtine *appointed* David*'s Pſalms to be ſung* Antiphonatim *before the Sacrifice, and that it was not done before, but only the Epiſtles of St.* Paul *and the holy Goſpel were read.* Which Words are repeated by *Alcuinus*, *Amalarius*, *Rhabanus Maurus*,

(n) Sigeb. *Chr. A. D.* 387.

(o) *Confeſſ. l.* 9. *c.* 6, 7

(p) *Retract. l.* 2. *c.* 11.

(q) Socr. *l.* 4. *c.* 8.

(r) Theod. *l.* 2. *c* 8.

(s) Nicet. *Theſ. l.* 5. *c.* 30.

(t) Baſil. *Ep.* 63.

(u) *Rer. Liturg. l.* 2. *c.* 4.

(w) *A. D.* 384. *n.* 20.

(x) Pamel. *Lit. To.* 1. *p.* 258.

(y) Gavant. *in Brev. Sect.* 5. *c.* 8 *n.* 3.

(z) *Rer. Liturg. l.* 2. *c.* 3. §. 4.

(a) *l.* 1. *c.* 12.

(c) *Regiſt. l.* 7. *Ep.* 63.

Maurus, *Walafridus Strabo*, *Berno Augienſis*, and ſeveral other Ritualiſts and Hiſtorians, as may be ſeen in (c) *Pamelius* his Collection, and (d) *Caſſander*'s, beſides the Authors themſelves; But (e) *Baronius* ſaith, *the uſe of the Singing the Pſalms was from the beginning in the* Roman *Church*; which we are to take upon his Word, for he brings no proof of it. It is true, that (f) St. *Auguſtine* ſaith, *That we have the Precept and Example of* Chriſt *and his Apoſtles, for ſinging in our Aſſemblies.* But he ſpeaks not of *David*'s *Pſalms*, nor of the *Church of Rome*. And he ſaith, *The Cuſtoms of Churches were very different about this matter. In the Churches of Africa*, he ſaith, *They confined themſelves to the Prophetical Hymns*, for which they were upbraided by the *Donatiſts*, as too grave and formal; But he allows *Singing* to be one of the *Solemn Parts* of *Divine Service*, with which he joins *Reading the Leſſons*, *Preaching and Prayer*; *either aloud by the Biſhop, or in common, by the Deacon's giving notice.* (g) *Juſtin Martyr* mentions the *Hymns of the Church*, without declaring whether they were compoſed or inſpired; And ſo do (h) *Pliny* and (i) *Tertullian* in ſome Places. But in his (k) Apology he ſaith, *both were uſed.* (l) *Euſebius* mentions *the Hymns compoſed by Chriſtians which proved the Divinity of Chriſt*; And (m) the great eſteem the *Hymns of Nepos* were in; and (n) *the complaint againſt* Paulus Samoſatenus *for laying aſide the Hymns made to the Honour of Chriſt.* The Council of (o) *Leodicea firſt reſtrained the uſe of private Hymns in the Churches Service*, the *Greek Canoniſts* underſtand this Canon of *Apocryphal Pſalms*, ſuch as *Salomon*'s *Pſalter* publiſhed by *La Cerda* out of the *Auſpurg MS.* which he highly magnifies, and almoſt believes to be genuine; But if this Canon be extended to all humane Compoſitions; it was never received in the Weſtern Church, wherein the Hymns of St. *Hilary*, St. *Ambroſe*, *Prudentius*, and others have been generally uſed. And the *Ambroſian Hymns* were received into the *Service* of the *Gallican Church*, as appears by the ſecond Council at (p) *Tours*; And (q) *Caſſander* obſerves, *that not only thoſe made by St.* Ambroſe, *but others in imitation of him, were called by his name*; Which (r) *Walafridus Strabo* confirms; But among thoſe the *Te Deum* is not reckon'd by *Caſſander*, neither is it of the *Ambroſian Compoſition*, *for thoſe Hymns ended their Sentence every fourth Verſe*, as he obſerves, *Te Deum* is commonly ſaid to have been made by St. *Ambroſe*, and St. *Auguſtine*, at his Baptiſm, and to prove it, the Ritualiſts quote the *Chronicle* of *Datius*, Biſhop of *Milan*. But (s) *Gavantus* obſerves, *that the Learned Men of* Milan *deny that there is any ſuch thing as a Chronicle of* Datius *among them.* (t) *Mabillon* ſent to them to enquire particularly about it, and they return'd Anſwer, *That they had no ſuch thing, But that there was ſuch a Title put upon a Book written by other Authors.* In an old Collection of *Hymns*, and an old Latine and French Pſalter mention'd by (u) Archbiſhop *Uſher* this *Hymn* is attributed to St. *Nicetius*. And there were two of that name in the *Gallican Church*; The former of which, might probably be the Author of it. The one was Biſhop of *Triers*, and ſubſcribed to the Council of *Auvergn*, *An. Dom.* 535. highly commended for his Eloquence and Sanctity by (w) *Gregorius Turonenſis*, (x) *Fortunatus* and others; And the other of great fame too and Biſhop of *Lyons*, who ſubſcribed to the Council there *An. Dom.* 567. But againſt this latter there is a ſtrong Objection from the mention of this *Hymn* in the *Rule* of St. *Benedict*, c. 11. who died, according to *Baronius*, *Anno Dom.* 543. It is likewiſe mention'd in the *Rule* of (y)

(c) *Liturg. To.* 1. *p.* 554.

(d) *Liturg. c.* 18. 21.

(e) Bar. *A. D.* 60. *n.* 33.

(f) Aug. Epiſt. 119. c. 18.

(g) *Apolog. p.* 60.

(h) *Epiſt. l.* 10. *ep.* 97.

(i) Tertull. *de Virg. Velar. c.* 17. *ad Uxor. l.* 2. c. 8.

(k) *Apolog. c.* 39.

(l) Euſeb. *l.* 5. *c.* 28.

(m) *l.* 7. *c.* 24.

(n) *l.* 7. *c.* 30.

(o) *Laod. Con. c.* 59.

(p) *Concil. Turon.* 2. c. 23.

(q) Caſſ. *Præf. ad Hymn. Eccl.*

(r) Walafr. *c.* 25.

(s) Gav. *in Bre.* §. 8. c. 19.

(t) *Analect. Vol.* 1. *p.* 5.

(u) Uſſer. *de Sym. p.* 3.

(w) Greg. *l.* 10. *c.* 29.

(x) Fort. *l.* 3. *car.* 9.

(y) *Cod. Regul. Part* 2 *p.* 93.

Cæſarius, drawn up by *Tetradius*, c. 21. who died about the ſame time; And in the *Rule* of (z) *Aurelianus*, who was preſent in the Council of *Lyons*, *An. Dom.* 549. in the time of *Sacerdos*, Predeceſſor to *Nicetius*. But I ſee no reaſon againſt the former *Nicetius*, ſince (a) *Menardus* confidently affirms *there is no mention of this Hymn in any Writers before.* And therefore we may look on this Hymn, as owing its Ooriginal to the *Gallican Church.*

Beſides, (b) *Caſſian* takes notice *that in the* Gallican *Churches*, Gloria Patri, *&c. was ſaid by the People at the end of every Pſalm.* But *Walafridus Strabo* obſerves, *That at* Rome *they uſed it rarely at the end of the Pſalms; but more frequently after the* Reſponſoria. From hence the three Cardinals, (c) *Bellarmine*, (d) *Baronius* and (e) *Bona* all conclude *thoſe Ritualiſts miſtaken who make* Damaſus *the Author of adding the* Gloria Patri, *&c. to the end of every* Pſalm*: And that the Epiſtle under the name of St.* Jerome *to him about it is notoriouſly falſe*, and withall they ſay, *that the other Ritualiſts are miſtaken who attribute it to the Council of* Nice; Becauſe then there would not have been ſuch difference in the uſe of it in ſeveral Churches. In the *Æthiopick Euchariſtical Office* of the 318 *Fathers* at the Council of *Nice*, beſtow'd on me by my worthy Friend, Doctor *Caſtle*, this *Hymn* it ſelf is not uſed; But the Office conſiſts chiefly of a Lofty and Divine Paraphraſe upon it. In the *Liturgy* of *Dioſcorus* it is uſed in the middle of the Prayers. It is evident from (f) St. *Baſil*'s Diſcourſe concerning it, that the *Hymn* it ſelf was of ancient uſe in the *Eaſtern Church*; but he doth not ſay in what part of the Churches Service it was uſed; But (g) *Caſſian* ſaith, *over all the Eaſt, it was uſed only to conclude the* Antiphona. By which he underſtands a *Hymn* between the *Pſalms*; *Walafridus Strabo* obſerves great diverſity in the uſe of it in the *Weſtern Churches*; *Some put it*, he ſaith, *into all Offices*; *Some at the end of every Pſalm*; *Some at every breaking off the longer Pſalms*; *Some after the* Reſponſals; But the uſe in general was univerſally approved, only the *Greeks* found fault with the *Latines* for putting in the middle, *Sicut erat in principio*, but the uſe thereof was required in all the *Gallican Churches* in the time of (h) *Cæſarius*, Archbiſhop of *Arles* (as (i) Uniformity was required by other Councils.) *Cardinal Bona*, following *Baronius*, makes that Council much elder which required the uſe of this *Hymn*, and ſoon after the Council of *Nice*; But that cannot be, if the Subſcriptions in *Sirmondus* be true; and he obſerves that miſtake in *Baronius* to have riſen from miſunderſtanding a Paſſage of *Ado Viennenſis*. So that the *Morning Service* of the *Gallican Churches* conſiſted chiefly in *Leſſons*, *Hymns* and *Pſalms* of *St.* Jerome'*s Tranſlation*, with *Gloria Patri* at the end of every *Pſalm*. The Latine Tongue being yet the common Language of the *Roman* Provinces.

But are we to ſuppoſe, that they met together for the Worſhip of God *without any Prayers?* I anſwer; that they had then two ſorts of *Prayers* in their Aſſemblies.

(1.) Private *Prayers* of each particular *Perſon* by himſelf.

(2.) A concluding *Collect*, which was the *Common Prayer*, wherein they all joined.

(1.) That they had ſuch *private Prayers* in their *Aſſemblies* I prove from (k) *Caſſian*, who reproves the Cuſtom of ſome in the *Gallican Churches, who fell to their private Devotions on their Knees, before the Pſalm was well ended. But*, he ſaith, *the* Egyptian *Monks uſed to*

(z) *Ib.* p. 112.

(a) *Not. in Sacr Greg.* p. 351.

(b) Caſſ. *Juſtif. Monach.* l. 2. c. 8.

(c) Bellar. *de Miſſ.* l. 2. c. 16.

(d) Bar. A D. 325. n. 175.

(e) Bon. *de Pſalmod.* c. 16. n. 6.

(f) *Ad* Amphil. c. 7. c. 27.

(g) Caſſin. l. 2. c. 28.

(h) Concil. *Vaſ.* 2. c. 5.

(i) Concil. *Agath.* c. 30. *Venet.* c. 15. *Epaon.* c. 17. *Gerand.* c. 1. *Brac.* 2. c. 12. *Tolet.* 4. c. 2.

(k) De *Inſtit. Mon.* l. 2. c. 7.

ſpend ſome time in the Prayer to themſelves ſtanding, and then fall down for a ſhort ſpace in a way of Adoration, and preſently riſe up again, continuing their Devotions ſtanding. All which is capable of no other ſenſe; but that between the *Pſalms* a time was allow'd in the *Gallican Churches* as well as *Egyptian Monaſteries*, for private Devotions in the publick Aſſemblies. (*l*) *Gregor. Turonenſis* ſaith, *That in the* Gallican *Churches the Deacon did Silentium indicere*; and the Prieſt did it by the (*m*) *Mozarabick Liturgy*, which *Eugenius Robleſius* underſtands only of *making the People attentive*; Which I grant was part of the Deacon's Office and Deſign in *commanding Silence*, as appears by ſeveral paſſages in the ancient *Liturgies* both *Greek* and *Latin*. But there was a farther meaning in it, and that the People were for a time there to attend to their own *private Prayers*, appears not improbable to me on theſe Conſiderations. (1.) *Gregory Turonenſis* ſaith, in the Place before mentioned, *That the King took that time to ſpeak to the People, who immediately break forth into a Prayer for the King*; Not that any *Collect* was then read for him, for that was not the proper time for it; but it being a time of *ſecret Prayers*, they were ſo moved with what the King ſaid, that they all pray'd for him. (2.) Among the Heathens, when they were bidden *favere Linguis*, yet then (*n*) *Briſſonius* ſaith, *They made their private Prayers*; And as the *Deacons* commanding Silence ſeems to be much of the ſame Nature, it is not probable that the Chriſtians ſhould fall ſhort of their Devotions. (3.) The great Argument to me, is the ſmall number of *Collects* in the Ancient *Churches*; For the Chriſtians ſpent a great deal of time in the *publick Service*, on the Lord's-days, and the *Stationary days*; But all the other Offices could not take up that time, there being no long *Extemporary Prayers*, nor ſuch a multitude of tedious *Ceremonies* in all Parts, as the *Roman Breviary* and *Miſſal* introduced, and the *Collects* of greateſt Antiquity, being very few and ſhort, it ſeems moſt probable, that a competent part of the time was ſpent in private Devotions. A remainder whereof is ſtill preſerved in the Office of *Ordination* of *Prieſts* in our Church, whereby *ſilence is commnaded to be kept for a time, for the Peoples ſecret Prayers.* And the ſame Cuſtom was obſerved at the *Bidding of Prayers*, which was a direction for the People what to pray for in their (*o*) *private Devotions*; After which follow'd the *Lord's-prayer* as the concluding *Collect*. But either that or another was ſtill uſed after theſe *ſilent Prayers*, and that is the true ancient Reaſon of the Name: For (*p*) *Micrologus* ſaith, *The name* Collecta *was, becauſe the Prieſt therein did, Omnium Preces colligere*, or, as (*q*) *Walafridus Strabo* ſaith, *Neceſſarias omnium Petitiones compendioſâ brevitate colligere*. This was diſtinct from the Prayer made *ad Collectam*, before the People went to the *Stationary Churches*; Of which *Onuphrius Panvinius* and *Fronto* in his *Calendarium Romanum* have ſaid enough. But as to the *Gallican Churches*, the (*r*) Council of *Agde* ſhews that after the other Offices were performed in the Morning and Evening Service, the People were to be diſmiſſed by the Biſhop *Collectâ Oratione*, *i. e.* With a concluding *Collect*.

(2.) As to the *Communion Service* (*s*) *Gennadius* ſaith, *That* Muſæus *compoſed a large Volume of the Sacraments, with ſeveral Offices according to the Seaſons, with a diverſity of Leſſons, and Pſalms, and Anthems, and Prayers and Thankſgivings*. This Book is called, *Liber Sacramentorum*, and ſo is *Gregory*'s, ſaith (*t*) *Menardus* in ſeveral *MSS.* and the *old Miſſal* publiſhed by *Illyricus* is called *Ordo Sacramentorum*; Which was the

(*l*) Greg. *l.* 5. *c.* 8.

(*m*) Eug. Roblet. *de Officio*, Mozarab. c. 28.

(*n*) *De Formulis*, p. 9, 10.

(*o*) *Vid.* Mat. Parker. *Concion. in obit.* Buceri.

(*p*) Mircr. *l.* 3.

(*q*) Walafr. c. 22.

(*r*) *Con. Agath. c.* 30.

(*s*) Gennad. *in* Muſæo.

(*t*) *Not. in Sacr.* Greg. *p.* 1, 2.

Name given to the Books of *Liturgick Offices*, which were called *Sacramenta*, both by St. *Ambroſe* and St. *Auguſtine*, as *Menardus* ſhews. (u) *Cardinal Bona* confeſſes, *That there is undoubted Evidence, that the old* Gallican *Liturgy, differ'd from the* Roman; And (w) *Charles the Great*, not only ſaith, *That there was ſuch a difference in the Celebration of the Divine Offices; But that the* Gallican *Churches were very unwilling to change theirs for the* Roman. Matthias Flacius Illyricus (not *Flavius*, as *Le Cointe* pretends to correct his Name) having found an ancient *MS. Miſſal*, and diſcerning ſeveral different Prayers in it from the *Roman Miſſal*, thought this to have been the ancient *Gallican Miſſal*, wherein he is followed by (x) *Le Cointe*, who hath printed it at large in his *Annals*; with an *Epitome* of it publiſhed by *Menardus* out of an ancient Copy. But (y) he ſhews that *Illyricus* his Copy could not be of that *Antiquity* he pretends, *viz. Before the time of* Gregory *the Great*: There being ſeveral things in it not of that Age; Which were not in the *old Miſſal* of 986. and were in another of later date; To which *Le Cointe* returns no Anſwer; But becauſe this differs from the *Roman Miſſal*, he concludes it muſt be the *Gallican*; Whereas, upon peruſing it, it will appear rather to be a *Supplement* to the *Roman Miſſal* for the Devotion of thoſe that celebrate it, conſiſting chiefly of *private Prayers* to be uſed by them before *Celebration*, and during the *Singing* of the *Several Hymns*: For the common parts of the Office, as the *Introitus*, *Epiſtola*, *Graduale*, *Evangelium*, *Offertorium*, *Secreta*, *Præfatio*, *Communio*, *&* *Poſt-communio*, are only referr'd to, and not ſet down; Whereas if this had been the *Gallican Miſſal*, all thoſe parts would have been ſet down rather more diſtinctly than others. (z) *Card. Bona* thinks it *not to have been before the end of the tenth Century, about which time ſeveral ſuch private* Miſſals *were made.* But he concludes, that certainly this was not the *old* Gallican *Miſſal*: *What it was*, he thinks *hard to determine*, and I think ſo too; If ſuch Authors as *Hilduinus* muſt be relied on. It is true, he mentions the *old Miſſals which contained the* Gallican *Liturgy from the firſt reception of the Chriſtian Faith, till the* Roman *Miſſal was received*; But he is an Author of no Authority, and quotes theſe *Miſſals* for a thing notoriouſly falſe, *viz. the Martyrdom of* Dionyſius Areopagita *in* Gaul. And he pretends, that *Innocentius*, *Gelaſius* and *Gregory*, *all endeavour'd to alter the* Gallican *Liturgy*, which continued in uſe till *Pepin*'s time: So that from *Hilduinus* no certain Note can be taken. It is much more material which (a) *Berno Augienſis* ſaith, *That in the* Archives *of their Monaſtery, he found an old Miſſal wherein the Offices were very differently ordered from what they were in the* Roman. And he mentions one remarkable particular of the *Roman Miſſal*, which is,

(1.) The Difference I ſhall obſerve in the *Communion Service*, viz. *That the Creed was not ſaid nor ſung at* Rome *after the Goſpel*, of which he ſaith, They gave this Reaſon, *becauſe the* Roman *Church was never infected with Hereſie*; which, he ſaith, *the Emperor* Henry I. *was ſo little ſatisfied with, that he never ceaſed, till they had introduced it at* Rome; which, ſaith (b) *Baronius*, was done *An. Dom.* 1014. but he ſeems not pleaſed *that the former Cuſtom was broken.* Before that time, none that ſpeak of the *Cuſtoms* of the *Roman Miſſal* ever mention the *Creed*, as may be ſeen in *Alcuinus*, *Amalarius*, *Rabanus*, and others. And this cannot be underſtood barely of the *Conſtantinopolitane* or *Nicene Creed*, as (c) *Menardus* well proves, *becauſe then* Berno *would have ſpoken more*

diſtinctly,

(u) *Rer. Liturg. l.* 1. *c.* 12.

(w) Car. *de Imag. l.* 1. *c.* 6.

(x) *Annal. Eccl. Franc. To.* 2. *A. D.* 601.

(y) Menard *App. ad lib. Sacr. p.* 265.

(z) *Rer. Liturg. l.* 1. *c.* 12.

(a) *De Rebus ad Miſſam ſpect. c.* 2.

(b) Bar. *A.D.* 1014. *n.* 5.

(c) *Not. in* Greg. *Sacr. p.* 370.

diſtinctly. And the *Athanaſian Creed*, as far as we can trace it, was firſt uſed in the *Gallican Churches*, and that uſe firſt mention'd by *Abbo Floriacenſis* in ſome *Fragments* ſent by *Nicolaus Faber* to (*d*) *Baronius*. But whoſoever conſiders the univerſal Silence about that *Creed* before, and compares it with the *Profeſſion* of Faith in the firſt *Canon* of the fourth Council of *Toledo*, which then took ſo many of the *Gallican Offices* into the *Service* of the *Spaniſh Churches*, will ſee Reaſon to believe that this Creed was originally of a *Gallican Compoſition*, and thence was carried into *Spain* upon the Converſion of the *Goths* from *Arianiſm*, wherein ſeveral Expreſſions are taken out of St. *Auguſtine*'s Works. *Ruffinus* ſhews, *That thoſe that were to be baptized did at* Rome *repeat the Creed*; but that is another thing from its uſe in the *Liturgy*, which both *Baronius* and (*e*) *Bona* confeſs was ſo lately introduced at *Rome*. So that here we have one conſiderable difference of the *Roman Offices* from thoſe of other Churches; For (*f*) *Iſidore* ſaith, *That the* Nicene *Creed was then uſed in the* Gothick *Churches in the time of Sacrifice*, as the *Church Service* was then called; For that it had no Relation to that which is called *the Sacrifice of the Maſs*, appears by *Concil. Aurel.* 3. *can.* 29. Where we find the name of *Sacrifice* applied to the *Evening Service*, *Sacrificia Matutina Miſſarum, ſive Veſpertina*; And ſo (*g*) *Caſſian* uſes *Sacrificia Veſpertina* in alluſion to the Cuſtom of Sacrificing among the *Jews*. And (*h*) *Honaratus*, in the Life of St. *Hilarius* of *Arles*, calls it *Sacrificium Veſpertinæ Laudis*. And *Miſſa* was then uſed for the *publick Service*, as (*i*) *Caſſander* and others ſhew. In the Rule of St. *Benedict*, *Miſſæ* are to be taken for the concluding *Collects* at the *Canonical Hours*. (*k*) *Caſſian* uſeth *Miſſa* for any *publick meeting at Prayers*, thence he ſpeaks of *Miſſa Nocturna*, and *Miſſa Orationum*, and *Miſſa Canonica*, for the *Nocturnal Office* among the Monks; And in the *Concil. Agath.* c. 30. We read of *Miſſæ Veſpertinæ*. But afterwards the name was appropriated to the moſt ſolemn part of publick Worſhip, viz. *The Communion Service*. In which the *Creed* was appointed by the third *Council of* Toledo, *c.* 2. in all the Churches of *Spain* and *Gallæcia*; or as ſome Copies have it, *of Gallia*; Which is confirmed by an Edict of *Reccaredus* to that purpoſe; which extended to that Part of *Gallia Narbonenſis*, then under the *Gothick Power*; Where a (*l*) Council met under *Reccaredus*, about the ſame time. In which *Gloria Patri* was decreed to be uſed at the end of *every Pſalm*; which was obſerved by the other *Gallican Churches* in *Caſſian*'s time. It ſeems very probable, that the *Spaniſh Churches* did follow the Cuſtoms of the *Gallican* in other parts of the *Divine Offices* as well as this; Which appears by the Paſſage in the Epiſtle of *Carolus Calvus* produced by (*m*) *Card. Bona*, where ſpeaking of the ancient *Gallican Offices* before the Introduction of the *Roman*, he ſaith, *He had ſeen and heard how different they were by the Prieſts of the Church of* Toledo, *who had celebrated the Offices of their Church before him.* Which had ſignified nothing to this matter, unleſs the *Gothick* and *Gallican Offices* had then agreed. I do not ſay that the old *Gallican Service* can be gather'd from all the Parts of the *Mozarabick Liturgy*, as it was ſettled by (*n*) *Card. Ximenes*, in a Chapel of the Church of *Toledo*; or as it is performed on certain days at *Salamanca*, becauſe many Alterations might be in thoſe Offices as well as others in ſo long time; And ſuch no doubt there were, as (*o*) *Mariana* confeſſeth, *by the length of time*; although it did bear the Name of *Leander* and *Iſidore*. For (*p*) *Julianus Toletanus* is ſaid to have review'd the whole Office, and to have alter'd and added many things,

(*d*) Bar. *A. D.* 1001. *n.* 3.

(*e*) *Rer. Liturg. l.* 2. *c.* 8.

(*f*) *De Eccl. Offic. c.* 16.

(*g*) Caſſian. *de Inſt. Monach. l.* 3. *c.* 3.

(*h*) *Vit.* Hilarii. Aril. *c.* 21.

(*i*) *Liturg. c.* 17.

(*k*) Caſſian. *de Inſt. l.* 2. *c.* 13. *l.* 3. *c.* 5.

(*l*) *Concil. Narbon.* 1. *c.* 2.

(*m*) *Rer. Liturg. l.* 1. *c.* 12.

(*n*) Gomeſ. *de vit.* Ximen. *l.* 2.

(*o*) Marian. *de Rebus Hiſp. l.* 6. *c.* 5.

(*p*) Ildephonſ. *de Script. Eccleſ. & in Append.*

things, and *Johannes Cæſarauguſtanus* and *Conantius*, and after them *Petrus Ilerdenſis*, and *Salvus Abbaildenſis*, beſides ſuch whoſe Names are not preſerved; But ſo far as we can trace the ancient Cuſtoms of the *Gothick Miſſal* we may probably infer what the Cuſtoms of the *Gallican Churches* at that time were, and thereby ſhew the difference between them and the *Roman Offices*. As beſides this of the *Creed*.

(2.) The *Prophetical Leſſons* were always to be read by the Rules of the *Mozarabick Liturgy*: And accordingly three Books were laid upon the Altar in the *Gallican Churches*, as (q) *Gregorius Turonenſis* obſerves, *That of the Prophets, and of the Epiſtles, and of the Goſpels.* But nothing but the *Epiſtle* and *Goſpel* were read at *Rome*, as is ſhew'd already; Which manifeſts that the Book under St. *Jerome*'s Name, called the *Lectionarius* or *Comes* muſt be counterfeit; Becauſe therein Leſſons out of the *Prophets* are ſet down: And the Authorities of *Berno Augienſis*, *Micrologus* and *Radulphus Tungrenſis*, which are the beſt (r) *Pamelius* could find, are not great enough againſt ſo plain Evidence to the contrary, to prove this *Lectionarius* to have been made by St. *Jerome*. And he confeſſes that *Amalarius* ſeveral times only mentions the *Auctor Lectionarii* without St. *Jerome*'s Name, who lived a good while before them. But in this the *Roman* Church had its peculiar Rites; for, in the Church of *Milan*, firſt a Leſſon out of the *Prophets* was read before the *Epiſtle*, as appears by (s) *Sulpicius Severus*, And in the *Greek Church*, St. (t) *Baſil* ſaith, *That Leſſons out of the Old as well as the New Teſtament were read* By the (u) Council of *Laodicea*, *all the Canonical Books were appointed to be read.* *Zonaras* obſerves, on the 16th Canon of that Council, *That before this Council there were nothing but Prayers before the Conſecration*: But therein he was certainly miſtaken; For (w) *Juſtin Martyr* ſhews, *That the Leſſons were read long before, and that out of the Prophets as well as Apoſtles.* But *Balſamon* and *Ariſtenus* reſtrain this Canon only to *Saturdays*; And it enjoins *the reading of the Goſpels* then, which was not accuſtomed before. There being no Religious Aſſemblies in thoſe Parts on that day: But by the ſame Canon we find, *That where the Goſpels were read, other Scriptures were appointed to be read too.* It is obſerved by (x) *Dominicus Macer*, that *at the Leſſons of the Old Teſtament the* Greeks *do ſit*; *but ſtand at thoſe out of the New.* (y) *Sozomen* reckons it as a peculiar Cuſtom of *Alexandria*, *That the Biſhop did not riſe up at the Goſpels*: And *Nicephorus* * *Calliſthus* ſaith, It was contrary to the Practice of all other Churches.

(3.) After the *Goſpel*, the *Sermon* follow'd in other *Churches*; But in the old *Roman Offices*, there is no mention at all of any *Sermon* to the People. (z) *Card. Bona* ſaith, *That it hath been the uninterrupted Practice of the Church from the Apoſtles times to our own, for the Sermon to follow after the Goſpel*: And he doth ſufficiently prove the *Antiquity* of it from the Teſtimonies of *Juſtin Martyr* and *Tertullian*, and the general Practice of it in *other Churches*, eſpecially the *Gallican*; But he offers no Proof, that it was obſerved in the Church of *Rome*. But (a) *Sozomen* obſerves it as the peculiar Cuſtom of that Church, *That there was no Preaching in it*; *neither by the Biſhop, nor by any one elſe.* *Valeſius* ſeems to wonder at it; But he ſaith, *If it had not been true,* Caſſiodore, *who certainly knew the Cuſtoms of that Church, would never have repeated it.* In the *Sacramentary* of *Gregory*, The *Offertory* immediately follows after the *Goſpel*; And *Micrologus* ſaith, *Finito Evangelio, ſtatim eſt offerendum,*

(q) Greg. Turonen. *l.* 4. *c.* 16 *l.* 8. *c.* 7.

(r) *To.* 2. *Liturg. in Præfat.*

(s) Sever. Sulpic. *vit.* Martini, *l.* 3.

(t) Baſil. *Hom.* 13. & 21.

(u) *Concil. Laod. c.* 59.

(w) *Apolog.* 2.

(x) *Hierolexicog.* v. *Lectio.*

(y) Soz. *l.* 7. *c.* 19.

* Niceph. *l.* 12. *c* 34.

(z) *Rer. Liturg. l.* 2. *c.* 7. *n.* 6.

(a) Soz. *l.* 7. *c* 9.

ferendum, c. 10. And to the ſame purpoſe in the *Ordo Romanus*: But in the *Ordo* of the *Weſtern Churches*, publiſhed by (b) *Caſſander* with the other, There *the Biſhop is to be attended on after the Goſpel in order to his Preaching*; But if he will not, *Then the Creed is to be ſung*: And according to this Cuſtom, the (c) *Gemma Animæ* is to be underſtood when it ſaith, *That after the Goſpel, the Biſhop preaches to the People.* It is true, That in the Church of *Rome*, *Leo* did make ſome *Sermons* on ſolemn Occaſions; *But he was the firſt that did it*, ſaith (d) *Queſnel*, if *Sozomen* may be believed. It is poſſible, That upon ſome extraordinary Occaſions, the Biſhops of *Rome* might ſpeak to the People before his time, as *Liberius* is ſaid, by St. (e) *Ambroſe*, to have done at St. *Peter's*; But this ſignifies nothing to the conſtant Office of Preaching, which was not uſed in the Church of *Rome* by any Biſhop before *Leo*, nor by many after, as it was in other Churches. In the *Gallican Churches*, as (f) *Chriſtianus Lupus* obſerves, The Biſhops called their Office *Prædicationis Officium*; as appears by the *Profeſſion* both of *Biſhops* and *Archbiſhops*, among (g) *Sirmondus* his *Formulæ* publiſhed out of ancient Copies. And in the *Royal Confirmation* they were charged *to be diligent in Preaching*. The ſame Author tells us, *That* Charles *the Great was ſo ſtrict in requiring it, That he made the Penalty of the neglect of it to be no leſs than Depoſition.* Which is warranted by the *Apoſtolical Canon* 58. The Council in *Trullo*, c. 19. *charges the Biſhops to preach conſtantly. But eſpecially on the Lord's-days*; The want whereof was extremely lamented afterwards in the *Greek* Church by (h) *Barlaam*, and (i) *Gregorius Protoſyncellus*. And the neglect of it in the *Armenian Churches* hath brought the *Epiſcopal Order into ſo great Contempt*, as (k) *Clemens Galanus* reports, (who was a long time among them) that he ſaith, *They uſe their Biſhops for little elſe but to give Orders*; But the only Men in eſteem are their *Vartabret*, (whom he renders *Magiſtri, their Preachers*;) whom the People regard far beyond their *Biſhops, becauſe*, they ſay, *they repreſent* Chriſt *himſelf, as he was* Rabbi, *or the Teacher of his Church*. But to return to the Weſtern Churches. In the Church of *Milan*, (l) St. *Auguſtine* ſaith, *He heard St.* Ambroſe *every Lord's-day*; And, he ſaith, (m) *He accounted it the proper Office of a Biſhop to preach*; Which he performed, as in other Churches (n) *after the Goſpel*, before the *Diſmiſſion* of the *Catechumeni*; But by the *Mozarabick Liturgy*, the *Sermon* was after their *diſmiſſion*.

(4.) The *Gallican Churches* had peculiar Offices after the Sermon; So (o) *Walafridus Strabo* ſaith, *That ſome of thoſe Prayers were ſtill in uſe among them.* And (p) *Micrologus*, *That the Prayer*, Veni Sanctificator, *&c. was taken out of the* Gallican *Ordo*. But, to make this more clear, we are to conſider, that there were ſome parts of the *Communion Service* wherein all the *Ancient Offices* agreed; as in the *Surſum Corda*, and *Habemus ad Dominum* uſed in the *Eaſtern*, as well as *Weſtern Churches*; and there are as plain Teſtimonies of their uſe in the *African* and *Gallican Churches* as the *Roman*; before the *Roman Offices* came to be impoſed on other Churches. The *Gratias agamus Domino Deo noſtro*, and *Verè dignum & juſtum eſt æquum & ſalutare, nos tibi ſemper & ubique gratias agere*, are mention'd by St. *Cyril*, St. *Chryſoſtome*, St. *Auguſtine*, and other ancient Writers: This latter part in the *Mozarabick Liturgy* is called *Inlatio*. The *Triſagion* was generally uſed; I do not mean that which was ſaid to have come by Revelation in the time of *Proclus* at *Conſtantinople*; But that which the *Greeks* call Ἐπινίκιος, and is called

Triſagium

(b) *Liturg.* p. 52 105.

(c) *Gem. Animæ. l.* 1. *c.* 25.

(d) *De vit. & geſtis* Leonis, *p.* 257.

(e) *Ambroſ. de virg. veland. l.* 3.

(f) *In Can. Trull.*

(g) *To.* 2. *Concil. Gall. Form.* 12, 13.

(h) Barlaam, *Epiſt.* 1.

(i) Greg. *Apol. ad* Marc. Epheſ.

(k) *Concil. Eccl. Armeniæ*, &c. c. 28. p. 455.

(l) *Confeſſ. l.* 6. *c.* 3.

(m) *De Officiis, l.* 1. *c.* 1.

(n) *Ep.* 33.

(o) Walafr. 22.

(p) Microl. c. 11.

Triſagium in the *Ambroſian Miſſal*, and was uſed with a more ample Paraphraſe in the *Eaſtern Churches*. All theſe Parts are retained in the excellent Office of our *Church*; not from the Church of *Rome* (as our Diſſenters weakly imagine) but from the conſent of *all the ancient Churches* in the uſe of them; Which it hath follow'd likewiſe in the putting them into a Language underſtood by the People (as (q) *Caſſander* fully ſhews.) And in the uſe of the *Hymn*, *Gloria in excelſis*, which, with the Addition to the Scripture Words, was uſed in the *Eaſtern Churches*, as appears by the (r) *Apoſtolical Conſtitutions*, and a Paſſage in (s) *Athanaſius* his Works, and ſeveral *Greek MSS.* of it, this was called *Hymnus Angelicus* from the beginning of it, and *Hymnus Matutinus* from the ancient time of uſing it, as appears not only from other *MSS.* but from the famous *Alexandrian Copy* of the *LXX.* where it is ſet down in large Letters, and called by the Name of *the Morning Hymn.* Its uſe in the *Gallican Church* is atteſted by the *ancient MS.* in the beginning of this Diſcourſe; And (t) *Alcuinus* makes St. *Hilary* of *Poictou* to have been the Inlarger of it. The *Prayer for the Church Militant*; For *Kings and Princes*; And all *Ranks and Orders of Men*; The *Commemoration* of Saints *departed*; The *Reading the Words of Inſtitution*, and uſing the *Lord's-prayer*; were in all the *ancient Liturgies* as *parts* of the *Communion Service:* And therefore are not to be look'd on as appropriated to the *Canon* of the *Maſs* in the Church of *Rome*.

Wherein then did the Difference conſiſt between the *Roman* and *Gallican Churches* at that time, as to *this Service?*

In Anſwer to this Queſtion, I ſhall go through the other parts of it, and ſhew the difference.

(1.) The *Gallican Office* began with a *peculiar Confeſſion* of *Sins* made by the *Prieſt*; which was called *Apologia*. A form whereof (u) *Cardinal Bona* hath publiſhed out of a very *ancient MS.* in the *Queen of* Sweden's *Library*; And which he proves to have been the *old Gallican Office.* It is true, that ſeveral Forms of ſuch *Confeſſions*, are in the (w) *Sacramentary* of *Gregory*; But all different from the *Gallican Form.* In the old *Miſſal* of *Rataldus*, Abbat of *Corbey*, publiſhed by (x) *Menardus*, inſtead of the *Apology*, we read that Form, *Suſcipe Confeſſionem meam, unica Spes Salutis meæ, Domine Deus meus*, &c. And then follows a particular enumeration of *Sins*, and a general *Confeſſion* of them. And a different Form is produced by (y) *Menardus*, out of another ancient *Miſſal*, *which* he calls the *Codex Tilianus*, and ſeems moſt agreeable to the *old Gallican* mention'd by *Bona*; And, There is a great variety of *Forms* of *Confeſſion* and *Supplication* in the *old Miſſal* publiſhed by *Illyricus*. But I obſerve, That the Form preſcribed in the *Roman Miſſal* is in none of them: viz. *Confiteor Deo Omnipotenti*, *B.* Mariæ *ſemper Virgini*, *B.* Michaeli *Archangelo*, &c. *& omnibus Sanctis*, &c. *Ideo precor B.* Mariam, *&c. Omnes Sanctos.* &c.---*Orare pro me ad Dominum noſtrum:* For all the ancient Forms of *Confeſſion* were only *to God himſelf*; And ſo they continued for 1000 Years after *Chriſt*; About which time *Menardus* ſaith, *The ſeveral ancient Miſſals before mentioned do bear Date.* The Common Ritualiſts attribute the preſent Form to *Pontianus*, or *Damaſus*, but *without any Authority*, ſaith (z) *Card. Bona.* The firſt mention I can find of *Confeſſion to Saints*, is that which he ſets down out of the *Codex Chiſii*; Which being in the (a) *Lombard Character*, he gueſſes to have been before the end of the tenth Century, and with this (b) *Micrologus* agrees; The Author whereof lived towards the end

(q) *Liturg. c.* 28, 36.
(r) *Conſtit. Apoſt. l.* 7. *c.* 47.
(s) Athanaſ. *p.* 1057.
(t) Alcuin. *c.* 42.
(u) *Rer. Liturg. l.* 2. *c.* 1.
(w) *Sacr.* Greg. *p.* 242.
(x) *Sacr.* Greg. *p.* 262.
(y) Greg. *Sacr. p.* 269.
(z) *Rer. Liturg. l.* 2. *c.* 2.
(a) *Id. l.* 1. *c.* 12.
(b) Microl. *c.* 23.

end of the eleventh Century. So that this part of the *Roman Miſſal* was neither in the *Gregorian* nor *Gallican Offices*, being of a much later Original.

(2.) The *Gallican Office* had *peculiar Prefaces*, and *Collects* different from the *Roman*. By the *Prefaces* are underſtood that part of the *Service* which immediately goes before *the Conſecration*, and is called in the *Gallican Office*, *Conteſtatio*, in the *Gothick*, *Illatio*, ſhewing not only the general *Fitneſs for us at all times, to give thanks to God*; But the *particular Reaſon of it, with reſpect to the Day*. Of which kind of *Prefaces*, the *Roman Church* allow'd but Nine, which were attributed to Pope *Gelaſius*; But (c) *Card. Bona* ſaith, *That number is to be found only in the Miſſals, after An. Dom.* 1200. For before, there were many more, as appears by *Gregory*'s *Sacramentary*; But how they came to be left out afterwards in the *Roman Miſſal* is a Myſtery, of which none of the Ritualiſts give any tolerable account. However this is enough to ſhew their Ignorance, when they ſo confidently attributed the proper *Prefaces* to *Gelaſius*; As though *Gregory* would have ſlighted ſo much the *Decree* of his *Predeceſſors*, as to have appointed ſo many more, if *Gelaſius* had limited the number to Nine. But however it was in the *Roman Church*, the *Gallican Church* had *peculiar Prefaces* for all ſolemn Occaſions. Of which (d) *Card. Bona* hath produced three remarkable Inſtances, two out of the former ancient *MS.* of Nine hundred Years old, which formerly belong'd to *Petavius*, a Senator of *Paris*; And a third out of a Copy of the *Palatine Library*, tranſlated to the *Vatican*, of the ſame Age. From theſe exellent Monuments of Antiquity compared together we may in great meaſure underſtand the *true Order* and *Method* of the *Communion Service* of that time, both in the *Gallican* and *Britiſh Churches*, eſpecially on *Saints-days*; For no other *Offices* are preſerved, or at leaſt made known to the World. And on thoſe *Occaſions* the *Service* began with particular *Collects* for the *Day*; Then follow'd the *Commemoration* out of the *Diptychs*; Then another *Collect*, *Poſt nomina*; After which the *Collect*, *ad Pacem*; Then the particular *Prefaces* relating to the *Saint* whoſe memory was celebrated; with a larger account of his good Actions than is uſed in any of the *Gregorian Prefaces*, expreſſed in a devout and pathetical manner; Which ended in the *Triſagion*; And was continued by another *Collect* to the *Conſecration*; After which follow'd a *devout Prayer for benefit by the Holy Sacrament*; And after another *Collect* for the occaſion follow'd the *Lord's-prayer*, with a *Concluſion for the Day:* And the whole Service was concluded with a *Benediction* of the *People*, a *Collect* after the *Euchariſt*, and a ſhort *Thanksgiving*. This is a juſt and true Account from theſe authentick Offices of the *Publick Service* then uſed in the *Britiſh Churches* followiug the *Gallican* from the time of St. *German*, whoſe particular *Office* is one of thoſe preſerved by *Card. Bona*; And in the *peculiar Preface* his great Zeal is mention'd in *Preaching and going up and down doing good in* Gaul, Italy *and* Britain, *for thirty years together.*

(3.) As to the *Canon* of the *Maſs*, as it is called in the *Church* of *Rome*, or the *Prayer of Conſecration* uſed in the *Church* of *Rome*, and magnified *as Apoſtolical*, St. (e) *Gregory* affirms, as plainly as he well could, *That it was firſt compoſed by a private Perſon*, and was not of Apoſtolical Tradition. Who that *Scholar* was, it is now impoſſible to know, and not at all material, ſince it is apparent that it was received into the *publick Uſe* of the *Church*. Some ſmall additi-

(c) *Rer. Lit. l.* 2. *c.* 10. *n.* 3.

(d) *Rer. Liturg. l.* 1. *c.* 12. *n.* 6.

(e) *Greg. Epiſt. l.* 7. *ep.* 63.

ons, they ſay, were made to it by ſeveral *Popes*, till *Gregory*'s time, who, according to the Ritualiſts, ſhut up this *Canon*. But I ſee no reaſon to believe that *Conſecration* of the *Euchariſt*, was at that time performed in other Churches by the words of this *Canon*. For, ſetting aſide the *Eaſtern Churches*, which had *Forms* of their own; The *African Churches* did not follow *the Roman Form*. For although (*f*) *Optatus* mentions *illud legitimum in Sacramentorum myſterio*; which implies, that there was *a certain Form* to be obſerved; yet this doth not at all prove, that it was *the Roman Canon:* And it evidently appears that it was not, by the Teſtimonies of (*g*) *Marius Victorinus*, and (*h*) *Fulgentius*, two *African* Writers, who both mention ſome *Prayers* uſed in the *Euchariſt*, which are not in the *Roman Canon*, and thoſe not *Prefatory*; but ſuch as do relate to the main parts of the *Canon*. It is true, the Writer about the Sacraments, under St. *Ambroſe*'s name (for (*i*) *Card. Bona* will not allow him to be St. *Ambroſe*) doth produce ſeveral Expreſſions in the Form of *Conſecration* which agree with the *Roman Canon*; But then he adds a very conſiderable Paſſage, which I hardly believe, thoſe who are moſt zealous for the *Roman Canon* will ſay, was ever part of it, (*k*) *Fac nobis hanc oblationem aſcriptam, rationabilem, acceptabilem, quod eſt figura corporis & ſanguinis Domini noſtri* Jeſu Chriſti. And in the *Gallican Church*, the Form of *Conſecration*, as appears by the *Office* of St. *German*, was nothing elſe but repeating *the Words of Inſtitution*, after the Concluſion of the *Triſagion*, and *Gloria in Excelſis*. After which follow'd *a Prayer, for God's Holy Word and Spirit to deſcend upon the Oblation they made, That it might be a ſpiritual Sacrifice well pleaſing to God*; *And that God, by the Blood of* Chriſt, *would with his own Right Hand defend thoſe his Sacraments*; And then follow'd the *Lord's Prayer* and other *Collects*. This *Prayer* after *Conſecration*, *Card. Bona* knows not what to make of, as ſeeming wholly inconſiſtent with *Tranſubſtantiation*, for if that Doctrine had been then believed, and by *Conſecration* the Elements turn'd into the Body of *Chriſt*; To what purpoſe doth the *Church* then pray *for the Word and Spirit to deſcend upon the Elements*, when they are actually united already? But (*l*) he makes a very hard ſhift to interpret theſe Words, not of a deſcent on *the Elements*, but *on the Hearts of the Communicants:* But the Words are, *Deſcendat ſuper hæc quæ tibi offerimus Verbum tuum Sanctum*, Which are ſo plain and evident concerning *the Elements*, that nothing but mere force, can make any Man to underſtand them of *the Receivers*. Beſides, that *Office* concludes with a particular Prayer for the Benefit of thoſe that had partaken of the *Body of Chriſt*, wherein his Expreſſion is remarkable, *Chriſte Domine, qui & tuo veſci corpore, & tuum corpus effici vis fideles, fac nobis in remiſſionem Peccatorum eſſe quod ſumpſimus*, i. e. *O Chriſt, our Lord, who wouldeſt have thy People eat thy Body, and become thy Body, grant that we may be that which we have taken for the Remiſſion of our Sins*. And it is certain, the meaning of this Prayer was not that Chriſtians might *become the Natural Body of* Chriſt; And therefore it was not then believed, That the Faithful did in the *Euchariſt* take *the Natural Body of* Chriſt; But that which was *the Body of* Chriſt *in ſuch a myſtical ſenſe as the Church is*. But *Tranſubſtantiation* was no part of the *Faith* of the *Church* at that time, and therefore it is no wonder to meet with Expreſſions ſo diſagreeing to it in their ſolemn Devotions. And it is well obſerved by (*m*) *Card. Bona*, that the Cuſtom of *Elevation* of the *Hoſt*, in Order to *Adoration*, is found in none of the ancient

(*f*) Opt. *l.* 2.

(*g*) Victor. *adverſ.* Arium, *l.* 1.

(*h*) Fulgent. *in Ep.* 1. *ad* 1 Cor. *c.* 14.

(*i*) *Rer. Liturg. l.* 1. *c.* 7. *n.* 4.

(*k*) De *Sacram. l.* 4. *c.* 5.

(*l*) *Rer. Liturg. l.* 2. *c.* 13. *l.* 1. *c.* 12.

(*m*) *Rer. Liturg. l.* 1. *c.* 13. *n.* 2.

ancient *Sacramentaries*, nor in the *Ordo Romanus*, nor in the *Old Ritualiſts*, ſuch as *Alcuinus*, *Amalarius*, *Walafridus*, *Micrologus* and others. The ſame had been ingenuouſly confeſſed before by (*n*) *Menardus*, in the ſame Words: And although there may be *Elevation*, where there is no belief of *Tranſubſtantiation*, yet, ſince the Cuſtom of *Elevation* was lately introduced into the *Weſtern Churches*, and in order to *Adoration* of the Body of *Chriſt* then preſent by *Tranſubſtantiation*; it ſeems very probable, that Doctrine was not then received by the Church, the Conſequences whereof were not certainly in uſe: For there was as much Reaſon for the *Elevation* and *Adoration* at that time as ever could be afterwards. But my Buſineſs is now only to ſhew wherein the *Gallican* and *Britiſh Churches* differ'd from the *Roman*, and not wherein they agreed.

(4.) The laſt difference was as to the *Church Muſick*, wherein the *Romans* were thought ſo far to excel other *Weſtern Churches*, That the goodneſs of their *Muſick* proved the great occaſion of introducing their *Offices*: For (*o*) *Charles* the Great ſaith, *That his Father* Pepin *brought the* Roman *way of Singing into the* Gallican *Churches, and their Offices along with it.* And although he ſaith, *many Churches ſtood out then, yet by his means they were brought to it.* And he cauſed ſome of the beſt Maſters of *Muſick* in *Rome* to be brought into *France*, and there ſettled for the Inſtruction of the (*p*) *French Churches*: By which means the *old* Gallican *Service* was ſo ſoon forgotten, That in (*q*) *Carolus Calvus* his time, he was forced to ſend as far as *Toledo*, to have ſome to perform the *Old Offices* before him; So great a Power had the *Roman Muſick*, and the *Prince's Authority* in changing the ancient Service of the *Gallican Churches*. But thus much may ſuffice to have cleared the ancient Service of theſe *Weſtern Churches*, and to have ſhew'd their difference from the *Roman Offices*.

From which Diſcourſe it will appear, that our *Church* of *England* hath omitted none of thoſe *Offices* wherein all the *Ancient Churches* agreed; And that where the *Britiſh* or *Gallican* and *Roman* differ'd, our *Church* hath not follow'd the *Roman*, but the other; And therefore our *Diſſenters* do unreaſonably charge us with taking our Offices from the *Church* of *Rome*.

(n) *Not. in Sacr. Greg.* p. 374.

(o) *De Imag. l.* 1.

(p) Pithæi *Gloſ. v. Cantus Gallicanus.*

(q) Carol. *Calv. Epiſt. ad Cler. Raven.*

CHAP. V.

Of the *Declenſion* of the *Britiſh* Churches.

Britain *never totally ſubdued by the* Romans.

That, the Occaſion of the Miſeries of the Britains *in the Province, by the Incurſions from beyond the Wall.*

Of the Picts, *and* Scots, *their mortal Enemies.*

The true Original *of the* Picts *from* Scandinavia.

That Name not given to the Old Britains, *but to the* New Colonies.

The Scotiſh Antiquities *enquired into.*

An Account of them from John Fordon, *compared with that given by* Hector Boethius *and* Buchanan.

Of Hector's *Authors,* Veremundus, Cornelius Hibernicus *and their ancient* Annals.

An Account of the Antiquities *of* Ireland, *and of the Authority of their Traditions and* Annals, *compared with the* Britiſh Antiquities *publiſhed by* Geoffrey *of* Monmouth *in point of Credibility.*

A true Account of the Fabulous Antiquities of the Northern Nations. Of the firſt coming of the Scots *into* Britain.

The firſt Cauſe of the Declenſion and Ruin of the Britiſh *Churches was, the laying them open to the fury of the* Scots *and* Picts.

Of Maximus *his withdrawing the* Roman *Forces; And the Emperor's ſending numbers of* Picts *to draw them back.*

The miſerable Condition of the Britains *thus forſaken; And Supplies ſent them for a time, and then taken away.*

Of the Walls *then built for their Security, and the* Roman Legions *then placed.*

Of the great degeneracy of Manners among the Britains.

Of Inteſtine Diviſions, and calling in of Foreign Aſſiſtance.

The Saxons *firſt coming hither.*

Who they were, and whence they came.

Bede's *Account examin'd, and reconciled with the Circumſtances of thoſe times.*

His fixing the time of their coming juſtified.

Of the Reaſons of Vortigern's *calling in the* Saxons.

And the Diſſatisfaction of the Britains *upon their coming, and* Vortigern's *League with them.*

Of the Valour of Vortimer *and* Aurelius Ambroſius *againſt the* Saxons.

The different Account of the Battels between the Britains *and* Saxons *among our Hiſtorians.*

The ſad Condition of the Britiſh *Churches at that time.*

The imperfect Account given by the Britiſh Hiſtory.

Of King Arthur's *Story and Succeſs.*

Of Perſons of greateſt Reputation then in the Britiſh *Churches, and particularly of* St. David.

Of the Britains *paſſing over to* Aremorica.

The beginning of that Colony *ſtated.*

Gildas *there writes his Epiſtle; The Scope and Deſign of it.*

The Independency *of the* Britiſh *Churches proved from their carriage towards* Auguſtine *the Monk.*

The Particulars of that Story cleared; And the whole concluded.

BEing now to give an Account of the fatal Declenſion of the *Britiſh* Churches, it will be neceſſary to look back on the time when their Miſeries firſt began. For which we are to conſider, That the *Romans* having never made an entire Conqueſt of the whole *Iſland*; but contenting themſelves with the better part, and excluding the reſt by a Wall, they ſtill left a back-door open for the poor *Provincial Britains* to be diſturbed, as often as the *Roman* Garriſons neglected their Duty, or were overpowered by their Enemies. Who were now very much increaſed in thoſe remoter Parts of *Britain*; Which being abandon'd by the *Romans*, they became an eaſie Prey to the *Scots* and *Picts*; Who, from different parts, took Poſſeſſion of thoſe Coaſts, which lay neareſt to the Place from whence they came. Thus, the *Scots* coming from *Ireland*, entred upon the *Southern* and *Weſtern* Parts, as the *Picts* from *Scandinavia* had before done on the *Northern*. Our Learned (*a*) Antiquary was of Opinion, *That the* Picts *were no other than the ancient* Britains, partly ſettled in thoſe Parts, before the *Roman* Invaſion, and partly retiring thither out of Impatience of the *Roman* Yoke, who by degrees grew up into a conſiderable number of People. It is not to be queſtion'd, that there was a Stock of *Old Britains* in thoſe *Northern* Parts, as appears by the Army under *Galgacus*, and the Actions againſt *Urbicus*, *Agricola*, *Marcellus* and *Severus*; But their continual Wars with the *Roman Legions*, who were placed about the Wall, on purpoſe to take all Advantages againſt them, muſt needs exhauſt them by degrees, and leſſen them ſo much, as to leave room enough for new Recruits to come in and take up part of their Countrey. And although for their own Security, the Parts near the Wall might be well ſupplied on that ſide, yet when ſo much Blood retired to the Heart as was neceſſary to ſupport Life, a great deal muſt be called off from the extreme Parts for a freſh ſupply of it, and thoſe Parts

muſt

(*a*) Camd. *Brit. p.* 82.

muſt needs be left deſtitute of natural Heat, and Strength enough to maintain themſelves. For during the War, which continued for ſeveral Ages, the very Life of the *Britiſh Nation*, beyond the Wall, was in perpetual danger; And not only the Duty and Service, but the many Diſeaſes and Accidents of War, could not, in ſo long a tract of time, but very much impair the *Britiſh* Strength, and leave the remoter Parts, if not wholly void of Inhabitants, yet not in a Condition to withſtand a foreign Invaſion. I grant that *Tacitus*, *Dio*, *Herodian*, *Vopiſcus*, &c. take no notice of any other Enemies the *Romans* had at that time in thoſe Parts beſides the *Britains*; But then, I think, the Argument may be thus turned upon *Camden*, What makes the latter Writers ſo expreſly and diſtinctly mention the *Picts*, if they were no other than the *Old Britains*, ſo often ſpoken of by *Roman Hiſtorians*? I do not underſtand, why their continuing an *old Cuſtom* ſhould now give them *a new Name*? The *Britains*, however rude, were no more *Picts* then, than they were at *Cæſar*'s coming. What makes the *Roman* Writers ſo of a ſudden alter their Style, and leave off a Name ſo famous among the *Romans*, for the Name of *Picts*, which was not heard of before? The firſt mention we find of them is in (*b*) *Eumenius* his *Panegyrick* to *Conſtantius*, where he takes notice of the different State of the *Britains*, when *Cæſar* ſubdued them, from what they were in *Conſtantius* his time: *Then*, ſaith he, *they were a rude, half naked People, and ſo eaſily vanquiſhed; But now the* Britains *were exerciſed by the Arms of the* Picts *and the* Iriſh. Nothing can be plainer, than that *Eumenius* here diſtinguiſhes the *Picts* from the *Britains*, and ſuppoſes them to be *Enemies* to each other. Neither can we reaſonably think this a Name then taken up to diſtinguiſh the *barbarous Britains* from the *Provincial:* For that diſtinction had now been of a very long ſtanding, and if it had been applied to that purpoſe, we ſhould have met with it in *Tacitus*, or *Dio*, or *Herodian*, or *Zoſimus*, who ſpeak of the *Extra-provincial Britains*, under no other Name but of *Britains*. (*c*) *Dio* is ſo exact as to ſet down the Names of diſtinction then uſed for thoſe *Britains*, and he ſaith, *they were of two ſorts*, the *Mæatæ*, and the *Caledonii*; If the name of *Picts* had then comprehended them all, no doubt he would have mention'd it on that occaſion. (*d*) *Zonaras* likewiſe calls them all then by the name of *Britains*. But it is ſaid, *That the* (*e*) *Panegyriſt himſelf calls the* Caledonians, Picts, *who were certainly* Britains. His Words are, *Non dico* Caledonum, *aliorúmque* Pictorum, *Silvas & Paludes:* where *H. Valeſius* obſerves, it ought to be read, *Non* Dicaledonum *aliorúmque* Pictorum; For (*f*) *Ammianus Marcellinus* ſaith, *the* Picts *were divided into the* Dicaledones *and the* Vecturiones. It is ingeniouſly conjectured by Mr. *Camden*, that theſe Names were taken from the Situation of the People, the firſt from *Deheu* and *Caledones*, or the *Caledonians* on the *Right-hand*, and the other from *Chwithic*, which ſignifies the *Left-hand* in the *Britiſh Language* But Archbiſhop (*g*) *Uſher* obſerves, that he is miſtaken, in ſuppoſing; *the Right-hand among the* Britains *to be the Weſt, and the Left-hand the Eaſt*; for he plainly proves, *that by the one is underſtood the South, and the other the North.* And (*h*) *Bede* ſhews, that the Northern and Southern *Picts* were divided from each other by a Ridge of *Mountains*; which (*i*) *John Fordon* ſaith, was *Mount Grampius*, which parted the *Scots* and the *Picts*. For the *Scots* came into that part of the *Picts Countrey* which lay next to *Ireland*; from whence they came thither under

(*b*) Paneg. Conſt. *n.* 11.

(*c*) Xiphil. *in* Sever.

(*d*) Zonar. *in* Sever.

(*e*) Eumen. *n.* 7.

(*f*) Am. Marcel. *l.* 27. *c.* 8.

(*g*) De Primord. *p.* 1021.

(*h*) Bed. *Hiſt. Eccl. l.* 3. *c.* 4.

(*i*) Scotichron. *l.* 2. *c.* 7.

under the conduct of *Renda*, as (*k*) *Bede* ſaith. Who, as ſome think, was *the chief of the Six Sons of the King of* Ulſter, *who, as* Giraldus Cambrenſis *ſaith, with no ſmall Fleet, came into the Northern Parts of* Britain, *and there ſettled themſelves* ; from whom that Countrey was called *Scotia.* Which, if it happen'd in the time of *Conſtantius*, as Archbiſhop (*l*) *Uſher* proves from the Anonymous Life of St. *Patrick*, it agrees very well with what (*m*) *Ammianus Marcellinus* ſaith, *That in the latter end of his Reign, the* Scots *and the* Picts *were both joined againſt the* Britains. The *Scots*, as (*n*) *Gildas* and (*o*) *Bede* ſay, *coming from the Weſt, and the* Picts *from the North* ; And ſo *Fabius Ethelwerd* ſaith, *the* Picts *came from the North* ; *and the* Scots *from the Weſt* ; *who took poſſeſſion of the Southweſt parts of* Caledonia *beyond* Glota, *and* Bodotria, *or* Dumbritton, *and* Edenborough Frith. And ſo, the *Mons Grampius*, or the *Dorſum Britannicum*, as ſome call it, parted the *Picts* and the *Scots* ; the *Old Britains* ſtill living between the Wall and the *two Friths* ; For *Bede* expreſly ſaith, *That both the* Scots *and the* Picts *lived beyond them* ; and he likewiſe adds, *That upon the remove of the* Roman *Legion they took in all the Countrey as far as* Severus *his Wall* ; where the *Britains dwelt before.* I confeſs, the *Roman Province* had different *Bounds* at ſeveral times, it ſometimes extending as far as *Antonius* his Wall, or *Graham*'s *Dike* between the *two Friths* ; Sometimes again it was brought within the Compaſs of *Hadrian* and *Severus his Wall*, id eſt, *between the Tine and the Esk* ; And *Bede* thinks that the laſt Wall made by the *Romans* was where *Severus* his Wall ſtood. If ſo, that whole Countrey between the two Walls muſt be then abandon'd for 100 Miles ; Which (*p*) ſome object againſt as an improbable thing, *The Wall being ſo much longer, and conſequently more indefenſible by the* Britains. But, in probability, the *Britains* were then willing to let their Enemies have the more room to prevent being diſturbed by them ; And this was the main Security they always had, the *Linea Valli* relating to this *Wall* from *Hadrian*'s time ; And although ſometimes in a bravery the *Roman* Soldiers would march to *Antoninus* his Wall, and drive the *Britains* before them, yet generally the *Roman Province* was bounded by *Severus* his *Wall*, and therefore *Gallio Ravennas* might at laſt chuſe rather to make up and fortifie this for the *Britains*, when the *Roman-Soldiers* left them to defend themſelves.

(*k*) *Hiſt. l.* 1. *c.* 1.

(*l*) De *Primord. p.* 547.

(*m*) Am. Marcel. *l.* 20.

(*n*) Gild. *Epiſt.*

(*o*) Bed. *l.* 1. *c.* 12.

(*p*) Uſſer. *de Prim. p.* 1027.

But, as to the ſeveral Inhabitants beyond the *Wall*, it will be neceſſary, in order to the following Hiſtory, to ſet down a more particular Account in this Place of the different *Original* of them, which hath been ſo perplexed by the partial Conjectures of the *Scottiſh* and *Iriſh Antiquaries*, that it is no eaſie matter to find out the plain Truth amongſt them. But I ſhall endeavour to trace the Footſteps of it by the beſt Light which ancient or modern Authors afford. And I am ſo far from any pique or partiality in this matter, that I ſhall be glad to receive any better Information from learned and ingenious Men. For it will appear by this enquiry that the *Antiquities* of both Nations do yet ſtand much in need of being cleared to the ſatisfaction of inquiſitive Men. But to the buſineſs.

It is certain that in the time of *Tacitus*; the Northern Parts of this Iſland were well inhabited, as appears by the following Account from him. The *Brigantes*, who extended as far as the *Tine*, were, as (*q*) he ſaith, ſubdued by *Petilius Cerealis* ; The *Silures*, by *Julius Frontinus* ;

(*q*) Tacit. *Agric. c.* 17, 18.

nus; The *Ordovices*, the other People of *Wales*, by *Julius Agricola* in his firſt entry upon this Province. But in his third year he went as far as the *Frith* of *Taus*: By which Sir *H. Savil* ſaith, *Some underſtand the Tweed*: For that it cannot be underſtood of the *Taus*, which parts the Northern and Southern parts of *Scotland*, ſeems evident from *Tacitus*, who ſaith, *That the* Romans *had leiſure to build Caſtles there*: But this *Taus* is a great way beyond *the two Friths*; And *Tacitus*, in the fourth year of *Agricola*, makes the *Roman* Power to reach no farther than to *Glota* and *Bodotria*, where he thought *the* Romans *might have conveniently fixed the Bounds of their Empire that way*. But, I confeſs, *Tacitus* his words may bear another meaning; viz. *That although the* Romans *had made Excurſions as far as the* Taus, *and ſet up ſome Forts there*; *Yet when* Agricola *went about to ſettle the Province, he reduced it within the compaſs of the two* Friths; *There being the moſt convenient Place for the Garriſon to be fixed*; *There being ſo ſmall a Neck of Land between the Arms of the two Seas, which was then very well fortified.* But the boundleſs Ambition of the *Romans*, in the fifth year of *Agricola*, carried them beyond theſe Limits; And then he ſubdued Nations before that time unknown; And furniſhed with Forces that part of *Britain* which lieth againſt *Ireland*; Not out of fear of any Invaſion from thence; But rather in hopes of ſubduing that Country by their means. Which ſhews that *Ireland* was then *well peopled*; and thought by *Agricola* very fit for the *Roman Army* to conquer; Becauſe it lay ſo convenient for uniting the parts of the Empire together; And it would help much towards the total ſubduing of *Britain*, if there were no appearance of Liberty left within their view. And *Tacitus* inſinuates that *Agricola* had it in his Deſign, if he had been ſuffer'd to continue longer after his Victory over *Galgacus*: Which *Domitian*'s incurable Jealouſie of Great Men would not permit. However, in order to it, *Agricola* had taken an account of the Ports, and condition of the People, whom he found not unlike the *Britains*; And he kept with him till Occaſion ſerved, one of the *Princes* of that Country, who was driven from thence by a domeſtick Sedition But in the mean time, in his ſixth year, he applied himſelf to the Conqueſt of the ſeveral Nations beyond *Bodotria*, among whom a general Inſurrection was apprehended, and all Paſſages by Land were ſuppoſed to be beſet; And therefore *Agricola* ſet out a Fleet for diſcovery of the Country; the ſight whereof ſtruck great Terror into the *Britains*. And then he ſaith, *the* Caledonians *armed themſelves and ſet upon the* Romans *with all the Force they could make*; and falling upon the *ninth Legion* unexpectedly, had like to have totally defeated them, if the reſt of the Army had not come in to their timely reſcue. By which good ſucceſs, the *Roman Army*, being much incouraged, cried out to march into *Caledonia*; That they might at laſt come to the utmoſt Bounds of *Britain*. But the *Britains* attributed this not to the Valour of the *Romans*, but to the ill Conduct of their *General*; And therefore reſolved to fight it out, and to that end they diſpoſed of their Wives and Children in Places of Safety, and by frequent Meetings and ſolemn Sacrifices they entred into a ſtrict Confederacy, to ſtand it out to the utmoſt againſt the *Romans*. And in this Caſe of common danger, all the Cities were united together, and raiſed an Army of 30000 Men, under the Command of *Galgacus*, who, in his brave Oration, ſo much commended by *Lipſius*, tells his Souldiers, *they were the laſt of the* Britains, *there being no Nation*

tion beyond them; And he calls them, *the moſt noble of the* Britains, *who had never beheld the Slavery of others*; Upon this the fatal Battel was fought at the Foot of *Mons Grampius*, where 10000 Britains *were killed*, and *the reſt diſperſed*; After which *Agricola* was recalled. This is the Subſtance of *Tacitus* his Relation, wherein we may obſerve; (1.) That theſe *Britains* were not merely ſuch as were driven thither by the ſtreſs of War, but ſuch as had *long inhabited there*, and had ſo little Communication with the other *Britains*, *that they had never ſeen the Condition of Slavery which the* Romans *had brought them to*. (2.) That they were not inconſiderable for their Numbers or Valour, who were able to oppoſe the whole *Roman Army*, and make their *Victory* ſo doubtful. (3.) That theſe had a diſtinct Name from the reſt, being in general called the *Caledonian Britains*: And *Tacitus* thinks they had a different *Original* from the *Silures*, and other *Britains*. Thoſe who adjoined to *Gaul*, he concludes came at firſt from thence, and had ſeveral *Colonies* follow'd them afterwards, as appears by their Names, Cuſtoms and Language; the *Silures* he deduced from *Spain*, which he proves from their Complexion and Situation; And ſo probably enough, he thinks them a *Colony of the old Iberi*; ſome whereof went into *Ireland*, and peopled ſome part of it: But, beſides theſe two, he makes a third Race of Men in *Britain*, whom he fetches out of *Germany*, and theſe were the *Caledonian Britains*; But (*r*) he takes *Germany* in a very large Senſe, ſo as to extend as far as the *Sarmatæ*; And to comprehend under it, *the Northern Nations of the* Cimbri, *and the* Gothones, *and the* Sueones; From whom it ſeems very probable, that the *Caledonian Britains* deſcended; As the Southern *Britains* came from the *Celtæ*; Whoſe Language and Religion were kept up among them. But the *Caledonians* came from the *European Scythians*, to whoſe Coaſts they lay much nearer than to thoſe of the *Celtæ*, and their larger Proportions, which *Tacitus* obſerves agree very well with this Suppoſition.

And theſe, if I miſtake not, were the *Original Picts*, but not called by that Name, till *new Colonies* came over to people the Country, after the terrible Devaſtation of it by the Continuance of the *Roman Wars*. For (*s*) *Claudian* makes *Thule* the Country of the *Picts*; And after all the Diſputes which have been about it, (*t*) *Olaus Rudbeck* hath made it very probable, that *Scandinavia* is meant by it; Which he proves, not only from the Teſtimony of *Procopius*, who affirms it; but from the exact Agreement of the Relation of *Pytheas*, *Iſidorus*, and others with that, and neither with *Iſeland*, nor any other Place. Beſides, (*u*) *Bede* ſaith, *The common Tradition was, that the* Picts *came out of* Scythia; Which is affirmed by *Matt. Weſtminſter*, and many others: But they do not mean the *Aſian*, but the *European Scythia*; Which comprehended under it all the moſt Northern Nations, *Ab extremo Aquilone*, ſaith (*w*) *Pliny*; And elſewhere he ſaith, (*x*) *That the* Getæ, *the* Daci *and* Sarmatæ, and even the *Germans* were called *Scythians*: (*y*) *Herodotus* mentions the *Northern Scythians* to whom *there was no acceſs by thoſe who dwelt near the* Palus Mœotis *without the help of ſeven Languages*; And when *Darius* fought with them, *they retired Northwards towards their own Country*. (*z*) *Ptolemy* places the *Royal Scythians* near the *Hyperborean Mountains*; Which could never be found in the vaſt Plains of *Poland* and *Muſcovy*; There being no Mountains there anſwering to their Deſcription as (*a*) *Heberſteinius* and

(*r*) Tacit. *de Mor. Germ. c.* 1. *c.* 43, 44.

(*s*) Claud. *de quarto Conſul.* Honoril.

(*t*) Ola. Rudbeck, *Atlantic. c.* 19.

(*u*) Bed. *l.* 1 *c.* 1.

(*w*) Plin. *l* 6. *c.* 13.

(*x*) *l.* 4. *c.* 12.

(*y*) Herod. *l.* 4.

(*z*) Ptol. *Tab.* 8. *Europæ.*

(*a*) *Rer. Muſcov. p.* 61.

(b) *Matthias à Micon* confeſs; And therefore (c) *Olaus Rudbeck* hath undertaken to prove, not without great ſhew of Reaſon, *That theſe Mountains were no other than the Ridge of Mountains in* Sweden, *where the ſeat of the ancient* Scythians *was*; *And that* Ptolemy *was extremely miſtaken in the Situation of the Northern Nations, removing them ſeveral Degrees more Eaſtward than they ought to have been, and ſo very much ſtraitning* Scandinavia. Which (d) *Jornandes* calls *the Work-houſe of Nations*; and the ſame *Jornandes* affirms from *Joſephus*, *That the* Sueones *were the true* Scythians, whom (e) *Xenophon* takes to be *the Governing People of* Europe *in his time*; As the *Perſians* were in *Aſia* and the *Carthaginians* in *Africa.* And the old *Greek* (f) Geographers (as is ſaid before) knew of but two Nations in *Europe* beſides themſelves, viz. the *Scythæ* towards the North, and the *Celtæ* towards the Weſt. Theſe *European Scythians* did make frequent Expeditions by Sea, as appears by the *old Gothick Hiſtories*; And (g) *Olaus Rudbeck* obſerves from them, *That it was a Cuſtom for them to go abroad by Sea, under the Conduct of one of their Princes, to ſee for Booty*; And (h) *Tacitus* ſaith particularly of the *Sueones*, *that they were well provided of Shipping*; And therefore there can be no improbability that theſe Northern Nations ſhould people that part of *Britain* which lay neareſt to them. And (i) *Sueno*, the firſt Hiſtorian of *Denmark*, ſaith, *That* Helgi, *the Son of* Haldan, *the Son of* Skiold, *the firſt Monarch there, was ſo powerful at Sea, that he was called* Rex Maris, *the King of the Sea.* And (k) *Saxo Grammaticus* ſaith, *That, having ſubdued the King of the* Sclavi, *he ſailed into divers Paſſages of the Sea.* (l) *Andreas Velleius* gives this Reaſon why the *Northern Nations* were ſo ſoon and ſo much given *to Expeditions by Sea*, becauſe their Kings having many Children, *they thought them beſt employ'd abroad, in ſeeking other Countries and getting Spoils at Sea.* And upon the old boaſt of the *Scythians* concerning their *Antiquity* and *Nobility* might be grounded that Saying of *Galgacus*, *That the* Caledonian Britains *were the moſt noble of any of them.*

Among theſe *Scythians* (m) *Pliny* reckons the *Agathyrſi*; Who had their Name, ſaith (n) *Olaus Rudbeck*, from *Aggathyr*, one of the *Gothick* Names for *Neptune:* From *Agga*, ſignifying *Power at Sea*; and *Tyr*, *Power at Land*; *Theſe* Agathyrſi, ſaith he, *were a ſort of People who lived near the Sea, in the* Sinus Codanus, *and were wont to prey upon the Spoils of the Sea.* *Jormundes* places them in *Scandia*, and calls them *Agantzyrios.* They were remarkable in Antiquity for Painting their Bodies, as not only appears from *Virgil*'s

Pictique Agathyrſi,

But from what (o) *Solinus* ſaith of them, *That their Bodies were painted* Colore cœruleo, *juſt as the old* Picts *were.* (p) *Tacitus* obſerves of the *Arii*, a fierce Northern People, *That they had* Tincta Corpora, i. e. *were Picts.* And the ſame (q) *Virgil* ſaith of the *Geloni*, who were next Neighbours to the *Agathyrſi:* So that (r) *Hector Boethius* his Conjecture is not at all improbable, who deduces the *Picti* from the *Agathyrſi*, *i. e.* from the *Maritime Inhabitants of the Baltick Sea*; or, as he expreſſes it, *from thoſe who came firſt out of* Sarmatia *into the* Cimbrick Cherſoneſe, *and from thence into* Scotland.

This being to me the moſt probable Account of the *Original* of the *Picts*, I now come to that of the *Scots*. And, to do right to all Pretenders, I ſhall impartially ſet down the ſeveral Claims of the *Scotiſh* and *Iriſh Antiquaries*, and in paſſing make ſome Remarks upon them.

I be-

(b) *Sarm. Europ. l.* 2. c. 3, 4.

(c) *Atlantic. c.* 9.

(d) De Rebus *Get. l.* 1. *c.* 4.

(e) *Mem. l.* 2. *p.* 581. *ed.* H. St.

(f) *v.* Strabo, *l.* 1. & 11.

(g) *Atlantic. c.* 7.

(h) Germ. *c.* 44.

(i) Suenon. *Opuſc. c.* 1.

(k) *Hiſt.* Dan. *l.* 2.

(l) *v. Not.* Steph. *in Sax. Gram.*

(m) *L.* 4. *c.* 12.

(n) *Atlantic. c.* 30.

(o) Solin. *c.* 15.

(p) *De Moribus Germ.*

(q) *Georg.* 2.

(r) *Hiſt. Scot. f.* 4.

I begin with the *Scotiſh* Pretences, (*s*) *Dempſter* hath given a large Catalogue of the *Scotiſh Antiquaries* (whom he never ſaw) ſuch as *Marcerius*, the firſt Writer of their Hiſtory, whom he places *Anno Dom.* 53. From him, (*t*) he ſaith, *Veremundus took his Materials*, (whom *Hector Boethius* profeſſes to follow) and *Cornelius Hibernicus*, another of *Hector*'s great Authors, who is ſaid by him to have lived *Anno Dom.* 1160. about 80 Years after *Veremundus*, according to *Dempſter*'s computation. *Leſly* (or *Robert Turner*, as ſome think) mentions ſome *ancient Annals*, which *Hector* takes no notice of in particular, but *Dempſter* doth, as thoſe of *Paſlet* and *Scone*, and other Monaſteries. It would tend very much to the clearing of the *Scotiſh Antiquities* if ſome of theſe ancient *Annals* or *Lieger Books* were printed by ſome of their Learned Men, who have never been wanting in that Nation ſince *Hector*'s time. And it hath rendred their Credit the more ſuſpicious, becauſe they have been ſo long kept up, when all the old *Annals* which have been found among us have either been carefully publiſhed, or our Writers have on all Occaſions appealed to their Authority, and made uſe of their own Words to juſtifie their Aſſertions. Whether this hath been done by *Hector*, *Buchanan* or *Leſly*, as to theſe *Annals*, I leave the Reader to determine.

I omit *Dempſter*'s other Authors, who were never heard of by any beſides himſelf; But it is ſomewhat ſtrange, that even ſuch as *Veremundus* and *Cornelius* ſhould never fall into any hands (that I can find) but thoſe of *Hector Boethius*; And that he ſhould never ſo much as mention *John Fordon*'s *Scoti-chronicon*. *Pits* confounds this Author with *John de Fourdam*, Confeſſor to our King *John*, and ſo places him *Anno Dom.* 1210. Wherein he is follow'd by the Learned (*u*) *Ger. Voſſius*. He was *Abbat of* Ford *in* Devonſhire, ſaith *Leland*, and he mentions no Hiſtorical Writings of his. But it is certain that *John Fordon*, who wrote the *Scoti-chronicon*, lived after this time, by the Authors he quotes (ſuch as the (*w*) *Poly-chronicon* of *Ranulphus Higden*, the *Polycraticon* of *Roger* of *Cheſter*, who both lived in the fourteenth Century.) *And* (*x*) *Macculloch*, who tranſcribed and inlarged it, lived, ſaith *Dempſter*, *Anno Dom.* 1482. For it appears by the Preface, *Debitor ſum fateor*, &c. That *John Fordon* (who is there called a *Presbyter*, and no *Monk*) *finiſhed no more than five Books of the* Scoti-chronicon; But left the Materials to make up the reſt; And that *Fordon*'s own Work was but lately done, before *Macculloch* undertook to finiſh and inlarge it, who profeſſes himſelf *a Diſciple of* Fordon*'s*; And diſtinguiſhes his own *Additions* from *Fordon*'s Copy, by puting in the Margin *Scriptor & Autor*. But (*y*) *Dempſter* makes *Macculloch*, *Scoti-chronicon*, and *Fordon*, three ſeveral Authors, which is a Sign he never ſaw them. Mr. (*z*) *Camden* takes notice *how much the later* Scotiſh *Hiſtorians are beholding to* Fordon*'s diligence*. And therefore out of him I ſhall give a ſhort Account of the *Scotiſh Antiquities*; And then ſhew how far *Major*, *Hector Boethius* and *Buchanan* differ from him: For *Leſly* doth very faithfully contract *Hector* where *Buchanan* was aſhamed to follow him; as will appear by what follows.

There was, ſaith (*a*) *Fordon*, "One *Gaithelos*, Son of *Neolus*, one "of the Kings of *Greece*, who, having diſpleaſed his Father, was ba- "niſhed his Countrey, and went into *Egypt*, where he was married to "*Scota*, the King's Daughter. But he quotes another Chronicle, "which

(*s*) *Apparat. ad Hiſt. Scotic.* l. 1 c 2.

(*t*) *Hiſt. Eccleſ.* l. 12. n. 881.

(*u*) De *Hiſt. Lat.* l. 2. c. 56.

(*w*) *Scotichron.* l. 3. c. 8. l. 1. c. 38.

(*x*) *Hiſt. Eccleſ.* l. 12. n. 911.

(*y*) *Appar. ad Hiſt. Scot.* l. 1. c. 2.

(*z*) *Brit.* p. 712.

(*a*) *Scotichron.* l. 1. c. 9.

“ which ſaith, that he was ſent to the aſſiſtance of the King of *Egypt*,
“ againſt the *Ethiopians*; who gave him his only Daughter *Scota* to
“ Wife; And the *Legend* of St. *Brendan* to the ſame purpoſe; And
“ another *Chronicle*, which makes him to be Grandchild to *Nimrod*,
“ who was driven into *Egypt*, and there married this *Scota*. However
they differ in leſſer Circumſtances, they agree in the main Point; For
Scota he muſt have, or elſe the Name of *Scotia* would be quite loſt.
c. 12. “ After the deſtruction of *Pharaoh* in the Red Sea, *Gaithelos* is choſen
“ King; But, Diſcontents ariſing, he and his Wife *Scota*, with their
“ Company, put to Sea, and made Weſtward; But, after many Dif-
“ ficulties, they landed in *Spain*, where, after the Conqueſt of the In-
c. 14. “ habitants, he built the City *Brigantia*; But, being wearied out with
“ continual Wars, he ſent ſome of his Company to Sea to find out an
“ *Iſland* without Inhabitants; upon diſcovery whereof they returned
c. 16. “ to *Gaithelos*; Who ſoon after died, and charged his Children and
c. 17. “ Friends to go thither; And accordingly his Sons, *Iber* and *Imec*,
c. 18. “ went to take Poſſeſſion of this *Iſland*, which from him was called
“ *Ibernia*, and from his Mother *Scotia*: *Which Name was after given
to part of* Britain; *Becauſe the Inhabitants of the other Iſland ſettled there*,
(ſaith *Maculloch*, in his Additions to *Fordon*) *as appears by the affini-
c. 21. ty of their Language and Cuſtoms, which*, ſaith he, *continues to this day*.
“ In *Spain* ſome of that Race abode, ſaith *Fordon*, out of an *old Chro-
c. 22. “ nicle*, 240 Years; Then aroſe a King, whom he calls *Micelius*,
“ who had three Sons, *Hermonius*, *Partholomus* and *Hibertus*, whom
“ he ſent into *Ireland* with a great Army; The eldeſt returned to
c. 27. “ *Spain*; but the other two continued there. Afterwards *Simon Brek*
“ with his Company made a third deſcent into *Ireland*, who ſprang
“ from *Hermonius*, and carried along with him the *Marble Chair* in
“ which their Kings were wont to ſit, and which *Gaithelos* brought
c. 29. “ out of *Egypt*, as ſome think; but others ſay, *Simon* drew it up
“ from the bottom of the Sea with an Anchor in a great Tempeſt,
“ and therefore was preſerved as a precious Relict; And he took it as
“ a Preſage of his Kingdom, which was to continue wherever that
“ Stone was; as the Southſayers ſaid. From *Ireland*, *Ethachius Ro-
c. 30. “ thay*, a Deſendent from *Simon Brek*, took poſſeſſion of the Iſland
“ *Rothſay*; And many *Scots* aſſociated with the *Picts* in the Northern
c. 33. “ Parts of *Britain*; But being hardly uſed, and having no Head, *Fer-
“ gus*, the Son of *Ferchard*, or *Ferard*, being deſcended of the Royal
c. 37. “ Family, went over, and took upon him the Government of them:
“ Which, he ſaith, was before *Chriſt* 330 Years, in the time of *Alex-
l. 2. c. 12. “ ander* the Great; who carried the *Fatal Chair* into *Scotland*, and was
“ crowned in it. Some time after him ſucceeded *Rether*, whom *Bede*
“ calls *Renda*, who endeavour'd to inlarge the Borders of the *Scots* in
“ thoſe Parts, and fixed himſelf in that which from him was called
c. 13. “ *Retherdale*, but ſince *Rydiſdale*; And this he makes the *ſecond com-
“ ing* of the *Scots* out of *Ireland*. After this, he tells how the Kings of
“ the *Britains*, of the *Scots*, and the *Picts* lived very lovingly toge-
c. 14. “ ther till *Julius Cæſar* diſturbed them all, who, he ſaith, went to the
“ very Borders of *Scotland*; And there ſent Letters to the Kings,
“ both of the *Scots* and *Picts*, who both returned Anſwers in *Latin*,
“ although but the Chapter before he ſaith, *The very* Britains *had ne-
“ ver heard of the Name of the* Romans. But it happen'd, That *Cæſar*,
“ hearing of the Revolt of the *Gauls*, made a ſpeedy return out of thoſe

“ Parts. Then he relates the bloody Wars of the *Scots* and *Picts* againſt c. 28.
“ the *Britains*; and how *Fulgentius*, Head of the *Britains*, joined with 29.
“ the *Picts* and *Scots* againſt *Severus*, and killed him at *York*: And ſo c. 36.
“ proceeds in the Story of *Carauſius* and *Maximus*, and their Wars with 37.
“ the *Scots* and *Picts*, till he comes to *Fergus* II. With whom he begins 38.
“ his *Third Book*; And between the two *Fergus's* he reckons
“ *Forty five Kings*; But he confeſſes he cannot diſtinguiſh the times of
“ their Reign; as he can do thoſe from *Fergus* II. And he gives this l. 3. c. 1.
conſiderable Reaſon for it, *Nam ad plenum Scripta non reperimus*, *i. e.* He could not find any full Account of them in any *ancient Annals* or Records. And therefore it ought to be conſiderd from whence *Hector*, *Buchanan* and *Leſly* ſhould be able to give ſuch a particular Account of the Reigns of thoſe Kings which were wholly unknown to *Fordon*. This is the ſhort Account of what *Fordon* delivers about theſe *Remoter Antiquities* of the *Scots*.

(*b*) *Joh. Major* confeſſeth, *That the* Scots *were derived from the* Iriſh, (*b*) *De Geſt. Scot. l.* 1. *c.* 9. *which*, he ſaith, *is plain by the Language*; For in his time, half the Nation ſpake *Iriſh*, and before that time, more. And ſo he tells the Story of their coming from *Spain*, of the City *Braganza*, of *Iberus* and his Mother *Scota*, and then repeats the Tradition of *Gaithelos*, as *Fordon* relates it; But very honeſtly ſaith, *That he looks on that part of it, about coming out of* Greece *and* Egypt *as a Fiction*; And very probably conjectures it was done, *becauſe the* Britains *derived themſelves from the* Trojans. Which was ſubtilly done of the *Scots* to claim Kindred rather with the *conquering Greeks*, than the ſubdued and baniſhed *Trojans*. All that *Major* aſſerts is, *That the* Iriſh *came out of* Spain, *and the* Scots *out of* Ireland: And the Story of *Simon Brek* he rejects as a Fable: And he makes the firſt ſettling of the *Scots* in *Britain*, to be that under *Reuda*; c. 11. But he mentions their *Annals* for *Fergus*, the Son of *Ferchard*, before *Renda*; and *Rether* and *Ryddeſdale*, as it is in *Fordon*. But he makes the Kingdoms of the *Picts*, *Scots* and *Britains* to be diſtinct in *Cæſar*'s time; And that they all joined againſt him: And ſo relates *Fordon*'s Story to the time of *Fergus* II. But between the two *Fergus's* he makes but 15 *Kings*, and 700 *Years*.

(*c*) *Hector Boethius*, before he begins the Tradition of *Gaithelos*, very ingeniouſly confeſſes, (*c*) *Hiſt. Scot. l.* 1. *that their Nation follow'd the Cuſtom of other Nations, therein making themſelves the Offspring of the* Greeks *and* Egyptians; And ſo he tells all the Story from *Gaithelos*, as *Fordon* has done, only here and there making *Additions* and Embelliſhments of his own; As when he derives the *Brigantes* from *Brigantia* in *Spain*; When he ſets down the Deliberation about the *Form of Government* upon *Fergus* his coming to *Scotland*; And the Speeches of *Fergus* and the King of the *Picts*; The Death of *Coilus* King of the *Britains*; The entring the *fundamental Contract* of the *Scots*, with the Poſterity of *Fergus* in *Marble Tables* in the way of *Hieroglyphicks*; The *Agrarian Law*, and *Partition* made by *Seven*, and the *Diviſion* of the *Tribes*; The bringing the *Silures*, *Ordovices*, *Camelodunum*, as well as the *Brigantes*, within the Compaſs of *Scotland*; Theſe are the proper Inventions of *Hector*, unleſs he had them from his Spaniard *Veremundus*, which no one could tell but himſelf; Thence *Leland* and (*d*) *Lluyd* charge him with innumerable Falſhoods. (*d*) *Mona Deſcrip. ad fin.* (*e*) *Dempſter* confeſſes, that *Buchanan frequently chaſtiſes him*; (*e*) *Hiſt. Eccleſ. l.* 2. *n.* 175. But he would have it rather on the *Account of Religion* than *Learning*: But it is plain, that he owns his Miſtakes (*f*) Buch. *Hiſt. l.* 2. *ad fin.*

ſtakes and (*f*) *Vanity*, only he charges *Lluyd* with as great on behalf of the *Britains*.

(*g*) *Scoti-chr. l.* 2. *c.* 12.

In the Second Book *Hector* inlarges more. For (*g*) *Fordon* paſſeth on from *Fergus* to *Rether*, or *Bede's Reuda*, having nothing to ſay; But *Hector* acquaints us with the Conteſt about the Regency upon *Fergus* his Death, and the Law then made concerning it, the attempt of *Reſignation* of *Feritharis*, to *Ferlegus*, the Son of *Fergus*, and his Impriſonment upon it; The Death of *Feritharis* after fifteen Years Reign; The Flight of *Ferlegus* into *Britain*, with the Choice of *Main*, his younger Brother, to be King; His good Government and Annual Progreſs for Juſtice through all Places of his Dominions; His appointing Circles of *great Stones* for *Temples*, and one in the middle for the Altar; And the Monthly Worſhip of the New Moon; And ſeveral *Egyptian Sacrifices* (which one would have thought had been more proper for *Gaithelos* himſelf) with the Succeſſion of his Son *Dornadil*, his making the *Laws of Hunting*, which were ſtill obſerved there; And of his Brother *Nothatus*, his Son *Reuther* being an Infant: Who came in by the *Law of Regency*, ſaith *Hector*; *By the Power of the People* ſaith *Buchanan*; but in truth by neither. For all this *Succeſſion* ſeems to have been the product of *Hector's* fruitful Invention, which *Buchanan* follows without *Authority*; as he doth in all the reſt of the *Succeſſion* of that Race of Kings from *Reuther* to *Fergus* II.

(*h*) *Hiſt.* Eccleſ. *l.* 16. *n.* 1065.

To make way for *Bede's* Account of *Reuda's* coming into thoſe Parts of *Britain*, This *Reuther* is forced back into *Ireland*; from whence he is ſaid to return with new Supplies after twelve Years; From whom the *Scots* were then called *Dalreudini*: But this return of *Reuther*, *Hector* places in the Year before *Chriſt* 204. And after him *Reutha*, his Kinſman; In whoſe time, *Hector* relates an Embaſſy from *Ptolemy Philadelphus* to him; And the Account of *Scotland* which he began in a large *Volume* for his Satisfaction, which was after finiſhed by *Ptolemy* the *Coſmographer*. This *Buchanan* had the Wit to leave out (and even (*h*) *Dempſter* himſelf, though he mentions him for a Writer of their Hiſtory) and ſo he doth the Voyage of the *two* Spaniſh *Philoſophers* in the time of *Joſina*, and their Preaching againſt the *Egyptian* Worſhip in *Scotland*; (but *Leſly* hath it.) And if *Buchanan* had believed it, he would have ſet it down, as well as *Joſina's bringing Phyſick* and *Chirurgery* into ſo much requeſt, That there was not a Noble Man that could not practiſe the latter. And yet *Hector* declares immediately after the Story of the *Philoſophers*, that hitherto he had followed *Veremundus*, *John Campbell* and *Cornelius Hibernicus*, the moſt approved Authors of their Hiſtory. It would have been ſome ſatisfaction to the World, if any other Perſon had ſeen theſe *Authors* beſides; *Fordon* never mentions them; And yet he uſed great diligence to ſearch their Antiquities; And, if (*i*) *Dempſter* may be believed, had the Sight of their moſt ancient *MSS*. *Buchanan* paſſes them over; *Dempſter* names them, on the authority of *Hector*: What became of theſe great Authors after *Hector's* time? Did he deſtroy them, as ſome ſay *Polydore Virgil* did ſome of ours after he had uſed them? But this were Madneſs, to quote their *Authority* and deſtroy the *Authors*; For theſe were his *Vouchers*; which ought moſt carefully to have been preſerved. And in truth *Hector* himſelf gives no very conſiſtent Account of his *Authors*: For in his *Epiſtle* to *James* 5. he mentions *Veremundus*, Archdeacon of St. *Andrew's*, who deduced the *Scotiſh Hiſtory* from the *Original* to *Malcolm*

(*i*) *Appar. ad Hiſt.* Scot. *l.* 1. *c.* 6.

colm III. And *Turgott*, Biſhop of St. *Andrew's*, and *John Campbell*, which were brought from the *Iſland Iona*; To whom he adds an *Anonymous Author*, and the imperfect *Hiſtory* of *William Elphinſton*, Biſhop of *Aberdeen*. But, ſaith he, *if any ask* ſuch a material Queſtion, *How came theſe Authors to be ſeen no where elſe?* He anſwers, *That* Edw. *I. deſtroy'd all their Monuments of Antiquity; So that had not thoſe been preſerved in the Iſland* Iona, *with the Cheſt of Books which* Fergus II. *brought from the ſacking of* Rome, *in the time of* Alaric, *They had been able to give no account of their Antiquities.* From whence it is evident that *Hector* never ſaw or heard of any ancient Authors of their Hiſtory, but ſuch as were conveyed to him from the *Iſland Iona*. But in his (k) Seventh Book, where he gives a more particular account of thoſe Books which were brought to him from thence, he only mentions ſome broken *Fragments* of *Latin Authors*; But whoſe they were, where Written, whence they came, he knew not; And, as to their own *Hiſtories*, he names indeed *Veremundus* and *Elphinſton*, and no more. The latter he ſaid before was *imperfect*, and lately done; So that the whole Credit of *Hector's Antiquities* reſts entirely upon *Veremundus*; For here he never takes notice of *Campbell* or *Cornelius Hibernicus*; But he ſaith, *Edw.* I. *had deſtroy'd all their Antiquities, but ſuch as were preſerved in the Iſland* Iona *or* Hy. And is this now a good Foundation to build a Hiſtory upon? For is it not very ſtrange, that no one Copy of *Veremundus* ſhould be heard of ſince that time; When there were ſeveral of *Fordon*, not only there, but in our *Libraries*, ſome with the Inlargements and ſome without? But if our King *Edw.* I. *deſtroy'd all their ancient Hiſtories*, how came *Turgott*'s to be preſerved? He was Biſhop of St. *Andrew*'s in the time of *Malcolm* III. *and Queen* Margaret, *whoſe Lives he wrote; And whoſe Hiſtory*, *Hector* ſaith, *he had*. So that not only *Turgott*'s *Hiſtory* of the *Church* of *Durham* is preſerved in the *Cotton Library*, with his own Name written in an ancient Character (the ſame that is printed under the Name of *Simeon Dunelmenſis*, with ſome Alterations, as (l) Mr. *Selden* hath ſhew'd; But if *Hoveden* be ſo much to blame, as (m) *Leland* ſaith, *for concealing what he borrow'd from* Simeon Dunelmenſis, *Simeon* himſelf is at leaſt as much to blame for aſſuming to himſelf the proper work of *Turgott*.) But it ſeems *Hector* had ſeen what he wrote in relation to the *Scotiſh Hiſtory*: And *Bale* and *Pits* ſay, *he wrote of the Kings of* Scotland. But *Dempſter* ſaith, *he wrote only the Annals of his own time, i. e.* I ſuppoſe, *the Lives of* Malcolm *and* Margaret: If ſo, *Hector* mentions him to little purpoſe, with reſpect to the *Scotiſh Antiquities*. But however, from the forementioned Authors, *Hector* pretends to give an Account of the *Inſtitution* of the *Great Council* by *Finannus*, of the Order of the *Druids*, and their *Chief Seat* in the *Iſland Mona*, (which he would have to be the *Iſle of Man*, to the great regret of *Humphrey Lluyd*, who hath written a Book on purpoſe to diſprove him and *Polydore Virgil* about it.) Of the Tyranny and violent Death of King *Durſtus*; Of the choice of *Euenus* his Kinſman to ſucceed him, and his firſt requiring an *Oath of Allegiance*; Of the Diſturbances by *Gillus* his natural Son, and his flying into *Ireland*: And his Death by *Cadallus*; And *Euenus* his ſetting up *Edecus*, the Grandchild of *Durſtus*; with which he ends his Second Book.

In his Third Book he gives an Account of the Troubles from *Ireland* by *Bredius*, a Kinſman of *Gillus*; Of *Caſſibellan*'s Meſſage to *Ederus* for

(k) L. 7. p. 118.

(l) *Præfat. ad* 10. *Script.*

(m) Leland. *de Script. in* Simeon.

for Aſſiſtance againſt *Julius Cæſar:* And the Speech of *Androgeus* before the *Council*: and *Ederus* his Anſwer, and ſending 10000 Men under the Command of *Cadallanus*, Son to *Cadallus*; Who, with the *Britiſh* Forces, quite overthrew *Cæſar*, by the help of *Tenantius*, Duke of the *Cambri* and *Corinei*; for which, as we may eaſily conceive, there was wonderful rejoicing in *Scotland:* And great Friendſhip upon it, between the *Britains*, the *Picts* and the *Scots*. But next Summer they hear the ſad News of *Cæſar*'s coming again; And then the *Britains* refuſed the *Scots* aſſiſtance (and it is eaſie to imagine what muſt follow) *the poor* Britains *were miſerably beaten*; And *Caſſibellan* yields himſelf to *Cæſar*, and *Cæſar* marches towards *Scotland*; but before he enters it, he ſends a more Eloquent Letter to them than that in *Fordon*; And the *Scots* and *Picts* returned a reſolute Anſwer. But it ſeems *Cæſar* had ſo much good Nature in him as to ſend a *Second Meſſage* to the *Scots*, which was deliver'd with great Eloquence, but it did not work upon them; For, ſaith *Hector*, *had it not been for the Law of Nations, they had torn the Meſſengers to pieces.* But it happen'd luckily, that while *Cæſar* was making Preparations to enter *Scotland*, he received Letters from *Labienus* of the Revolt of the *Gauls*; upon which *Cæſar* returns, having ſcarce ſo much as frightned the *Picts* and the *Scots*. And here again *Hector* vouches the Authority of *Veremundus* and *Campbel*; But notwithſtanding, *Buchanan* very wiſely leaves all this out, which *Leſly*, believing *Veremundus*, or rather *Hector* before *Cæſar*, keeps in. But here *Hector* becomes very nice and critical, rejecting the *vulgar Annals* (which it ſeems were not deſtroy'd by *Edw.* I.) which ſay, *that* Cæſar *went as far as the* Caledonian *Wood, and beſieged* Camelodunum, *and left there his Pretorian Houſe* which he uſed to travel with, called *Julis Hoff.* But for his part, he would write nothing that might be found fault with, and therefore he follows *Veremundus* again, *That this was the Temple of Victory, built by* Veſpaſian, *not far from* Camelodunum; *Only the Inſcription was defaced by* Edw. I. *Buchanan* in the Life of King *Donald* ſaith, *This was the Temple of the God* Terminus: *being near the* Roman *Wall.* It was a round Building, made of ſquare Stones, and open only at the top 24 Cubits in height, 13 in breadth, as (*n*) *Camden* deſcribes it. (*o*) *Nennius* ſaith, It was built by *Carauſius*, in token of his *Triumph.* But this looks no more like a *Triumphal Arch*, than *Cæſar*'s *travelling Palace:* And therefore *Buchanan*'s opinion ſeems moſt probable, ſince *Hector* ſaith, *That there was within it a Stone of great magnitude*, which was the Repreſentation of the God *Terminus*, eſpecially, if the *hole in the top* were over the *Stone*, as it was in the *Capitol* at *Rome.* Then follow the wicked Life and tragical End of *Eugenus* III. the good Reign of *Metallanus*, and his Friendſhip with *Auguſtus*, which he goes about to prove from *Strabo:* But he had better kept to *Veremundus.* After him ſucceeded *Caratacus*, born at *Caractonium*, a City of the *Silures*, ſaith *Hector*, and that he might be ſure to confound all, he ſaith, his Siſter *Voada* was married to *Arviragus*, King of the *Britains*; But he divorced her, and married *Geuiſſa*, a Noble *Roman*; upon which *Caratacus* joined the *Britains* againſt the *Romans*, and was at laſt beaten by them, and betrayed by *Cartumandua*, his Mother-in-law, who, after his Father's death, was married to *Venuſius*, and was by *Oſtorius* carried in *Triumph* to *Rome*, from whence, he ſaith, he returned to *Scotland*, and remained to his death a Friend to the *Romans*; After *Caratacus*, *Corbred* his Brother was choſen King; who

joined

(*n*) *Brit.* p. 700.

(*o*) Nenn. c. 19.

joined with *Voada* againſt the *Romans*; And partaking of her misfortune returned into *Scotland*, and there died. His Sons being under Age, *Dardannus* ſucceeded; Who deſigning to deſtroy the right Heirs of the Crown, was himſelf taken off: And thereby Way was made for *Galdus* the true Heir to ſucceed; Who was the ſame, ſaith *Hector*, with *Tacitus* his *Galgacus*; and he confeſſes, was beaten by *Petilius Cerealis*. This King, *Buchanan* thinks, was the firſt of their Kings who fought with the *Romans*. What becomes then of the Credit of *Hector* and *Veremundus*, from whom we have ſuch ample Narrations of their engaging with the *Romans* ſo long before? From hence it is plain that *Veremundus* his *Authority* ſignified nothing with him; And yet he follows *Hector* where he profeſſes to rely upon his Authority. For *Buchanan* evidently abridges *Hector* as to the *Scotiſh* Affairs, leaving out what he found inconſiſtent with the *Roman Hiſtory*.

Hector begins his Fifth Book with the ſhort Reign and doleful End of *Luctacus*, *Galdus* his Son; who was ſucceeded by *Mogallus*, his Siſter's Son; who continued for ſome time a brave Prince, but at laſt degenerating, was killed by his Subjects. After him *Conarus* his Son, who was confined for ill management, and the Government committed to *Argadus*; Upon his death the Kingdom fell to *Ethodius*, Nephew to *Mogallus*, who was ſtrangled in his Bed by an *Iriſh Harper*: And ſo was *Satrael* that ſucceeded him, by thoſe of his Bed-chamber. Theſe are ſad Stories, if they were true, but the comfort is, there appears yet no better Authority than that of *Hector* for them. For *Fordon* hath nothing of all this; And *Buchanan* and *Leſly* take them upon *Hector*'s Credit. They ſerved *Buchanan*'s purpoſe well enough, as appears by his Book *De jure Regni apud* Scotos; And therefore he was willing to let them ſtand in Hiſtory, being none of his Invention, and knowing what uſe was to be made of them. *Donaldus*, Brother to *Ethodius*, was choſen in his room, and here *Hector* falls in with *Fordon* about *Fulgentius*, one of the Royal *Britiſh* Race, who revolted from the *Romans*, which *Fordon* had from *Geoffrey* of *Monmouth*, who calls him *Fulgenius*, and ſaith, he was driven with the *Britains* into *Albany*: But after, in a Fight with *Severus* at *York*, they were both killed. But in this *Hector* was aſhamed to follow them, allowing *Severus* to die a natural death, and *Fulgentius* to ſurvive him. As to *Donald*'s embracing Chriſtianity, he follows *Fordon*, but never quotes him; And here he never mentions *Veremundus*; As though ſo conſiderable a Point of Hiſtory needed no Authority but his own. He concludes this Book with a brief Account of *Ethodius*, Son to the former, who for his ill Government was confined by his Nobles and killed by his Guards.

In the Sixth Book he begins with a *Convention* of the *Eſtates* for the choice of a new King. And they ſet up his Son *Athirco*, who gave great hopes at firſt, but falling into Debauchery, his Nobles combined againſt him, and finding no way to eſcape, he killed himſelf. *Nathalacus*, Head of the conſpiracy ſucceeds, who was for a time Popular, afterwards Cruel, to that degree, as raiſed a general hatred of him, which ended in a Deſign to deſtroy him; Wherein they were prevented by one of his greateſt Confidents, who ſtabbed him. Then *Findocus*, eldeſt Son to *Athirco*, recover'd the Crown, who proved an excellent Prince, but was at laſt murthered by two Villains, his Brother *Carantius* being privy to it: The Murtherers were executed, but *Carantius* fled, and was afterwards a great Souldier under *Probus*, *Carus* and *Diocleſian*. This *Carantius* is the ſame whom the *Roman* Writers call *Carauſius*, as *Hector* afterwards confeſſes, who ſet up for himſelf in *Britain*; But, ſaith he, he purpoſely diſguiſed himſelf abroad. *Geoffrey* of *Monmouth* makes him a *Britain*, and calls him *Caraſſius*. (p) *Fordon* tells the main of the Story of *Carauſius* well enough; only inlarging on the Leagues he made with the *Scots* and *Picts*; And *Gothorius*, Nephew to *Fulgentius*, who ruled over the Northern *Britains*. But whence had *Hector* this Information, That he was *Carantius*, Son to *Athirco*, and Brother to *Findocus*? *Buchanan* is not aſhamed to relate the Story of *Carantius* as far as to his paſſing into the *Roman Army*, and there ſtops. But afterwards he ſpeaks of *Carauſius* his Actions in *Britain*, without any farther mention of *Carantius*; Which ſhews that *Buchanan* took, and left what he pleaſed out of *Hector*'s Hiſtory without being obliged by any Authority he produced to carry it on as he found it there.

(p) *Scotichron. l.* 2. *c.* 44.

After the Death of *Findocus*, his Brother *Donal* ſucceeded, who was ſoon killed by *Donald* of the *Iſles*, who uſurped the Kingdom, and was at laſt killed by a Conſpiracy whereof *Crathlintus*, Son to *Findocus* was the chief; Who immediately took poſſeſſion of the Crown: After him ſucceeded *Fincormachus*; both theſe died peaceably. Then aroſe a mighty Conteſt about the *Regency* between the three Nephews of *Crathlintus*; At firſt *Romachus* prevailed, but Governing cruelly, he was taken off: Then follow'd *Anguſianus*, who was killed in Battel by the *Picts*, After him *Fethelmachus*, killed in his Bed by his Harper; And laſt of all *Eugenius*, killed in Battel by the *Romans*: And ſoon after, by the Inſtigation of the *Picts* their mortal Enemies, the *Scots* were univerſally baniſhed out of *Britain* by order of *Maximus* the *Roman General*; whither they returned not till about forty years after, under *Fergus* II. And in this, as to the main part of this laſt Tragedy, *Fordon* agrees with *Hector*, *viz.* That it was occaſion'd by the *Romans* joining with the *Picts* againſt the *Scots*, in the time of *Eugenius*, who were not only beaten by them, but driven out of *Britain* into *Ireland*, and *Norway*, and other Countries.

This is the Subſtance of what theſe *Scotiſh Antiquaries* deliver concerning their remoteſt *Antiquities* to the time of *Fergus* II.

But ſeveral Arguments are of late produced to juſtifie the *Hiſtory* of *Scotland*, as it is delivered by *Hector Boethius* out of *Veremundus* and his other Authors; which muſt be briefly conſidered, before I proceed to the *Iriſh Antiquities*. And it is alledg'd, that the *Scotiſh Antiquities*, as delivered by him (for it is concerning *Hector*'s Authority which I diſpute) *have been received with great Applauſe for many hundreds of years, by all Hiſtorians, Antiquaries and Criticks of other Nations, who had any occaſion to mention their Affairs.* It will go a great way with me, if it be made appear, that there was any ſuch account received among *Learned Antiquaries* in any part of the World before *Hector*'s time. But I cannot find any one Antiquary, no not in *Scotland*, before his time, who gives the ſame Account that *Hector* doth. *The Tradition of the* Scots *peopling that part of the Iſland long before* Fergus II. I grant was a much *elder Tradition*, and is embraced by *Fordon*, and probably others before him. But *Fordon* doth not own the *Succeſſion* of the ſame number of Kings, and in ſuch a manner as *Hector* delivers them. From whence then came *Hector* to know ſo much more than *Fordon* in theſe matters? I yield *that there was ſome ancient* Chronica *before* Fordon, *which he often quotes.* But ſtill the Argument is the ſtronger againſt *Hector.* For if *Fordon* had all thoſe *Helps*, and yet knew nothing of thoſe particulars, it is a vehement Preſumption againſt *Hector*, that he took too much Liberty in thoſe many particulars, which *Fordon* paſſed over, as having nothing to ſay about them. *The more Copies they have of* Fordon *in their Monaſteries*, the more eaſily they may be convinced, how little *Hector* and he agree about the *firſt Succeſſion* between the *Fergus's*. And *if* Fordon *did agree with all their Annals*, as it now pleaded, *Hector Boethius* could not, becauſe they differ ſo much from each other; as will appear to any one that compares them. Why do we not read in *Fordon* the Authorities of *Veremundus* and *Cornelius Hibernicus*, who were certainly before his time, if ever? For we are told, *that he was Archdeacon of St.* Andrew's, *An. Dom.* 1076. *and dedicated his Book to* Malcolm Canmore; which was long enough before *Fordon*'s time. But it is ſaid, *that he is cited in a particular part of* Fordon's *Book; which could not be copied from* Boethius. It had been a much clearer Evidence, if that Place had been produced; for then we might have conſider'd whether it was a Paſſage of *Fordon*, or of one of thoſe ſeveral Writers who it ſeems wrote *Additions* and *Continuations* to him; ſuch, as beſides *Macculloch*, *Arelat* and *Walter Bowmaker* are ſaid to have been, *who continued the Hiſtories to the Reign of* James II. And yet I would be glad to ſee any Teſtimony of *Veremundus* of that Antiquity. As to the Teſtimony of *Chambers*, who ſaith, *he had theſe principal Authors*, Veremund, *a Spaniard*, Turgott, Swinton, Campbel, *&c.* till ſome farther Proof be produced, I have reaſon to ſuppoſe, it was the ſame Caſe as to him with that of Sir *R. Baker*, which immediately follows; For we are told, *that he likewiſe quotes this* Veremund *among the Authors out of whom he compiled his Hiſtory, and likewiſe* Campbel *and* Turgott. And if we have no more ground to believe that *Chambers* had them, than Sir *R. Baker*, the matter muſt remain in as much obſcurity as before. For no one imagines that Sir *R. Baker* had all thoſe Authors by him which he there mentions; but he ſets down the Names of thoſe whoſe Authorities he relied upon, although he found them quoted by others. And he is not the only perſon in the World who hath cited the Authority of Books which he never ſaw; The ſame is to be ſaid of *Hollinſhed*. But if ſuch kind of Proofs muſt paſs for *evident Demonſtrations, that the* Scots *had ſuch Hiſtorians as* Veremundus *and the others before mentioned*; I wonder the ſame Learned Author ſhould ſhrink ſo much the *Faith of Hiſtory* as to allow that deſpicable thing, called *Moral Certainty, to be a ſufficient Probation for it*; For ſcarce any Hiſtory can be mention'd, but may have ſuch kind of *evident Demonſtrations* to prove it. Well, *but* Balæus, *a Learned Engliſh-man, and* Geſner, *and other famous Strangers, quote* Veremundus. But ſo do not *Boſton* of *Bury*, nor *Leland*, who had written of the *Britiſh* and other Writers before the time of *Hector Boethius*. And thoſe were Men who ſearched all our Libraries for the ancient Books in them, and have digeſted them with great Care; and *if* Veremundus *with other MSS. were brought into* England *by* Edw. I. as is now ſuggeſted, it could hardly have eſcaped the diligence of thoſe Men. But thoſe who lived after *Hector Boethius* publiſhed his Hiſtory, took his word for *Veremundus*, and entred him into their Catalogues; as *Voſſius* hath done many whom he never ſaw. *But* Eraſmus *ſaith that* Hector *was a Perſon who* *could not lye.* That was more than *Eraſmus* could know, unleſs he had been by when he wrote his Hiſtory and compared it with the Authors he pretended to follow. As to *Paulus Jovius*, he was a fit Second to *Boethius*; but I am ſure *Eraſmus* would not have ſaid of him, *that he could not lye.* For *Hector*'s *pretending to have his Books from the Iſland* Iona, I have given an Account of it already, and ſhew'd how inconſiſtent his own relation thereof is. But all this while, *Where is the great Applauſe of theſe* Scotiſh *Antiquities for many hundreds of years by all Hiſtorians, Antiquaries and Criticks of foreign Nations?* When not ſo much as one is produced, who lived before *Hector Boethius*, and, I think, that was not *many hundred years* ſince.

But whatever becomes of *Veremundus*, we are told, *That the Black-book of* Scoon, *containing the* Scotiſh *Hiſtories from the beginning, was among Preſident* Spotſwood'*s Books, and given to* Lambert, *and by him to Colonel* Fairfax. All this, I am afraid, is a great miſtake for a *Black-book* of *Fordon*'s, which was brought out of *Scotland* and preſented to the late King by a Gentleman of that Name, as ſome yet living can atteſt. But no ſuch thing as the *Black-book of Scoon* was ever heard of here; and if any ſuch could be found, we ſhould be ſo far from ſuppreſſing any thing that tended to the *Glory* of the *Scotiſh Nation*, that ſome here would be very glad to publiſh it, with all other ancient Annals which themſelves would think fit to be printed; whether it be the *Black-book* of *Paſley*, *Pluſcardin*, or any others. We do not deny that they had any ancient Annals or Regiſters in their Monaſteries; but we deſire to be better acquainted with them; and it is no good Argument, they can tell us where to find them, that they are ſo careful to let us know how they came to loſe them.

But, after all this Fencing, it is poſitively ſaid, *that the ſureſt foundation of all Hiſtory is the common belief and conſent of the Natives.* But what if the Natives of ſeveral Countries differ from each other? It may be reaſonable to believe neither, but it is not poſſible to believe both. What if they had for a long time no certain way of conveying their Hiſtories from one Age to another? It is poſſible *Oral Tradition* may preſerve ſome general ſtrokes of the ancient Hiſtory of a Country; but it is hardly credible, that ſo many particulars as *Boethius* hath in the firſt Race of Kings could be kept ſo diſtinctly by the force of Tradition. *The caſe of the old World* is vaſtly different from any other People ſince the ſhortning of Mens Lives; and whatever Nation wanted Records, could never make out the Credibility of their Hiſtory to other People. We do not deny the *Annals of the* Jewiſh *or* Roman *Prieſts*; but we think *Annals* and *Oral Tradition* are two things; when *Annals* are produced, we muſt weigh and conſider them, and compare the *Annals* of ſeveral Nations together, that we may better judge which are to be relied upon.

And yet we are told again, *that when Hiſtories are formed out of ancient Records, there is no farther need to produce them; for Papers may be loſt by accident, but the Hiſtories taken out of them are to be believed, although the Records cannot be found; as it is in reſpect of the Hiſtories of* Rome *and* Greece, *whoſe Authority remains, although the Teſtimonies on which they relied are not extant.*

So that at laſt Geoffrey of *Monmouth* muſt be believed as to the *Britiſh Antiquities*, as well as *Hector Boethius* as to the *Scotiſh*. For *Geoffrey* doth no more pretend to invent his Hiſtory than *Hector*: and

Hunibaldus is as good an Author as either of them; and *Keting* as good as *Hunibaldus*. For they all equally pretend to derive their Hiſtories from *ancient Records* and the *Tradition* of the *Natives*; and all theſe having formed their Hiſtories out of theſe ſubſtantial Grounds, we are to ſearch no farther; but to believe them all however improbable in themſelves, and contradictious to one another.

The caſe is very different as to the Learned *Greek* and *Roman Hiſtories*, from thoſe of the modern barbarous Nations; which were plainly made in imitation of them, as will appear afterwards. And as to the *Greeks* and *Romans*, there is a conſiderable difference to be made between the *Hiſtories* that related to the times before they had written Annals and after. Can any Man imagine that there is as great reaſon to believe the firſt Accounts of *Greece* as thoſe that were written after the *Peloponneſian War*? Or, that the *firſt beginnings* of the *Roman Monarchy* by *Romulus* are delivered with as much certainty as the *Carthaginian War*? The moſt judicious Writers among the *Greeks* and *Romans* did make allowance for the *Obſcurity* of *ancient Times*, when many things were utterly loſt, and others very imperfectly delivered: What Reproach then is it to any modern Nations to ſuppoſe their *Hiſtories* to have had the ſame Fate the *Greeks* and *Romans* had? Only in this reſpect they are liable to greater Diſpute, becauſe they pretend to give an exact Account of thoſe times before they had any *Annals* or written *Records*; and in this Caſe, the more exact and particular the more ſuſpicious. And we have more certain Rules of trying their ancient Hiſtories, than the *Greeks* and *Romans* had; becauſe we have the Accounts of ſeveral *Nations* to compare together; and undoubted *Teſtimonies* of other Writers to examine them by. And if they be not found faulty by ſome of theſe ways, we are contented to let them paſs.

But as to the *Scotiſh Antiquities*, we not only object the want of ſufficient *Antiquity* in their written *Records*, but their Inconſiſtency with approved Writers, in the moſt ancient Account they give of the firſt ſettling of the *Scots* ſo early in *Britain*. And which yet adds more to the Suſpicion, the *Iriſh*, from whom they deſcend, give a far more different Account of their firſt coming than themſelves do; as will appear by what follows.

For, The *Iriſh Antiquaries* will by no means allow the Account given by *Hector* Boethius; And ſay, *He had not regard to Truth in the Writing of it*; Particularly, as to *Simon Brek*'s coming out of *Spain*, and bringing *the fatal Chair* with him, which they ſay are both falſe, and the main ground they inſiſt upon is, That they are contrary to the Relation of the (q) *Old Iriſh Antiquaries* who deſerve far more Credit.

I ſhall therefore ſet down the Account they give, and conſider the Credit they deſerve.

The beſt Account we have from (r) them is this;

(1.) *That* Ireland *was firſt planted after the Flood, by one* Ciocal, *with a Fleet, wherein every Veſſel had fifty Men and fifty Women*; *And this*, *Keting* ſaith, *happen'd about* 100 *Years after the Deluge*. But ſince ſuch remote *Antiquities* are very tender things, I ſhall not with a Beſom ſweep them all away at once, but gently take them in Pieces, and lay them open as I paſs along. Now I deſire to know what Foundation there is for our believing a thing ſo unlikely, as the *Peopling* of *Ireland* in this manner

(q) Cambrenſis *everſus per* Grat. Lucian. *c.* 8. *p.* 61.

(r) Proſpect of *Ireland* by *P. W. p.* 6.

manner, with ſuch a Fleet, ſo ſoon after the Flood? It was a long time after this before the *Phœnicians* had any Skill in Shipping; to whom the *Romans* attributed the Invention of it. And certainly the Expedition of the *Argonautæ* had not made ſuch a noiſe among the *Greeks* ſo long after the *Flood* (but twenty Years before the Deſtruction of *Troy*, as (*s*) *Scaliger* ſaith, which happen'd in the time of the *Judges*) if the Skill in Shipping had been ſo great within 100 Years after it? Yet, if that Expedition were ſuch as (*t*) *Olaus Rudbeck* deſcribes it, it was far more conſiderable than is commonly thought. For he ſaith, They not only entred the *Euxine Sea*, but he proves from *Orpheus* and *Diodorus Siculus*, that they ſailed up the *Tanais*, from whence *Hornius* in his Map ſaith, They went into the *Mare Cronium*, and ſo came round *Egypt*, paſſing between *Britain* and *Ireland*, and returning home by the Straits. But *Rudbeck* finds a Paſſage for them from the *Tanais* to the *Volga*, and ſo to the Lake of *Fronoe*, the Head of the *Volga*, and then by *Rivers* into the *Baltick Sea*, and ſo about the *Scythian* Promontory to *Irene* (*Ireland*) and *Peuceſſa* (*Britain*) and to *Auſonia* (*Italy*) and *Trinacria* (*Sicily*) and ſo home to *Iolcos*. If this were a mere Poetical Fancy, yet it was extraordinary, ſince it agrees with the exact Deſcription of the *Northern Countries*, ſaith *Rudbeck*, far more than *Ptolemy* doth. I will ſuppoſe this *Orpheus*, who wrote the *Argonauticks*, to be neither the *Old Orpheus*, nor *Onomacritus*, but *Orpheus* of *Crotona*, to whom *Suidas* attributes the *Argonauticks*, who lived in the time of *Piſiſtratus*; yet it is very much for him then to deſcribe theſe Parts of the World, as he doth; and to mention *Ireland* as a Country then known to the *Greeks*. And *Feſtus Avienus*, deſcribing the Voyage of *Himilco* the *Carthaginian* (ſpoken of by (*u*) *Pliny*) ſpeaks of *Ireland* as then eſteemed *Sacred* in theſe remarkable Verſes:

(*s*) *Animad. in* Euſeb. *Chron.* p. 46.
(*t*) *Atlant.* c. 26.
(*u*) *L.* 2. *c.* 67.

Aſt hinc duobus, in ſacram, ſic Inſulam
Dixere priſci ſolibus curſus rati eſt
Hæc inter Undas multum ceſpitem jacit
Eámque latè Gens Hibernorum *colit*
Propinqua rurſus Inſula Albionum *patet.*

Nothing can be plainer, than that he here ſpeaks of *Ireland* and *Britain*, as then known by *Himilco*; For *Feſtus Avienus* ſaith, *He took this Deſcription from the* Phœnician *Annals, in which this Voyage was inſerted.* And it is very ſtrange to me that (*w*) *Olaus Rudbeck* ſhould here change the *Hiberni* into *Hyperborei*, eſpecially when he allows *Albion* to ſtand for *Britain*. But theſe are undoubted *Teſtimonies* of the ancient Peopling of *Ireland*: and of far greater Authority than thoſe domeſtick Annals now ſo much extolled. But muſt we follow *Keting*, becauſe he follows the old Annals in this Tradition of the firſt Peopling of *Ireland*? And why not then *in the Story of* Seth *and three Daughters of* Cain *viewing* Ireland? And of *the three Fiſhermen of* Spain *being Wind-driven thither the Year before the Flood*? And of *Keaſar* the *Daughter of* Bajoth, *Son of* Noah, *coming thither with three Men and fifty Women, to ſave themſelves from the Flood*? Are not all theſe fine Stories in the ſame *Iriſh Annals*? *But* Keting *rejects them*; And what then? Doth this make for or againſt the *Authority* of theſe *Annals*, that even *Keting* looks on theſe as *Poetical Fictions*? But he ſaith,

(*w*) Atlantic. p. 475.

The beſt Iriſh *Antiquaries did of Old look on theſe as fabulous.* Poſſibly the two former they might; But do they indeed reject the Story of *Keaſar* and her *Companions?* (x) *Giraldus Cambrenſis* quotes the moſt *ancient Hiſtories* of *Ireland* for this Tradition; and they confirm it by *the Names of the Place where ſhe landed, and where ſhe was buried.* And (y) *Gratianus Lucius* confeſſes, that *he had the ſight of their ancient Annals;* and he ſuſpects that he made away many of them. If ſo, *Keting* had fewer advantages than *Giraldus* for the *Old* Iriſh *Antiquities.* But if theſe *Old Annals* be of ſo little Authority in this Story, What Credit do they deſerve in this early Plantation after the Flood? But to proceed in the *Iriſh* Account, It is ſaid,

(x) *Topogr. Hib. Diſt.* 3. *n.* 1.
(y) Cambrenſis *everſ. p.* 40.

(2.) *That* Bartholanus *and his three Sons, about three hundred Years after the Flood, landing in* Ireland *with a thouſand fighting Men, had many doughty Battels with the Poſterity of* Ciocal; *And at the end of three hundred Years they were all conſumed by a Peſtilence.*

This Story, I confeſs, is in (z) *Nennius*, and (a) *Giraldus Cambrenſis*; But it is a very obvious Queſtion, if they all died, How their Memory came to be preſerved, and even the memory of that Peſtilence which deſtroy'd them all? But to this *Giraldus* gives a very ſubſtantial Anſwer out of the ancient *Annals*, viz. *That only one* Ruanus *eſcaped, who lived to St.* Patrick'*s days, and was baptized by him:* (in a good old Age certainly, for he muſt be born within ſix hundred Years after the Flood; And it was above four hundred and thirty Years after *Chriſt* before St. *Patrick* was deſigned for *Ireland.*) This *Ruanus*, ſay the *Iriſh* in *Giraldus*, was the true Relator of the *ancient Hiſtory of* Ireland *to St.* Patrick, and who can queſtion the Teſtimony of ſuch an authentick and truly ancient Witneſs? A late (b) *Iriſh* Antiquary ſaith, he continued ſo long by a *Pythagorean* Tranſmigration; but it was much he could retain theſe things in his Memory under all his Tranſmutations.

(z) Nenn. *c.* 6.
(a) *Diſt.* 3. *c.* 2.
(b) *Ogyg. Inſula. p.* 4.

But as to this *Bartholanus* (who is called by *Nennius*, *Bartholomeus*, but by *Geoffrey*, *Partholomeus*, by *Fordon*, *Partholonius*) we read in the (c) *Britiſh* Hiſtory, *That when* Gurguintus *returned from* Dacia, *he found* 30 *Ships near the* Orcades *full of Men and Women, and ſending to enquire who they were, their Commander,* (c) Bartholomeus, *ſaid, They were driven out of* Spain *to ſeek a Countrey to live in, and beg'd ſome part of* Britain, *for they had been a year and a half at Sea; But he ſent them into* Ireland, *then void of Inhabitants, which they planted, and there continued to this day.* It ſeems there was a *Tradition* in *Nennius* his time, *Anno Dom.* 830. *That* Ireland *was Peopled from* Spain; *And that one* Bartholonus, *or* Bartholomeus, *was the Leader of them*; But *Geoffrey* would not let them go thither without leave from the *Britains*; But *Nennius* hath nothing of it, and that part *concerning being a year and a half at Sea*, *Nennius* applies to *Nimech*, as he calls him, but the *Iriſh*, *Nimead*; and he ſaith, *after his abode in* Ireland, *he returned to* Spain. Then, *Nennius* ſaith, *Three Sons of a* Spaniard *came with thirty Veſſels, and thirty Women in each of them, who ſaw a Towr of Glaſs in the middle of the Sea, and Men upon it, who would give no Anſwer, wherefore they reſolved to aſſault it with all their Veſſels, except one, which was Shipwreck'd, having thirty Men, and as many Women, in it, all the reſt were ſunk in the Attempt of the Caſtle, and from thoſe thirty Men and thirty Women,* ſaith *Nennius*, *all* Ireland *was Peopled.* Here we ſee how far *Geoffrey* differs from *Nennius*; and alters the old *Traditions* as he thought fit. But

(c) De Orig. *& Geſtis* Briton. *l.* 1. *c.* 20.
(c) De Orig. *& Geſtis* Briton. *l.* 1. *c.* 20.

Nennius goes on, and ſaith, *That more ſtill came from* Spain, *and the laſt was one whom he calls* Clamhochor, *and his Company.* But the Interpolator of *Nennius* (whether *Samuel Beulanus* or another) there obſerves, *That there is no certain Account of the Original of the* Scots; So the *Iriſh* were then called. But yet *Nennius* relates, from the *Iriſh Antiquaries*, the Story of the Noble *Scythian*, who was Son-in-law to *Pharaoh*, and his Expulſion out of *Egypt*, and coming at laſt to *Spain*, and thence to *Ireland* above a thouſand Years after the *Egyptians* were drowned in the Red Sea; And firſt ſettled in *Dalrieta*, which he underſtands of that Region in *Ireland*; But the *Scotiſh Antiquaries* apply it to the *Countrey* which had the ſame Name in *Scotland*. So that here we have very different Accounts, that were given ſo long ſince as the time of *Nennius*; and no way found then, to diſtinguiſh the true from the falſe, or the certain from the uncertain. But of that more afterwards. Now to go on to a farther Account from the *Iriſh* Authors, who ſay,

(3.) *That thirty Years after,* Nemedus, *another* Scythian, *with his four Sons, arrived in* Ireland *with a good Fleet, and fought with the remainder of the Giants, but by another Peſtilence were driven off, under the Conduct of three Captains,* Simeon Breac, Ibaath, *and* Briotan, *and the two former ſailing to* Greece; Briotan, *with his Adherents, landed in the North of* Britain, *now called* Scotland; *And by theſe, and their Poſterity remaining there, gave the Denomination of* Britain *to the whole Iſland.* And this we are told is affirmed by the *Holy* Cormach, *King of* Munſter *and Biſhop of* Caſhel, *in the* Pſalter *of* Caſhel. And all the Chronologers of *Ireland* agree with him. This *Pſalter* of *Caſhel* is one of the moſt authentick Hiſtories among them, and ſo called becauſe done in *Verſe*; And (*d*) it is ſaid, *That the more remote Antiquities in it were taken from another Book made* 1200 *Years ſince, collected out of all the former Chronicles of that Nation, and allowed in a ſolemn Convention of the Eſtates at* Tarach, *under* Laogerius, *in the time of St.* Patrick, *who was one of the* Committee *appointed for the ſuperviſing of it. And this Book was called the* Pſalter *of* Tarach.

(*d*) Proſpect of *Ireland*, *p*. 350.

p. 46.

This I confeſs goes much beyond what can be ſaid for *Geoffrey* of *Monmoth*, or *Hector Boethius*. But yet methinks there ſeem to be ſome Reaſons, why theſe *Annals* ſhould not have ſuch a mighty Authority with us. For we cannot be certain that there ever were ſuch *Annals*, or that theſe *Annals*, if they were ſo exactly drawn up, are ſtill preſerved. For not only (*e*) *Gratianus Lucius* complains for the loſs of their *old Annals*; But (*f*) *Jocelin*, in the Life of St. *Patrick*, concludes with ſaying, *that many of their Writings relating to him, were burnt by the fury of the Pagans while they governed in* Ireland. By theſe *Pagans* the *Danes* are meant, and *the Slavery under them is* (*g*) *ſaid to be worſe than* Egyptian, Circaſſian, *or any other mention'd in Hiſtory.* And particularly it is ſaid, *That the Clergy were baniſh'd into Bogs, Woods and Caves, where they were fain to lurk ſeveral Years like wild Beaſts; And that none were ſuffered to keep School, or to be taught any kind of Learning, not even in their own Houſes:* And which is yet more to the purpoſe, *None were ſuffer'd to have any kind of Book; But all Books the* Danes *could light upon, were either burnt, or taken away from them.* It is poſſible their *Annals* might eſcape ſuch a Storm as this, but it doth not ſeem altogether probable; Eſpecially conſidering, that this firſt *Slavery* under the *Danes* continued *Forty Years*, in which, they ſay, *all their famous*

mous

(*e*) Cambrenſis *everſ*. p. 40.
(*f*) *Vita* Patricii, *c*. 196.
(*g*) Proſpect of *Ireland*, *p*. 139.

p. 141.

mous Monaſteries, Cells, Univerſities, Colleges were deſtroyed, not one being left in the Land. And it is withal ſaid, *That although other Loſſes might be recover'd, yet their Libraries were never recover'd. Only ſome few Religious Men preſerved ſome of their Books.* But we have no aſſurance that the *old Annals* were among them. Or if they were then, That they could eſcape the *Second* Daniſh *Invaſion*, which continued for a hundred and fifty Years. In which (*h*) *Colganus* ſaith, *The* Iriſh *Antiquities had an irrecoverable Loſs, at leaſt*, he ſaith, *not yet recover'd*. And yet he had *Cormach's Pſalter*, or the *Pſalter of Caſhel*, *Tigernacus* his *Annals*, or the *Annals Cluanenſes*, the *Annals Inſulenſes*, compoſed by one *Magraidin*, in the *Iſland* of *All-ſaints*, in the County of *Longford*, which he deduces to *Anno Dom.* 1405. The *Annals* of *Ulſter*, by one *Maguir*, Canon of *Armach*, deduced to his own time, who died *Anno Dom.* 1498. And the *Annals* of *Dungall*, compoſed by four modern Authors out of all their former Annals; But among all theſe, there is nothing pretending to *Antiquity*, but the *Pſalter* of *Caſhel* and *Tigernacus*; yet the *Pſalter* of *Caſhel* falls ſhort of the time of *Nennius*, for *Cormach*, King of *Munſter*, the ſuppoſed Author of it, lived after the beginning of the 10*th Century*, being killed by *Flannbac Siona* (called *Flannus Siuna* by (*i*) *Gratianus Lucius*) who died *Anno Dom.* 914. or as Sir *James* (*k*) *Ware* thinks, *Anno Dom.* 916. And for *Tigernacus* his *Annals*, the four *Magiſtri*, as *Colganus* calls them, or the *Annals* of *Dungall* are poſitive, that *Tigernacus ô Braion*, the *Author* of them, died (*l*) in the 11*th Century*, *Anno Dom.* 1088. There remains only the *Pſaltuir Na-Ran*, written by *Aonghais Ceile de*, or by *Ængusius*, one of the *Culdees*, who lived in the latter end of the 8*th Century*, as the ſame *Iriſh Antiquary* confeſſes, who withall ſaith, *That all the Works contained therein relate only to Matters of Piety and Devotion*, which therefore can ſignifie nothing to our purpoſe. So that nothing appears of the *Iriſh Antiquities* which can pretend to be written before the *Daniſh Invaſion*; And although we are told, *that theſe Annals were taken out of others more ancient*; yet we have barely their Word for it; for thoſe ancient *Annals*, whatever they were, are irrecoverably loſt; So that there can be no compariſon of one with the other. And how can they be ſo certain of the exactneſs uſed in the *Parliament* of *Tarach* to preſerve their *Annals*, if there be no *ancient Annals* to preſerve the Memory of the Proceedings at that time? It was a very extraordinary Care for the Eſtates of the whole Nation to preſerve their *Annals*; if we could be aſſured of it: Which doth much exceed the *Library of Antiquities* which (*m*) *Suffridus Petrus* ſpeaks of, *ſet up*, as he ſaith, *by* Friſo, *the Founder of the* Friſians, *at* Stavera, *near the Temple of* Stavo, *in which not only the ancient Records were preſerved from time to time; But the Pictures of the ſeveral Princes, with the times of their Reigns, from An.* 313. *before* Chriſt*'s coming, to* Charlemagn*'s time; The like whereof*, he ſaith, *no* German *Nation can boaſt of*; But yet methinks the Poſterity of *Gaithelos* exceeds that of *Friſo's* in the Care of Preſerving their Antiquities; For the Wiſdom of the whole Nation was concerned in it. But I never read of any who ever ſaw this *Library* of *Antiquities* at *Stavera*, but we muſt believe *Cappidus Staverenſis* and *Occa Scarlenſis*, as to theſe things; And that they ſaw the Records, as *Hector* did *Veremundus*, although none elſe ever did. But as to this *Parliament* of *Tarach*, which was careful to preſerve the *Iriſh Antiquities*; Whence have we this Information? Are the *Acts* of that *Aſſembly* preſerved? Are any

p. 146.

p. 150.

(*h*) *Acta Sanct. Hibern. Praef. ad Lector.*

(*i*) Grat. Lucius Cambr. *everſ.* p. 78.

(*k*) *Antiq. Hibern.* p. 26.

(*l*) *Acta Sanct. Hibern.* p. 108.

p 8.

p. 579. 582.

(*m*) *De Orig. Friſic.* l. 3. c. 4.

Copies of thoſe *Annals* ſtill in being? *Yes*, we (n) are told, *that the keeping of the Original Book was entruſted by the Eſtates to the Prelates, and thoſe Prelates, for its perpetual Preſervation, cauſed ſeveral authentick Copies of it to be fairly engroſſed, whereof ſome are extant to this day, and ſeveral more faithfully tranſcribed out of them; their Names being the Book of* Ardmach, *the* Pſalter *of* Caſhel, *&c.* It ſeems then, theſe are the *Tranſcripts* of the *Original Authentick Book*, allowed by all the Eſtates of the Kingdom. But the Book of *Ardmach* is a late thing, being the ſame with the *Annals* of *Ulſter* compoſed by a Canon of *Ardmach*: So that the whole reſts upon the *Pſalter* of *Caſhel*, which muſt be compoſed 500 Years after the meeting of that famous Aſſembly. For St. *Patrick* was one of the number, and it was done in the time of *Laogirius*, or *Leogarius*, King of *Ireland*, who died, ſaith (o) *Gratianus Lucius*, *Anno Dom.* 458. But King *Cormach* lived in the 10*th Century*; And therefore an account muſt be given, how this *Original Book* or *Authentick Copies* were preſerved for that 500 Years and more, in the miſerable Condition that Nation was in, a great part of that time.

So that the Difference is not ſo great between the *Authority* of *Geoffrey* of *Monmouth* and theſe *Annals*, as is pretended. For I ſee no Reaſon why the Story of *Brutus* ſhould be thought more incredible than that of *Ciocal*, *Bartholanus* and *Nemedus*, with his Son *Briotan* that gave the Name to *Britain*; And eſpecially the Story of *Gaithelos* himſelf, his Marriage in *Egypt* to *Scota*, coming to *Spain*, and thence his Poſterity to *Ireland*; which ſeems to me to be made in imitation of *Geoffrey's Brutus*. For *Brutus* married *Pandraſus* his Daughter, the King of *Greece*, and then was forced to ſeek his Fortune at Sea, and paſſing by *Mauritania*, juſt as *Gaithelos* did, the one landed in *Gaul*, and came for *Albion*; And the other in *Spain*, and ſent his Son for *Ireland*. And I wonder to find (p) *Brutus* his Giants in *Albion* of ſo much larger Proportions than the Giants in *Ireland*, who are ſaid, *not to exceed the talleſt growth of Men*; For I had thought *Giants* had been *Giants* in all Parts of the World. *Suppoſe ſome Learned Men have queſtion'd, Whether there were ſuch a Perſon as Brute*; I ſhould think it no more Hereſie, than to call in queſtion, Whether there were ſuch Perſons as *Ciocal*, *Bartholanus*, *Briotan* or *Gaithelos*; If the ſilence of good Authors, the diſtance of Time, and want of *ancient Annals* complained of, makes the *Hiſtory of Brutus* ſo hard to be believed, I only deſire that theſe *Iriſh Traditions* may be examined by the ſame *Rules*, and then, I believe, the *Iriſh Antiquities* will be reduced to the ſame Form with the *Britiſh*; Only *Geoffrey* had not ſo lucky an Invention, as to have his *Hiſtory* confirm'd by *Parliament*. For, if he had but thought of it, he could have made as general an *Aſſembly* of the *Eſtates at Lud's Town*, and as ſelect a *Committee* of *Nine*, as ever was at *Tarach*. But all Mens Inventions do not lie the ſame way; And in this, I confeſs, *Keting* or his Authors have very much exceeded *Geoffrey* and his *Britiſh MS.* And upon the whole matter I cannot ſee that the *Iriſh Chronologers* and *Hiſtorians* have ſo much more probability in their Story of *Briotan* than the *Britiſh Writers* had in the *Tradition* of *Brute*. For it is certain, it was not originally the Invention of *Geoffrey*, only he might uſe ſome art in ſetting it off, as he thought, with greater advantage than the *Britains* had done before him.

But ſtill we are referr'd *to the Authority of the* Iriſh *Monuments in the* Pſalter *of* Caſhel *written* 800 *years ſince by the holy* Cormach, *both King and*

(n) Proſpect of Irel nd, p. 47.

(o) Cambr. everſ. p. 73.

(p) Proſpect of Ireland, p. 338. p. 7. p. 347.

and Biſhop of Munſter. Let us then, for once, examine one part of the Hiſtory taken from thence, and then leave the Reader to judge, whether it deſerves ſo much more Credit than the *Britiſh Antiquities*; And that ſhall be concerning the *Kingdom* of the *Picts*, becauſe we are told, (q) *This is the way to end the vexatious Queſtions about them, being taken out of the moſt authentick Records of* Ireland, *which are of ſuch irrefragable Authority, That ſome are perſuaded, had they been known to* Camden, *he would never have diſputed the matter.* And ſo I think too. But this irrefragable Authority is that of the *Pſalter of Caſhel*; From whence we are inſtructed in theſe Particulars: (1.) *That the* Picts *ſerved in* Thracia, *under one* Polycornus, *a King of that Country; where their General* Gud *took away the King's Life, to prevent an Attempt on his Daughter.* And did not *Brutus* ſerve King *Pandraſus* with his Army not far off in *Greece?* And methinks *Pandraſus* is as good a Name for a King of *Greece* as *Polycornus* for the King of *Thrace*. But where are either of them to be met with elſewhere? (2.) *That upon this the General and his Army fled the Country, roamed up and down at Sea till they came to* Gaul, *and there they founded the City of* Pictavia. This is juſt *Geoffrey*. For *Brutus* came to *Gaul* too, and there fought with *Groffarius*, King of the *Picts*, and founded the City of *Tours*, which had its Name from *Turonus*, *Brutus* his Nephew. (3.) *That upon the ſame Occaſion they were forced to leave* Gaul, *and to go for* Ireland, (as *Brutus* did for *Albion*) *where they were entertained, to fight with the* Britains; Who it ſeems made very early Invaſions upon *Ireland*, which ſtill agrees with *Geoffrey*'s Hiſtory. (4.) The Story of the Advice of *Troſdan, the* Pictiſh *Magician, for the* Iriſh *Army to bath in the Milk of* 150 *White, Crumple-horned Cows, as an effectual Antidote againſt the envenom'd Arrows of the* Britains, and the ſtrange Succeſs upon it, is hardly to be matched in *Geoffrey*. (5.) *That the* Picts, *growing inſolent, were forced by* Herimon *to retire to the Northern Parts of* Britain, *Only with three* Iriſh *Women*, whatever *Bede* ſaith of more; or, how differently ſoever he relates the whole Story of the *Picts*; For what is *Bede's*, a poor *Monk*'s Authority, to King *Cormach*'s? (6.) *That from* Cathluan, *Son to* Gud, *there was a conſtant Succeſſion of Kings of the* Picts *in that Country.* But not more exact than the Succeſſion of *Britiſh* Kings from King *Brutus*. And now I leave the Reader to judge whether *Geoffrey* be not hardly dealt with, when ſuch Authors are prefer'd ſo much before him. We now return to the farther Account which the *Iriſh Antiquaries* give of their own *Antiquities*.

(q) Proſpect of Ireland, p. 490.

p. 491.

(4.) We are then to underſtand, that, beſides the Race deſcended from *Nemedus, there was another called* Clanna Gaoidhel, *or Poſterity of* Gaithelos; concerning whom theſe things are affirmed. (1.) *That he deſcended from* Niul, *a younger Son to* Feanuſa Farſa, *King of* Scythia, *who, travelling into* Egypt, *had a Country there given him by* Pharaoh Cingeris *called* Capacyront (I ſuppoſe in the old *Egyptian* Language) *who was married to* Pharaoh'*s daughter called* Scota. Whereas the *Scotiſh Antiquaries* do peremptorily affirm, it was *Gaithelos* himſelf was married to her. But we ought not to forget, that *this* Scythian *King had a celebrated School on the Plain of* Sennaar, *and one* Gaodel, *being there employ'd to compoſe or refine the* Iriſh *Language, called from him* Gaodhelc *or* Gaodhlec. This is a Strain beyond *Geoffrey*, who never thought of bringing the *Britiſh* Language from the Plain of *Sennaar*. (2.) *That* Gaodhel's *Poſterity continued in* Egypt *till the time of his Grandchild*

p. 111.

p. 324.

p. 332.

Copies of thoſe *Annals* ſtill in being? *Yes*, we (*n*) are told, *that the keeping of the Original Book was entruſted by the Eſtates to the Prelates, and thoſe Prelates, for its perpetual Preſervation, cauſed ſeveral authentick Copies of it to be fairly engroſſed, whereof ſome are extant to this day, and ſeveral more faithfully tranſcribed out of them; their Names being the Book of* Ardmach, *the* Pſalter *of* Caſhel, *&c.* It ſeems then, theſe are the *Tranſcripts* of the *Original Authentick Book*, allowed by all the Eſtates of the Kingdom. But the Book of *Ardmach* is a late thing, being the ſame with the *Annals* of *Ulſter* compoſed by a Canon of *Ardmach*: So that the whole reſts upon the *Pſalter* of *Caſhel*, which muſt be compoſed 500 Years after the meeting of that famous Aſſembly. For St. *Patrick* was one of the number, and it was done in the time of *Laogirius*, or *Leogarius*, King of *Ireland*, who died, ſaith (*o*) *Gratianus Lucius*, *Anno Dom.* 458. But King *Cormach* lived in the 10*th Century*; And therefore an account muſt be given, how this *Original Book* or *Authentick Copies* were preſerved for that 500 Years and more, in the miſerable Condition that Nation was in, a great part of that time.

(*n*) Proſpect of *Irel nd*, p. 47.

(*o*) Cambr. *everſ. p.* 73.

So that the Difference is not ſo great between the *Authority* of *Geoffrey* of *Monmouth* and theſe *Annals*, as is pretended. For I ſee no Reaſon why the Story of *Brutus* ſhould be thought more incredible than that of *Ciocal*, *Bartholanus* and *Nemedus*, with his Son *Briotan* that gave the Name to *Britain*; And eſpecially the Story of *Gaithelos* himſelf, his Marriage in *Egypt* to *Scota*, coming to *Spain*, and thence his Poſterity to *Ireland*; which ſeems to me to be made in imitation of *Geoffrey*'s *Brutus*. For *Brutus* married *Pandraſus* his Daughter, the King of *Greece*, and then was forced to ſeek his Fortune at Sea, and paſſing by *Mauritania*, juſt as *Gaithelos* did, the one landed in *Gaul*, and came for *Albion*; And the other in *Spain*, and ſent his Son for *Ireland*. And I wonder to find (*p*) *Brutus* his Giants in *Albion* of ſo much larger Proportions than the Giants in *Ireland*, who are ſaid, *not to exceed the talleſt growth of Men*; For I had thought *Giants* had been *Giants* in all Parts of the World. *Suppoſe ſome Learned Men have queſtion'd, Whether there were ſuch a Perſon as Brute*; I ſhould think it no more Hereſie, than to call in queſtion, Whether there were ſuch Perſons as *Ciocal*, *Bartholanus*, *Briotan* or *Gaithelos*; If the ſilence of good Authors, the diſtance of Time, and want of *ancient Annals* complained of, makes the *Hiſtory of Brutus* ſo hard to be believed, I only deſire that theſe *Iriſh Traditions* may be examined by the ſame *Rules*, and then, I believe, the *Iriſh Antiquities* will be reduced to the ſame Form with the *Britiſh*; Only *Geoffrey* had not ſo lucky an Invention, as to have his *Hiſtory* confirm'd by *Parliament*. For, if he had but thought of it, he could have made as general an *Aſſembly* of the *Eſtates at Lud's Town*, and as ſelect a *Committee* of *Nine*, as ever was at *Tarach*. But all Mens Inventions do not lie the ſame way; And in this, I confeſs, *Keting* or his Authors have very much exceeded *Geoffrey* and his *Britiſh MS.* And upon the whole matter I cannot ſee that the *Iriſh Chronologers* and *Hiſtorians* have ſo much more probability in their Story of *Briotan* than the *Britiſh Writers* had in the *Tradition* of *Brute*. For it is certain, it was not originally the Invention of *Geoffrey*, only he might uſe ſome art in ſetting it off, as he thought, with greater advantage than the *Britains* had done before him.

(*p*) Proſpect of *Ireland*, p. 338. p. 7. p. 347.

But ſtill we are referr'd *to the Authority of the* Iriſh *Monuments in the* Pſalter *of* Caſhel *written* 800 *years ſince by the holy* Cormach, *both King and*

and Biſhop of Munſter. Let us then, for once, examine one part of the Hiſtory taken from thence, and then leave the Reader to judge, whether it deſerves ſo much more Credit than the *Britiſh Antiquities*; And that ſhall be concerning the *Kingdom* of the *Picts*, becauſe we are told, (q) *This is the way to end the vexatious Queſtions about them, being taken out of the moſt authentick Records of* Ireland, *which are of ſuch irrefragable Authority, That ſome are perſuaded, had they been known to* Camden, *he would never have diſputed the matter.* And ſo I think too. But this irrefragable Authority is that of the *Pſalter of Caſhel*; From whence we are inſtructed in theſe Particulars: (1.) *That the* Picts *ſerved in* Thracia, *under one* Polycornus, *a King of that Country; where their General* Gud *took away the King's Life, to prevent an Attempt on his Daughter.* And did not *Brutus* ſerve King *Pandraſus* with his Army not far off in *Greece*? And methinks *Pandraſus* is as good a Name for a King of *Greece* as *Polycornus* for the King of *Thrace*. But where are either of them to be met with elſewhere? (2.) *That upon this the General and his Army fled the Country, roamed up and down at Sea till they came to* Gaul, *and there they founded the City of* Pictavia. This is juſt *Geoffrey*. For *Brutus* came to *Gaul* too, and there fought with *Groffarius*, King of the *Picts*, and founded the City of *Tours*, which had its Name from *Turonus*, *Brutus* his Nephew. (3.) *That upon the ſame Occaſion they were forced to leave* Gaul, *and to go for* Ireland, (as *Brutus* did for *Albion*) *where they were entertained, to fight with the* Britains; Who it ſeems made very early Invaſions upon *Ireland*, which ſtill agrees with *Geoffrey*'s Hiſtory. (4.) The Story of the Advice of *Troſdan, the* Pictiſh *Magician, for the* Iriſh *Army to bath in the Milk of* 150 *White, Crumple-horned Cows, as an effectual Antidote againſt the envenom'd Arrows of the* Britains, and the ſtrange Succeſs upon it, is hardly to be matched in *Geoffrey*. (5.) *That the* Picts, *growing inſolent, were forced by* Herimon *to retire to the Northern Parts of* Britain, *Only with three* Iriſh *Women*, whatever *Bede* ſaith of more; or, how differently ſoever he relates the whole Story of the *Picts*; For what is *Bede*'s, a poor *Monk*'s Authority, to King *Cormach*'s? (6.) *That from* Cathluan, *Son to* Gud, *there was a conſtant Succeſſion of Kings of the* Picts *in that Country.* But not more exact than the Succeſſion of *Britiſh* Kings from King *Brutus*. And now I leave the Reader to judge whether *Geoffrey* be not hardly dealt with, when ſuch Authors are prefer'd ſo much before him. We now return to the farther Account which the *Iriſh Antiquaries* give of their own *Antiquities*.

(q) Proſpect of Ireland, p. 490.

p. 491.

(4.) We are then to underſtand, that, beſides the Race deſcended from *Nemedus*, *there was another called* Clanna Gaoidhel, *or Poſterity of* Gaithelos; concerning whom theſe things are affirmed. (1.) *That he deſcended from* Niul, *a younger Son to* Feanuſa Farſa, *King of* Scythia, *who, travelling into* Egypt, *had a Country there given him by* Pharaoh Cingeris *called* Capacyront (I ſuppoſe in the old *Egyptian* Language) *who was married to* Pharaoh's *daughter called* Scota. Whereas the *Scotiſh Antiquaries* do peremptorily affirm, it was *Gaithelos* himſelf was married to her. But we ought not to forget, that *this* Scythian *King had a celebrated School on the Plain of* Sennaar, *and one* Gaodel, *being there employ'd to compoſe or refine the* Iriſh *Language, called from him* Gaodhelc *or* Gaodhlec. This is a Strain beyond *Geoffrey*, who never thought of bringing the *Britiſh* Language from the Plain of *Sennaar*. (2.) *That* Gaodhel's *Poſterity continued in* Egypt *till the time of his Grandchild*

p. 111.

p. 324.

p. 332.

Sruth, *and then being forced thence, they landed in* Creet, *where he died. And his Eldeſt Son* Eibhir Scot *went into* Scythia; *where one of his Deſcendents killed* Refloir, *the King of that Country, and was forced with his Company to the* Caſpian *Sea, and landed in an Iſland there* (juſt like *Geoffrey*'s *Largecia*, where *Brutus* landed.) *But they went from thence to* Caronia, *another Iſland in the* Pontick, *and from thence to the North end of the* Riphean *Mountains*; (a pretty kind of Compaſs!) And here, inſtead of *Diana's Oracle to Brutus*, an old *Druyd* told them, *they ſhould never fix till they came to the Weſtern Iſland, and ſo they removed to* Gothia, *and in the eighth Generation, they went to* Spain. And doth not this exceed the Story of *Brute*, in the great Probability of it, which their lateſt (r) Antiquary knows not what to make of? It is certain whoever invented it, deſigned to go beyond the Author of the former. But this is not all; For we are told farther from the ſame Authentick *Iriſh Annals* (3.) *That* Calamb (called *Milead Eſpain* or *Mileſius the Spaniard*) *great Grandchild to* Bratha, *who brought them into* Spain, *went back into* Scythia: *and there ſerved as General under* Refloir, *King of the* Scythians; *From whence, upon Suſpicions, he fled into* Egypt, *and there married* Pharaoh's *Daughter called* Scota; *And at laſt returned to* Spain, *and there founded* Braganza: And here the *Scotiſh Antiquities* fall in. But is it not a little improbable to have the ſame Scene acted twice over? Two *Gaodel*'s, two *Refloir*'s, two *Scota*'s, *twice paſſing to and fro after much the ſame manner?* We may well ſay, as our Author doth, *enough of theſe profound remote Antiquities.* For I ſhall not need now to add any thing *about the eight Sons of this* Mileſius *coming to* Ireland; And how the reſt being killed, the Country was divided between *Eibhir* and *Erimthon*; and the former being killed, the latter became the firſt *Monarch* of *Ireland*, from whom deſcended 181 *Monarchs* of this *Mileſian Race:* which muſt depend on the Credit of their *Annals*, of which I have already ſpoken.

But, in ſhort, to give the true Account of theſe *Fabulous Antiquities.* We are then to conſider, That when the *Northern Nations* began to have ſome ſmattering of the *Greek* and *Roman Learning*, they were never ſatisfied, till by one means or other, they could deduce their *Original* from ſome of the *Nations* moſt celebrated in ancient Books; Such were the *Trojans*, the *Greeks* and the *Egyptians*. As to the *Trojans*, the *Romans* themſelves had ſhewed the Way to other Nations. For there are conſiderable Arguments to prove that neither *Æneas*, nor *Aſcanius*, ever came into *Italy*; as may be ſeen in (s) *Dionyſius Halicarnaſſeus*, (t) *Strabo* and *Feſtus*, in the Word *Roma*. *Hellanicus*, in *Dionyſius*, ſaith, *That* Aſcanius (from whom *Brutus* is derived) *never left* Phrygia; *But only withdrew for a time to* Daſcylites, *near the Lake* (*from him called the* Aſcanian) *and afterwards returned to* Troy. *Strabo* ſaith, *That* Aſcanius *reigned at* Scepſis, *near the Ruins of* Troy, *and that his Poſterity continued there a long time after, with a Royal Title. Feſtus* ſhews, *that the old Authors were not agreed where* Æneas *was buried; Many were of Opinion, that he lay buried in the City* Berecinthia. And ſome in *Dionyſius* ſay, *he died in* Thrace, others in *Arcadia.* But the *Romans* making it ſo great a part of their Glory to be deſcended from the *Trojans*; Other *Nations* of *Europe*, upon the Diſſolution of the *Roman Empire*, would not ſeem to come behind them in this. So (u) *Hunibaldus* gives as formal an Account of the deſcent of the *Franks* from *Antenor*, and as good a *Succeſſion* of their Kings down from him;

(r) *Ogygia Inſul.* p. 8, 9.

p. 331.

p. 12.

p. 333.

(s) Dionyſ. *l.* 1. *p.* 39.

(t) *Geogr. l.* 13.

(u) Trithem. *Comp. Hiſt. l.* 1.

with the particular Names of Perſons, and the time of their Reigns, as either *Geoffrey* doth of the *Britiſh* Kings from *Brutus*; or *Hector* of the *Scots* from *Fergus*; or the *Iriſh Annals* from *Gaithelos* or *Herimon*. And that this is no late Invention appears from hence; That *Aimoinus*, *Ado Viennenſis*, *Abbas Urſpergenſis*, *Rorico*, *Gaguinus*, *Æneas Silvius*, and others, agree with *Hunibaldus* in the *Subſtance* of his *Story*. And (w) *Vignier* mentions ſeveral *Diplomata* of the ancient Kings of the *Franks*, to prove the *Authentickneſs* of this *Tradition*. And it is leſs to be wonder'd at, that the *Britains* ſhould pretend to be derived from the *Trojans* becauſe of the mixture of the *Romans* and them together, while *Britain* continued ſo long a *Roman Province*. From whence I ſuppoſe the firſt *Occaſion* was taken, which continued as a *Tradition* among the *Britains* for a long time before it was brought into ſuch a *Hiſtory* as we find in *Geoffrey*. That the *Tradition* it ſelf was elder than his time is certain; For even thoſe who deſpiſed *Geoffrey* embraced it, as appears by (x) *Giraldus Cambrenſis*; And in the *Saxon* times this *Tradition* was known, as is evident by the *Saxon Poet*, mention'd by (y) *Abr. Whelock*; But *Nennius* his *MS.* puts it out of diſpute, *That there was then a Tradition about the* Britains *coming from* Brute; *but he could not tell what to make of this Brute*; *ſometimes he was* Brito *the Son of* Yſicion, *the Son of* Alan, *of the Poſterity of* Japhet: And for this he quotes *the* (z) *Tradition of his Anceſtors*; But this being uncapable of much Improvement or Evidence, he then runs to *Brutus* the *Roman*; and ſometimes it is *Brutus* the *Conſul*; But that, not ſuiting ſo well, he then produces the Story of *Æneas*, and *Aſcanius*, and *Silvius*, and the *Prediction* of the *Magician*, *that his Son ſhould kill his Father and Mother*; *ſhe died in Labour, and his Father was killed by him by chance*; *However he was baniſhed from* Italy *into* Greece; *and from thence again baniſhed, and ſo came into* Gaul, *and there built* Tours, *having its Name from one of his Companions*; *And from thence he came for* Britain, *which took its Name from him, and he filled it with his Progeny, which continue to this day.* So that here we have the Foundation of *Geoffrey*'s *Hiſtory* laid long before his time; And *Nennius* his Account is mention'd by (a) *William* of *Malmesbury*, under the Name of *Geſta Britonum*; And follow'd by *Henry* of *Huntingdon*, and *Turgott*, or *Simeon Dunelmenſis*; But when *Geoffrey*'s Book came abroad, it was ſo improved and adorned with Particulars, not elſewhere to be found, that the generality of the *Monkiſh Hiſtorians*, not only follow'd, but admir'd it, and pitied thoſe that not had ſeen it, (as they ſuppoſed) as (b) *Ranulphus Ceſtrenſis* doth *William* of *Malmesbury*; But there were ſome Croſs grained Writers who called it an *Impoſture* as *Gul. Newburgenſis*; or *a Poetical Figment*, as *John Whethamſted*. But theſe were but few in Compariſon with thoſe who were better pleaſed with the Particulars of a Legend than the dryneſs of a true Hiſtory.

But this humour was not peculiar to the *Franks* and *Britains*; For the *Saxons* derived (c) themſelves from the *Macedonian* Army of *Alexander*, which had three Captains ſaith (d) *Suffridus Petrus Saxo*, *Friſo* and *Bruno*; from whom are deſcended the *Saxons*, *Friſians* and thoſe of *Brunſwick*. And (e) *Abbas Stadenſis* adds, *That not only the* Saxons, *but thoſe of* Pruſia, Rugia *and* Holſtein *came from them.* (f) *Gobelinus Perſona* relates the Particulars as exactly as *Geoffrey*, or *Hector*, or the *Iriſh Annals* do; how they were left on the *Caſpian Mountains*, and wandred up and down juſt as *Brutus* and *Gaithelos* did, till they ſettled in *Pruſſia*, *Rugen* and *Saxony*. The *Danes*, ſaith (*g*) *Dudo S. Quintin* derived themſelves from the *Danai*; The (*h*) *Pruſſians* from *Pruſias*, King of *Bithynia*, who brought the *Greeks* along with him. Only the *Scots* and *Iriſh* had the *Wit* to derive themſelves from the *Greeks* and *Egyptians* together.

(w) De Origine Francor.

(x) Cambr. Deſcript. l. 2. c. 7.

(y) Not. in Bed. c. 1. p. 25.

(z) Nenn. c. 13.

c. 2, 3.

(a) De Geſtis Reg. l. 1. c. 1.

(b) Polychr. l. 1. c. 47, 48.

(c) Witikind. l. 1.

(d) De Orig. Friſ. l. 2. c. 5.

(e) A. D. 917.

(f) Coſmodrom. æt. 5. c. 11.

We are now to ſit down and conſider, what is to be ſaid to all theſe glorious Pretences? Muſt they be all allowed for good and true Hiſtory? If not, what marks of diſtinction can we ſet between them? They all pretend to ſuch Founders as came afar off, wandred from place to place, conſulted Oracles, built Cities, founded Kingdoms, and drew their Succeſſion from many Ages; So that it ſeems unreaſonable to allow none but our own. And yet theſe *Antiquities* will hardly paſs any where, but with their own Nation; And hardly with thoſe of any Judgment in any of them. But when all this is ſaid, every one will believe as he pleaſes; But it is one thing to believe with the *Will*, and another with the *Underſtanding*.

To return now to the *Iriſh Antiquities*. And it only remains that we enquire, How the *Iriſh Antiquaries* give an Account of their *Nations* coming into the *Northern Parts* of *Britain:* And here is ſomething which deſerves Conſideration, *viz.* That they (*i*) charge the *Scotiſh Antiquaries with placing the time of* Fergus *I.* 819 *years before he landed in* Britain. *For*, ſay they, *the* Iriſh *Monuments fix on An. Dom.* 498. *as the time wherein* Fergus Mor *the Son of* Erch (whom the *Scotiſh Writers* call the Son of *Ferchard*) *with his five Brothers invaded the North of* Britain. To this purpoſe they produce the Teſtimony of *Tigernacus*, who in his Annals ſaith, Fergus Mor mhac Ercha *cum gente* Dalraida *partem* Britanniæ *tenuit, & ibi mortuus eſt.* This he writes about the beginning of Pope *Symmachus*, which was about ſix years after the death of St. *Patrick*, and very near the end of the fifth Century. Beſides another *Iriſh* Author who writes of the Kings of *Albany* who were contemporary with the Monarchs of *Ireland*, reckons twenty years between the Battel of *Ocha*, and the going of *the ſix Sons of* Erc into *Albany:* And the *Annals* of *Vlſter* place the Battel of *Ocha An. Dom.* 483. ſo that *Fergus* his coming into *Scotland* could not be before the beginning of the ſixth Century. (*k*) *Gratianus Lucius* ſaith, that the Battel of *Ocha*, wherein *Oliol Molt*, the *Iriſh* Monarch, who ſucceeded *Leogarius* was killed, was *An. Dom.* 478. Which makes but five years difference. *Farther*, ſay they, *The* Scotiſh *Antiquaries make* Reuda *the ſixth King after* Fergus. Whereas it appears by their *Annals*, (*l*) That their Monarch *Conair* had *three Sons*, called the *three Cairbres*, and the third (*m*) was *Cairbre Riada*; from whom that part of *Britain* was called *Dal Riada*, or *Dal Reuda*; But *Conair* was killed *An. Dom.* 165. and therefore this (*n*) *Reuda* muſt be 300 years before *Fergus*. The *Old MS. cited* by (*o*) *Camden*, makes *Fergus* to be deſcended from *Conair*, with which as (*p*) *Archbiſhop Uſher* obſerves the *old* Iriſh *Genealogies* agree: But he ſaith, *Conair* reign'd *An. Dom.* 215. however, long enough before the time of *Fergus*. According to this ſuppoſition, that part of *Scotland* called *Dalrieta*, or *Dalreuda*, (the bounds whereof are deſcribed by the *Learned Primate*) was inhabited long before the coming of *Fergus*; and ſo agrees with what (*q*) *Bede* ſaith, *That the* Scots *came firſt out of* Ireland *under the conduct of* Reuda, *and either by force or Friendſhip found habitations for themſelves there, which they ſtill enjoy'd, and from their Leader to this time they were called* Dal-

reudi-

(*g*) *Saxo Gram. l.* 1.

(*h*) Matth. à Mich. *l.* 2. *c.* 8. *Orig. Pruſſ. n.* 7.

(*i*) Proſpect. of *Ireland*, p. 20.

p. 367.

(*k*) Cambr. *everſ.* p. 73.

(*l*) Cambr. *everſ. p.* 69.

(*m*) Proſpect of *Ireland*, p. 370.

(*n*) p. 90.

(*o*) *Brit. p.* 707.

(*p*) Uſſer. *Prim. p.* 611.

p. 612.

(*q*) Bede, *l.* 1. *c.* 1.

reudini; *Daal* ſignifyng *a ſhare in their Language.* This *Reuda* ſeems to be the ſame with *Cairbre Riada*, the third Son of *Conair*; And if *Fergus* were deſcended from the ſame *Conair*, it gives a probable Account of *Fergus* his coming afterwards into thoſe Parts; and taking the *Government* upon him. For (*r*) *Keting* ſaith, *That* Eochac Mumreamhar *of the Progeny of* Cairbre Redhfadac *or* Riada *had two Sons*, Earcha *and* Elchon; *And from the former the Families of* Dal Riada *in* Scotland *are deſcended*; *from the latter thoſe of* Dal Riada *in* Ulſter. Which muſt be underſtood of that part of the *Ulſter Dal-riadans*, which *Fergus* carried with him: For there were the Deſcendents from *Riada* in *Scotland* before, according to the former account. But the whole matter about the Reign of *Fergus* remains ſtill very obſcure. For (1.) It ſeems ſtrange that *Bede* takes no notice at all of him, which in all probability he would have done, as well as of *Reuda*, who was leſs conſiderable. (2.) (*s*) *Jocelin* in the Life of St. *Patrick* ſaith, *That* Fergus *was one of the twelve Sons of the King of* Dalredia, *and was excluded from his ſhare by his Brethren, of whom* St. Patrick *propheſied, That from him Kings ſhould riſe, who ſhould not only Reign at home, but in a foreign Countrey*; *After which*, ſaith he, Fergus *in no long time came to be King in his own Countrey*; *And from him ſprang* Eanus, *who ſubdued* Albany, *and other Iſlands, and whoſe Poſterity ſtill reigns there*; So that if *Jocelin*'s Authority be good, *Fergus* himſelf never came into *Scotland*; But the miſtake aroſe, becauſe he was King in *Dalrieda*; Which the *Scots* underſtood of their own, and thought they had Reaſon, becauſe the Poſterity of *Fergus* reigned there. (3.) (*t*) *Giraldus Cambrenſis*, who had a Sight of the *Iriſh Annals*, never mentions *Fergus*, but only ſaith, *That in the time of* Nellus *the Monarch of* Ireland, *ſix Sons of* Mured *King of* Ulſter *ſailed into the Northern Parts of* Britain, *and there planted themſelves, from whom the* Scotiſh *Nation is derived.* This *Nellus*, whom the *Iriſh* call *Niall the Great*, was killed, ſaith *Gratianus Lucius*, *Anno Dom.* 403. And if the Sons of the King of *Ulſter* came then over to plant and ſettle in *Scotland*, this muſt be 100 Years before the time of *Fergus*; and conſequently he could be none of that Number: And yet the (*u*) *Iriſh Annaliſts* make the *two* Fergus's, *the two* Ængus's, *and the two* Loarns, *to be the ſix Sons of* Muriedhach, *King of* Ulſter, *who came over to ſettle in* Scotland. But if *Giraldus* his Authority be allow'd, the *Scots* came not to ſettle in *Britain*, till the beginning of the *fifth Century*; And the *Monarchy* in the Poſterity of *Fergus*, according to *Jocelin*, could not be till towards the middle of the *ſixth Century*. And if *Edan*, King of the *Scots* in *Bede*'s Hiſtory, be the ſame with that *Edan* in *Jocelin*, who deſcended from *Fergus*, Then the *Scotiſh Kingdom* did not begin till the *ſeventh Century*, as appears by (*w*) *Bede.* But in matters of ſo much *Obſcurity* I determine nothing.

(*r*) Proſpect of *Ireland*, p. 93.

(*s*) *Vit. S. Patricii*, c. 137.

(*t*) *Topogr. Hib. Diſt.* 3. c. 16.

(*u*) Camb. everſ. p. 73. Proſpect of *Ireland*, p. 93.

(*w*) Bede, *l.* 1. *c.* 34.

But it is but Juſtice to conſider on the other ſide, what the *Scotiſh Antiquaries* do now plead for themſelves, to prove that they inhabited *Scotland* long before this time.

Firſt, They ſay, (*x*) Bede *mentions them as ancient Inhabitants of this Iſland before the coming of the* Romans; *and deſcribes the Wars between the* Picts, Scots *and* Britains *before that of the* Romans. It is very true, that *Bede*, in the beginning of his *Hiſtory*, doth ſet down the *ſeveral Nations* which inhabited *Britain*, and he names five, *Engliſh*, *Britains*, *Scots*, *Picts* and *Romans.* And among theſe he reckons the *Britains* firſt,

(*x*) Bede, *l.* 1. *c.* 1.

they ſettled in *Pruſſia*, *Rugen* and *Saxony*. The *Danes*, ſaith (g) *Dudo S. Quintin* derived themſelves from the *Danai*; The (h) *Pruſſians* from *Pruſias*, King of *Bithynia*, who brought the *Greeks* along with him. Only the *Scots* and *Iriſh* had the *Wit* to derive themſelves from the *Greeks* and *Egyptians* together.

(g) *Saxo Gram. l.* 1.
(h) Matth. à Mich. *l.* 2. *c.* 8. *Orig. Pruſſ. n.* 7.

We are now to ſit down and conſider, what is to be ſaid to all theſe glorious Pretences? Muſt they be all allowed for good and true Hiſtory? If not, what marks of diſtinction can we ſet between them? They all pretend to ſuch Founders as came afar off, wandred from place to place, conſulted Oracles, built Cities, founded Kingdoms, and drew their Succeſſion from many Ages; So that it ſeems unreaſonable to allow none but our own. And yet theſe *Antiquities* will hardly paſs any where, but with their own Nation; And hardly with thoſe of any Judgment in any of them. But when all this is ſaid, every one will believe as he pleaſes; But it is one thing to believe with the *Will*, and another with the *Underſtanding*.

To return now to the *Iriſh Antiquities*. And it only remains that we enquire, How the *Iriſh Antiquaries* give an Account of their *Nations* coming into the *Northern Parts* of *Britain*: And here is ſomething which deſerves Conſideration, *viz.* That they (i) charge the *Scotiſh Antiquaries with placing the time of* Fergus *I.* 819 *years before he landed in* Britain. *For*, ſay they, *the* Iriſh *Monuments fix on An. Dom.* 498. *as the time wherein* Fergus Mor *the Son of* Erch (whom the *Scotiſh Writers* call the Son of *Ferchard*) *with his five Brothers invaded the North of* Britain. To this purpoſe they produce the Teſtimony of *Tigernacus*, who in his Annals ſaith, Fergus Mor mhac Ercha *cum gente* Dalraida *partem* Britanniæ *tenuit, & ibi mortuus eſt.* This he writes about the beginning of Pope *Symmachus*, which was about ſix years after the death of St. *Patrick*, and very near the end of the fifth Century. Beſides another *Iriſh* Author who writes of the Kings of *Albany* who were contemporary with the Monarchs of *Ireland*, reckons twenty years between the Battel of *Ocha*, and the going of *the ſix Sons of* Erc into *Albany*: And the *Annals* of *Ulſter* place the Battel of *Ocha An. Dom.* 483. ſo that *Fergus* his coming into *Scotland* could not be before the beginning of the ſixth Century. (k) *Gratianus Lucius* ſaith, that the Battel of *Ocha*, wherein *Olliol Molt*, the *Iriſh* Monarch, who ſucceeded *Leogarius* was killed, was *An. Dom.* 478. Which makes but five years difference. *Farther*, ſay they, *The* Scotiſh *Antiquaries make* Reuda *the ſixth King after* Fergus. Whereas it appears by their *Annals*, (l) That their Monarch *Conair* had *three Sons*, called the *three Cairbres*, and the third (m) was *Cairbre Riada*; from whom that part of *Britain* was called *Dal Riada*, or *Dal Reuda*; But *Conair* was killed *An. Dom.* 165. and therefore this (n) *Reuda* muſt be 300 years before *Fergus*. The *Old MS. cited* by (o) *Camden*, makes *Fergus* to be deſcended from *Conair*, with which as (p) *Archbiſhop Uſher* obſerves the *old* Iriſh *Genealogies* agree: But he ſaith, *Conair* reign'd *An. Dom.* 215. however, long enough before the time of *Fergus*. According to this ſuppoſition, that part of *Scotland* called *Dalrieta*, or *Dalreuda*, (the bounds whereof are deſcribed by the *Learned Primate*) was inhabited long before the coming of *Fergus*; and ſo agrees with what (q) *Bede* ſaith, *That the* Scots *came firſt out of* Ireland *under the conduct of* Reuda, *and either by force or Friendſhip found habitations for themſelves there, which they ſtill enjoy'd, and from their Leader to this time they were called* Dal-

(i) Proſpect. of *Ireland*, p. 20.
p. 367.
(k) Cambr. *everſ.* p. 73.
(l) Cambr. *everſ. p.* 69.
(m) Proſpect of *Ireland*, p. 370.
(n) p. 90.
(o) *Brit. p.* 707.
(p) Uſſer. *Prim. p.* 611.
p. 612.
(q) Bede, *l.* 1. *c.* 1.

reudini; *Daal* ſignifyng *a ſhare in their Language.* This *Reuda* ſeems to be the ſame with *Cairbre Riada*, the third Son of *Conair*; And if *Fergus* were deſcended from the ſame *Conair*, it gives a probable Account of *Fergus* his coming afterwards into thoſe Parts; and taking the *Government* upon him. For (r) *Keting* ſaith, *That* Eochac Mumreamhar *of the Progeny of* Cairbre Redhſadac *or* Riada *had two Sons,* Earcha *and* Elchon; *And from the former the Families of* Dal Riada *in* Scotland *are deſcended; from the latter thoſe of* Dal Riada *in* Ulſter. Which muſt be underſtood of that part of the *Ulſter Dal-riadans*, which *Fergus* carried with him: For there were the Deſcendents from *Riada* in *Scotland* before, according to the former account. But the whole matter about the Reign of *Fergus* remains ſtill very obſcure. For (1.) It ſeems ſtrange that *Bede* takes no notice at all of him, which in all probability he would have done, as well as of *Reuda*, who was leſs conſiderable. (2.) (s) *Jocelin* in the Life of St. *Patrick* ſaith, *That* Fergus *was one of the twelve Sons of the King of* Dalredia, *and was excluded from his ſhare by his Brethren, of whom* St. *Patrick propheſied, That from him Kings ſhould riſe, who ſhould not only Reign at home, but in a foreign Countrey; After which,* ſaith he, Fergus *in no long time came to be King in his own Countrey; And from him ſprang* Eanus, *who ſubdued* Albany, *and other Iſlands, and whoſe Poſterity ſtill reigns there;* So that if *Jocelin*'s Authority be good, *Fergus* himſelf never came into *Scotland*; But the miſtake aroſe, becauſe he was King in *Dalrieda*; Which the *Scots* underſtood of their own, and thought they had Reaſon, becauſe the Poſterity of *Fergus* reigned there. (3.) (t) *Giraldus Cambrenſis*, who had a Sight of the *Iriſh Annals*, never mentions *Fergus*, but only ſaith, *That in the time of* Nellus *the Monarch of* Ireland, *ſix Sons of* Mured *King of* Ulſter *ſailed into the Northern Parts of* Britain, *and there planted themſelves, from whom the* Scotiſh *Nation is derived.* This *Nellus*, whom the *Iriſh* call *Niall the Great*, was killed, ſaith *Gratianus Lucius*, *Anno Dom.* 403. And if the Sons of the King of *Ulſter* came then over to plant and ſettle in *Scotland*, this muſt be 160 Years before the time of *Fergus*; and conſequently he could be none of that Number: And yet the (u) *Iriſh Annaliſts* make the *two* Fergus's, *the two Ængus's, and the two* Loarns, *to be the ſix Sons of* Muriedhach, *King of* Ulſter, *who came over to ſettle in* Scotland. But if *Giraldus* his Authority be allow'd, the *Scots* came not to ſettle in *Britain*, till the beginning of the *fifth Century*; And the *Monarchy* in the Poſterity of *Fergus*, according to *Jocelin*, could not be till towards the middle of the *ſixth Century*. And if *Edan*, King of the *Scots* in *Bede*'s Hiſtory, be the ſame with that *Edan* in *Jocelin*, who deſcended from *Fergus*, Then the *Scotiſh Kingdom* did not begin till the *ſeventh Century*, as appears by (w) *Bede*. But in matters of ſo much *Obſcurity* I determine nothing.

But it is but Juſtice to conſider on the other ſide, what the *Scotiſh Antiquaries* do now plead for themſelves, to prove that they inhabited *Scotland* long before this time.

Firſt, They ſay, (x) Bede *mentions them as ancient Inhabitants of this Iſland before the coming of the* Romans; *and deſcribes the Wars between the* Picts, Scots *and* Britains *before that of the* Romans. It is very true, that *Bede*, in the beginning of his *Hiſtory*, doth ſet down the *ſeveral Nations* which inhabited *Britain*, and he names five, *Engliſh*, *Britains*, *Scots*, *Picts* and *Romans*. And among theſe he reckons the *Britains* firſt, then the *Picts*, after them the *Scots* from *Ireland* under *Reuda*; and then adds, *That* Ireland *was the true Countrey of the* Scots, *who coming hither made a third Nation in* Britain, *beſides the* Britains *and* Picts, *and landed on the North Part of the* Frith, *towards* Ireland, *and there ſetled themſelves.* But *Bede* ſaith nothing at all of the time when the *Scots* came firſt from *Ireland*, and it is of no force, that he reckons them here before the War with the *Romans*; for, ſo he doth the *Engliſh* as well as the *Scots*: His buſineſs being to give an Account of the *preſent Inhabitants*, and not merely of the *Ancient*. *Hæc in præſenti* 5 *Gentium linguis*, &c. But where doth *Bede* ſay, *that the* Scots *were in* Britain *before the* Romans *coming hither?* I cannot find ſo much as an Intimation that way, unleſs it be in the *Title* of the Chapter, *Of the Situation of* Britain *and* Ireland, *and their ancient Inhabitants.* And doth not *Bede* ſpeak of the *Britains* as the *ancient Inhabitants* of this *Iſland* and the *Scots* of *Ireland?* But if all mention'd muſt be *ancient Inhabitants*, then ſo muſt the *Engliſh* and *Romans* be, as well as the *Picts* and *Scots*.

(r) Proſpect of *Ireland*, p. 93.

(s) *Vit. S. Patricii*, c. 137.

(t) *Topogr. Hib. Diſt.* 3. c. 16.

(u) Camb. *everſ.* p. 73. Proſpect of *Ireland*, p. 93.

(w) Bede, *l.* 1. *c.* 34.

(x) Bede, *l.* 1. *c.* 1.

(y) *L.*1.*c.*5. *Well! But doth not* (y) Bede *afterwards ſay, That* Severus *his Wall was built againſt the unconquer'd Nations beyond it?* I grant it, if he had ſaid, *the* Scots *and* Picts *beyond it*, the Controverſie had been ended. But doth not *Dio* explain *Bede*, who expreſly tells us, *theſe Nations were the* Mæatæ *and the* Caledonii? Why not the *Picts* and the *Scots* if then in *Britain?* The latter *Roman* Writers never forbear calling them by their own Names, when they knew them to be here; as appears by *Eumenius*, *Claudian* and *Ammianus Marcellinus*: but to ſay the *Scots* were called *Mæatæ*, becauſe they came from the *Palus Mæotis*, will hardly go down in this Age. However it is confidently affirmed, *the* Caledonii *were the* Scots. Let this one thing be well proved, and I will yield the *Scots* were in *Britain* long before *Severus* his time; for *Tacitus* mentions the *Caledonians*. But it is to no more purpoſe to quote modern Writers, who call the *Caledonians Scots*, than *Lipſius* his calling *Galgacus* a *Scotiſh* King: for we are not bound to follow any modern Writers in their Improprieties. There is no Queſtion the *Caledonians* were known to *Flaccus* and *Martial* (who certainly lived not in *Auguſtus* his time, unleſs that Name be very improperly given by it ſelf to *Domitian* or *Trajan*.) But do any of theſe *Roman* Authors ever tell us the *Caledonians* were *Scots?* If not, to what end are the *Caledonians* ſo much ſpoken of? As far as we can find by *Tacitus*, or *Dio*, or any others, they were the *Northern Britains*. And if *Tacitus* had known that they came out of *Ireland*, and were a *diſtinct Nation*, he was ſo diligent and judicious a Writer, he would never have omitted the ſetting it down, when he gives ſo punctual an account of the *Original* of the ſeveral ſorts of *Britains*, according to his beſt Judgment and Information; and none could have better; relating ſome things concerning *Ireland*, from *Agricola*'s own Mouth, who was then the *Roman General* againſt the *Caledonians*. And he ſaith, Agricola *had one of the Kings of* Ireland *with him.* Suppoſe we then the *Caledonians* to have been *Scots* come out of *Ireland*; Is it poſſible, that an *Iriſh* King ſhould not be able to inform *Agricola* who theſe *Caledonians* were? Or, if *Tacitus* had known any ſuch thing, would he have ſaid, *the* Caledonians, *by the habit of their Bodies ſeemed to be of* German *Extraction*, when he derives the *Silures* from *Spain?* Had it not been as eaſie for him to have derived the *Caledonians* from *Spain* through *Ireland*, if any ſuch thing had been heard by him, as that the *Caledonians* were of *Ireland*, and came firſt out of *Spain* thither? But nothing can be more plain than that *Tacitus* took the *Caledonians* for *Britains*, and ſo doth *Galgacus*, in his excellent Speech, wherein he calls them, *the Nobleſt of the* Britains, and excites them to recover *the Liberty of the* Britains; and tells them, *they fought the ſame Cauſe with the other* Britains; *and now they were to ſhew what ſort of Men* Caledonia *had reſerved for their common defence.* Was *Tacitus* ſo inconſiderate a Writer to put ſuch Words into *Galgacus* his Mouth, if he knew or ſuſpected the *Caledonians* to be no *Britains*, but a *different Nation* come out of *Ireland* in the time that *Alexander* took *Babylon?* Had *Tacitus* known any thing of this, he would never have concealed it, when he values himſelf upon his Integrity, in relating what he could find about the Affairs of *Britain*. And therefore *Tacitus* his *Judgment* in this matter is to be much preferr'd before *Scaliger*'s Criticiſm about the *Scoto-brigantes*, or the *Scoticæ pruinæ* in *Spartian*'s Poet; or any ſuch uncertain Conjectures. And yet the *Scoto-brigantes* might be *Iriſh*; where both *Scoti* and *Brigantes* were, and ſo it proves nothing, as to *Britain*; for *Claudius* conquer'd *Ireland* as much as *Scotland*.

But it is more plauſibly urged, *That* (z) Bede *ſpeaking of the* Scots *being a tranſmarine Nation, he explains himſelf by ſaying, that he means not that they were out of* Britain, *but beyond the two* Friths; *therefore the* Scots *then inhabited* Britain. This was but a neceſſary Explication, for *Bede*, who uſed theſe Words, after he had confeſſed before, *that the* Scots *under* Reuda *did ſettle in* Britain. Therefore when he uſed *Gildas* his Words, he thought it neceſſary to reconcile them with his own; and ſo declares that he uſed *tranſmarine* now in another ſenſe. Juſt as if a *Scotiſh* Writer in *Bede*'s time had ſpoken of the *tranſmarine Saxons*, uſing the Words of an Author who lived before their coming into *Britain*; and then ſhould explain himſelf, *That he did not mean the* German Saxons, *but thoſe who lived in* Britain, *beyond the two* Friths; would this prove, that the *Saxons* lived here before *Cæſar*'s time? And if *this be an Argument clear to a Demonſtration*, ſome Mens *Demonſtrations* will hardly amount to the ſtrength of a probable Argument. And I am apt to fear no Mens way of reaſoning more than thoſe who talk moſt of *Demonſtrations*.

What if *St.* Jerome *mentions the* Scoti *from* Porphyry, *and the* Attacotti *as a* Britiſh *Nation*, what doth this prove as to the *Scots* inhabiting *Britain* ſo long agon? Could there be no *Scots* but in *Britain*, when it is confeſſed they came originally out of *Ireland?* *Sidonius Apollinaris* doth mention the *Scots* and *Picts*, in his *Panegyrick* to (s) *Anthemius*; but what then? who denies that the *Scots* and *Picts* did then *fight* and were beaten in *Britain?* But could not they be beaten here then unleſs they came into *Britain* by *Julius Cæſar?* Is this clear to a *Demonſtration?* But it is obſervable, that in the Verſe before he calls the *Caledonians Britains* even then.

Victricia Cæſar
Signa Caledonios *tranſvexit ad uſque* Britannos.
Fuderit & quamquam Scotum, *& cum* Saxone Pictum.

Where it is evident he diſtinguiſheth the *Caledonian Britains* from the *Scots* and *Picts*.

(z) *L.* 1. c. 12.

(s) Sidon. *Carm.* 7. *v.* 90.

But Claudian *mentions the* Scots *as ſettled in* Britain *before his time.* If it be granted, that falls very much ſhort of *Alexander* or *Julius Cæſar's* time; yet there appears no *Demonſtration* for it. His Words are,

(t) Claud. *in 4. Conſul.* Honorii, *v.* 33.

(t) *Scotorum cumulos flevit glacialis* Irene.

But there is a certain Place in Scotland *called by that Name.* I will not diſpute it, but are we ſure that *Claudian* knew it by that Name? Was that ſo conſiderable to be taken ſuch notice of by the *Roman* Writers? Was not *Ireland* then called *Irene* by him? And doth he not mention the *Scots* moving all *Ierne?*

(u) *Totam cùm* Scotus Iernen
Movit, & infeſto ſpumavit remige Tethys?

(u) 1° *Conſulat.* Stilicon. *l.* 2. *v.* 251.

And is not this very *Poetical*, to ſay, *He moved all a certain little Part of* Scotland? From whence they might paſs beyond the Wall, without ſo much as *touching the Ocean?* Muſt theſe things paſs for *Demonſtrations* too?

I mention theſe Evidences, which the Weight of the Cauſe is laid upon, to ſhew how far theſe *Antiquities* are ſtill from being cleared, to the ſatisfaction of impartial Men. For I had no *Luddus* my *Kinſman*, no *Buchanan* my *Enemy*; I ſearch for nothing but *Truth* in ſuch *Enquiries*, it being as much to my ſatisfaction, that the *Scots* came into *Britain* in *Alexander*'s time, as any time after, if it can be as well proved. But it doth not become the Ingenuity of Learned Men, when all judicious Perſons in the Nations about us have rejected their *fabulous Antiquities*, to adhere to them without producing better Proofs of them; and that with ſo much violence, as if the Intereſt of the Nation, and the Succeſſion of the *Royal Family* were concerned in them: Which hath far ſtronger Grounds to ſtand upon than the *Authority* of *Hector Boethius*, or the *Race* of *Kings* between the two *Fergus's*, or the certain time when the *Scots* came firſt into *Britain*.

Having thus far given an Account of the *Antiquities* relating to the *Picts* and *Scots*, the *mortal Enemies of the* Britains; I now come to purſue my main Deſign, which relates to the *Antiquities* of the *Britiſh Churches*, whoſe declining State and Condition I am now arrived at.

And the firſt *Occaſion* thereof was, *the laying them open to the fury of their greateſt Enemies, the* Picts *and the* Scots. It is impoſſible for us to ſet down the punctual time when the *Scots* and the *Picts* firſt join'd their Forces together to give diſturbance to the *Britains*, but it is clear that they did ſo towards the middle of the *fourth Century*. For (x) *Ammianus Marcellinus*, ſpeaking of the *Incurſions* they made in the time of *Conſtantius*, when *Julian* was *Cæſar*, *Anno Dom.* 360. he ſaith, *That* Julian *being then at* Paris, *durſt not go over to the aſſiſtance of the* Britains *againſt the* Scots *and the* Picts, *as* Conſtans *had done before.* Which *Expedition* of his happen'd *Anno Dom.* 343. after his Succeſs over the *Franks*, and he paſſed an Edict, ſtill exſtant in the (y) *Theodoſian Code*, when he was at *Bologn*, in his Paſſage, which bears date that Year; And a Coin of his is mention'd by (z) *Du Cange* and (a) *Spanheim*, wherein the *Effigies* of *Conſtans* is on one Side, and on the Reverſe, *an armed Man on Shipboard, with the Image of Victory, and the Inſcription of Bononia Oceanen*; being Coined on purpoſe to preſerve the Memory

(x) Am. Marcell. *l.* 20. *c.* 1.

(y) C. Theod. *de extraord. XI. Tit.* 16. *L.* 5.

(z) *Hiſt. Byzant. p.* 33.

(a) *In* Cæſ. Jul. *p.* 134.

of this Paſſage. And upon his coming over, things were quieted here, but not long after, they began to make new Incurſions, within the Bounds of the *Province*, as is evident from the foregoing Paſſage of *Ammianus Marcellinus*, when *Lupicinus* was ſent over, who arrived at *London*, ſaith he, *in the middle of Winter, to take Council how to proceed.* In the time of *Valentinian*, the ſame Hiſtorian (b) ſaith, *That there ſeem'd to be a general diſturbance through the whole Empire, by the barbarous Nations who lay near them*; And, among the reſt, he mentions the *Picts* (whom ſome render *Redſhanks*) the *Saxons*, the *Scots*, and the *Attacots*, *who were continually vexing and doing miſchief to the* Britains, ſo that in a little time, *the* (c) Britains *were reduced to a miſerable condition by a new Conſpiracy of the* Barbarians, *wherein* Nectaridus *the* Comes Maritimi Tractûs, *or* Roman *Admiral, and* Fallofaudes, *the General, were both killed.* And then *Valentinian* ſent over *Theodoſius*, a famous Captain (Father to the firſt Emperor of that Name) with conſiderable Forces. *For at that time, the* Picts *of both kinds, the* Deucalidones *and* Vecturiones; *the* Attacotti; *a fierce Nation, and the* Scots, *diſperſing themſelves up and down, did abundance of miſchief; But* Theodoſius, *leaving* London, *diſperſed his Forces likewiſe into ſeveral parts, who ſurprized the Enemies, and recover'd their Booty, which they reſtored to the Owners, only reſerving a ſmall ſhare for the Souldiers; And ſo in a ſhort time, he put the City out of its fears and difficulties, and entred it as it were in Triumph: And then took care to have good Officers placed here;* Civilis *for Adminiſtration of Juſtice; and* Dulcitius *for Military Affairs.*

Who theſe *Attacotti* were, who joyn'd with the *Picts* and *Scots*, our *Antiquaries* are not agreed; But becauſe of their joining with the other, and yet being diſtinguiſhed from them, it ſeems moſt probable, that they were the *Wild Britains*; For (d) St. *Hierome* doth ſay, *they were a* Britiſh *People.* But what the Reaſon of the Name was, is not yet underſtood, and I doubt will not be, unleſs ſome happen to derive it from the *Phœnician Language.* What great miſchief had been done to the *Britains*, by this Combination of their Enemies, appears by the care taken by *Theodoſius*, after his beating them out of the Country, to reſtore *the Cities* and *Garriſons*, and to ſettle *the Guards upon the Frontiers*; which being done, That part of the Country which he recover'd from them, he obtained leave to have it named a *New Province.* And it was called *Valentia*, from the *Emperor*'s Name. This was done *An. Dom.* 368. And the next year *Theodoſius* returned to the Emperor's Court. From that time we read no more of their *Incurſions* till *Maximus*, in the time of *Gratian*, Son to *Valentinian*, was ſet up by the Souldiery in *Britain*, to be Emperor. Then (e) *Proſper*, ſet out by *Pithœus*, ſaith, Maximus *overcame the* Picts *and* Scots, *making new Incurſions.* Which he thought he had done ſo effectually as to fear no diſturbance on that Side; And therefore took away from hence all the *Flower* both of the *Roman* and *Britiſh Souldiery*, to make good his Title againſt *Gratian* and *Valentinian*, and after, againſt *Theodoſius*; So that there was no poſſibility of their return, to ſecure the *Frontiers* from their *Enemies.* And this proved the *fatal Blow* to the *Britains.* For the Empire being ſo divided, and *Maximus* forced to keep his *Army* together, thoſe parts were left open to the Rage and Fury of their Mercileſs Enemies. And if the (f) Author of the *Eulogium* and *Giraldus Cambrenſis* may be believed, Gratian *and* Valentinian *entred into*

(b) *L.* 26. c. 4.

(c) *L.* 27. c. 8.

(d) c. Jovin. *l.* 2.

(e) *Chronic. init.*

(f) v. Uſſer. *Primord.* p. 590.

a League with the Gothick Picts, *and helped them with Shipping to convey them into the Northern parts of* Britain, *on purpoſe to withdraw* Maximus *his Army out of* Gaul: *Who coming thither in great Numbers, and finding the Country naked and without defence, ſettled themſelves in thoſe Parts.* Not as though the *Picts* had not come hither before, but they never came over in ſo great Numbers and with ſo much Incouragement as they did now. And it ſeems not improbable, that *Gratian* and *Valentinian* ſhould at that time deal with the *Gothick* Nation to give a diverſion to *Maximus.* For (g) *Zoſimus* aſſigns that as one of the great Cauſes of *Gratian's* Ruine, *that he ſeemed more fond of the barbarous Nations than of the* Romans: And *Maximus* charged *Valentinian, with making uſe of the* Hunns *and the* Alani *againſt him*; Which is not denied by (h) St. *Ambroſe*, who was ſent by *Valentinian* on an *Embaſſy* to him. Theſe *Hunni* and *Alani* were, as is commonly ſaid, Inhabitants of *Sarmatia Europæa* near to the *Palus Mæotis.* The *Alani did live upon the Tanais*, ſaith (i) *Hadrianus Valeſius*; And the *Hunni*, ſaith he, *were a* Scythian *People, between the* Pontus *and the* Caſpian *Sea, upon the Northern Parts of the* Caucaſus, *from whom the* Abares, Turks *and* Hungarians *are deſcended.* But whoſoever obſerves (k) *Ammianus Marcellinus* his Deſcription of them, will find that the *Hunni* were the *Aſiatick Tartars*; and the *Alani* the *European.* The *Hunni* in the time of *Valens* paſſed over the *Palus Mæotis* in vaſt Numbers, and after, having killed many of the *Alani*, took the reſt into Confederacy with them, and having conquer'd the *Goths* in thoſe Parts inlarged their Power as far as the *Danube*: Where they lay ready to come into the *Roman Empire* on any Occaſion. And it is not to be wonder'd if *Gratian* ſhould employ Perſons into *Scandinavia* to draw out greater Forces from thence, thereby to make a *Revulſion*, as to *Maximus* his Deſigns in the Northern Parts of *Britain.* However this were, *Gildas* from this time dates the *miſerable Condition of the* Britains, as being in no Poſture to defend themſelves at Home. (l) *Nennius* ſaith, *That Maximianus* (as he calls him) *carried all the Forces out of* Britain, *and killed* Gratian *the Emperor*; *And would not let the* Britiſh *Souldiers return to their Wives, Children* or *Poſſeſſions, but gave them another Country inſtead of it*; *In the Weſtern parts of* Gaul, ſaith the *Interpolator* of *Nennius. And theſe*, ſaith *Nennius*, *are the* Aremorican Britains, *who never after returned to their own Country. And from hence*, he ſaith, Britain *was ſeized upon by foreign Nations, and its own Natives were driven out*; *and would ſo contiue till God helped them.* But the *Britiſh Hiſtory*, ſet forth by (m) *Geoffrey*, hath improved the Story in many Particulars. Firſt, It makes this Maximianus *to marry the Daughter of* Octavius, *and ſo to come to the Kingdom of* Britain; Then, it adds, *That* Conanus *retired into* Albany, *and raiſed an Army, which was overthrown by* Maximianus, *who after five years paſſed into* Gaul, *and fought firſt againſt the* Aremoricans, *whoſe Country he gave to* Conanus *and his* Britains; *Who, reſolving not to marry any others than* Britiſh *Women, he ſent over Meſſengers to* Dionotus, *King of* Cornwall, *to whom* Maximianus *had committed the Government of* Britain, *to provide Wives for them*; *And ſent with* Urſula *his own Daughter Eleven thouſand of the better ſort, and of the common ſixty Thouſand. But theſe were unhappily, by Storms either ſunk or driven into thoſe Places, where* Guanius, *King of the* Hunns, *and* Melga, *King of the* Picts, *who were Confederates with* Gratian, *were joined with their Armies, who cruelly deſtroyed them. After which they came into* Albany, *where*

(g) Zoſim. *l.* 4. *p.* 760.

(h) St. Ambroſ. *Ep.* 27.

(i) *Rer. Franc. l.* 3. *p.* 98. *l.* 4. *p.* 153.

(k) Am. Marcel. *l.* 31. *c.* 2.

(l) Nenn. *c.* 23.

(m) *Hiſt. Brit. l.* 2. *c.* 4.

where they made havock of all Places they came near. Then Maximianus *ſent* Gratianus Municeps *with two Legions who ſubdued the* Hunns *and* Picts, *and drove them into* Ireland. Here we have many fabulous Particulars put together, but none comparable to the 71000 *Virgins* ſunk or deſtroyed by the *Hunns*. And yet *Geoffrey*'s Relation of this *Legend* is magnified by (n) *Baronius*, and approved by (o) *M. Velſerus*, (p) *Aub. Miræus*, and (q) *Ægid. Bucherius*, as moſt agreeable to the Circumſtances of the time. Which is a thing to be wonder'd at; conſidering how little Foundation there is for any one Particular of *Geoffrey*'s whole Relation, either as to *Octavius*, then King of *Britain*, or the marrying his Daughter to *Maximus*, or as to *Conanus* going firſt into *Albany*, and thence into *Aremorica*, or the ſettling of the *Britiſh Souldiers* there, at ſo buſie a time, when *Maximus* wanted all the Aſſiſtance he could get; or the ſending to *Dionotus*, or the ſending away ſuch a Number of *Virgins* at once, without any Fleet to conduct or ſecure their Paſſage. But (r) *Browerus* hath overthrown this *Legend* at once, by proving that *Aremorica* was not in the *Britains* Poſſeſſion till a good time after this; For, as he well obſerves, *Maximus* was kindly received in *Gaul*, and met with no conſiderable Oppoſition there, *Gratian*'s own Souldiers revolting to him, and he paſſed on and ſettled himſelf at *Triers*, (then the Seat of this part of the Empire) as *Gildas* ſaith; And beſides, in the time of *Aetius*, the *Aremorici* enjoy'd their own Country (as he proves from *Conſtantius* his Life of St. *German*) about *An. Dom.* 434. After which time they ſtood up in their own defence, till they were reduced by *Littorius*, which he ſhews from *Sidonius Apollinaris*. And (s) *Rutilius Claudius*, in the beginning of the fifth Century, after *Maximus* his time, mentions the *Aremorici*, as ſtill enjoying their Country, where *Exuperantius* was then Governour. Saying, that after the Troubles by the *Goths* they had *Poſtliminium Pacis*; which evidently proves, they were not then kept out of Poſſeſſion.

Cujus Aremoricas *Pater Exuperantius oras*
Nunc Poſtliminium pacis amare docet.
Leges reſtituit libertatémque reducit,
Et Servos Famulis non ſinit eſſe ſuis.

And this was written after the Sacking of *Rome* by the *Goths*; So that there is no foundation for this *Legend* in the time of *Maximus*. *Ægid. Bucherius*, although he approves of *Geoffrey*, as to the time, and ſome other *Circumſtances*, yet he differs from him in others. For he goes upon theſe Grounds, that *Maximus* landed at the Mouth of the *Rhine*, as *Zoſimus* ſaith, That there they left the Multitude of Women and Virgins which follow'd the Army out of *Britain*; where the *Hunns* which *Bauto* ſent againſt *Maximus* fell upon them and deſtroy'd them. This is no ill-contrived Story; but very different from the *Legend* in *Geoffrey*, in all the conſiderable parts of it: And yet after all, *Bucherius* thinks fit to yield up his Faith to the *old Legend*, as it is defended by *Bebius* and *Crombachius*; and ſo it is taken off from the time of *Maximus*.

(t) *Joh. Fordon*, agrees with *Geoffrey* about *Maximus* his giving the Country of *Aremorica* to *Conanus* and his *Britains*, *An. Dom.* 386. but he is ſo far from mentioning the 71000 *Virgins*, That he ſuppoſes *the* Bri-

(n) *Bar. ad Martyrol. Rom. Octobr.* 21.

(o) *Not. ad* Tab. Pentinger.

(p) *Diſquiſ. de SS. Virg. Col.*

(q) *Belg. Rom. l.* 12. *c.* 5.

(r) *Not. in* Ven. Fortun. *l.* 3. *p.* 59.

(s) Rutil. *Itiner. l.* 1. *v.* 250.

(t) *Scotichron. l.* 2. *c.* 63.

Britains *of both ſexes to have ſettled there together.* But he makes a more credible Relation of *Conanus* his going over to *Aremorica*, which is, That *Maximus* miſtruſted he might ſet up for himſelf in his Abſence, having the *legal Title to* Britain, and therefore he removed him and the Chief of the *Britains*, and ſettled them in thoſe Parts of *Gaul*. This is no improbable Story; but yet the *Aremoricans* enjoying their Country after this time, is an effectual Confutation of it.

(*u*) *Scotichron. l.* 3. *c.* 1.

c. 2.

(*w*) *Hiſt. Eccleſ. l.* 1. *c.* 11.

After the death of *Maximus*, more Troubles following in the *Roman* Empire, *the* Picts *and the* Scots, ſaith (*u*) Fordon, *negotiate a mutual Peace and ſtricter Alliance, in order*, ſaith he, *to the recovering their Country again. For* Maximus *had made uſe of the* Picts *to drive out the* Scots, *and then put Garriſons among the* Picts *to keep them under. And upon this Agreement*, An. Dom. 403. *in the ſixth of* Arcadius *and* Honorius, Fergus *the Son of* Erk *the Son of* Ethadius *the Brother of* Eugenius, *who was driven out by* Maximus, *came with his two Brothers* (called there *Loarii* and *Tenegus*, in all probability *Loarn* and *Ænegus*, which were the Names, the *Iriſh Annals* give to the Brothers of *Fergus*, as is obſerved before) *and great Supplies of* Scots *from the Iſlands of* Ireland *and* Norwey, *whither they were driven: And the* Picts, *to prevent all Suſpicion of Treachery ſurrendred up their Forts to* Fergus. *Who now became King of all* Scotland, i. e. *of that part which is beyond* Drum Albain, *as well as on this other, which*, he ſaith, *it doth not appear how he came to, whether by the Sword or by any other Right, none of his Predeceſſors having any Power there.* (*w*) *Bede* ſaith, *The* Romans *had the Right of Dominion to the remoteſt part of the Iſland:* Which is not eaſie to make out, unleſs the *Poſſeſſion* and *Conqueſt* were better proved than appears by *Bede's Hiſtory*. For although he mentions *Claudius* his Conquering the *Orcades*; yet it is hard to prove it by any *Roman* Authors; And if the Poſſeſſion were after loſt for ſo long a time, it will be as hard to prove the *Romans* ſtill enjoy'd the *Right of Dominion* upon ſo ſlender a Title. *But the* Picts *and* Scots *being thus united, their firſt Work*, ſaith *Fordon*, *was to drive out the* Romans *and* Britains *from their Country, and then to invade* Britain, *which was then left deſtitute of any defence: And ſo by their Incurſions they either killed the Common People, or made them Slaves.*

c. 3.

Here *Fordon* tranſcribes *Bede*'s twelfth Chapter of his firſt Book; the Foundation whereof he took out of *Gildas*, concerning the departure of the *Britiſh Forces* without returning; the Invaſion of the *Scots* and *Picts*; the *Britains* ſending an Addreſs to *Rome* for Aſſiſtance; a *Roman Legion* coming and driving out their Enemies; and perſuading the *Britains* to build a *Wall* for their own Security. But it is obſervable, that *Bede* varies from *Gildas* without Reaſon; for what *Gildas* ſpeaks of their departure with *Maximus*, he applies *to the going of the Remainders of the* Britiſh *Forces under* Conſtantinus *and* Conſtans, *after* Gratianus Municeps *was killed in* Britain, *having uſurped the Empire here.* But that *Bede* was herein miſtaken will beſt appear by digeſting the times wherein theſe things happen'd as well as we can.

(*x*) *Zoſ. l.* 6.
(*y*) *Primord. p.* 591.
(*z*) *Phot. Cod.* 80.

(*x*) *Zoſimus* ſaith, That *Honorius* VII. and *Theodoſius* II. being *Conſuls*, viz. *An. Dom.* 407. (nineteen years after the death of *Maximus*, as (*y*) *Archbiſhop Uſher* obſerves, (*z*) *Olympiodorus* in *Photius* ſaith, *the year before*, *Oroſius* and *Sozomen* the year after, *viz.* the year when *Arcadius* died;) *the* Britiſh *Souldiers in a Mutiny ſet up one* Marcus *to be*

Emperor, as a Man of great Power in theſe Parts; *But he, not anſwering their expectation, they ſoon took him off, and then ſet up* Gratianus, (*who was a Native of* Britain, for ſo much (*a*) *Oroſius* his Words imply, when he ſaith, he was *Municeps ejuſdem Inſulæ*) *and made him put on the Royal Purple and Crown,* &c. *but he not pleaſing them, after four Months they take away his Life.* (*b*) Of him *Nennius* ſaith nothing; But he mentions one *Severus* between *Maximus* and *Conſtantius*, whom others omit; But (*c*) *Geoffrey* makes *Gratianus* to aſſume the Royal Authority as ſoon as he heard of the Death of *Maximus*; *But he was ſo tyrannical*, he ſaith, *That the common People roſe up and killed him*; *and after his Death the* Britains, *according to him, ſent to* Rome, *to beg help againſt the* Picts *and* Scots. But *Zoſimus* and *Oroſius* both ſay; *That, upon the Death of* Gratianus, *they ſet up here* Conſtantine, *a mean Perſon,* (*for the good Omen of his Name,* ſaith *Oroſius*) *who immediately left* Britain, *and paſſed over into* Gaul, *where he gained the Army to him, and made his Son* Conſtans Cæſar, *and ſent him into* Spain. *Olympiodorus* ſaith, *That he ſent a Meſſage and Excuſe to* Honorius, *for aſſuming the Imperial Dignity, that he was forced to it by the Army*; *and that* Honorius *allow'd the Excuſe, and for a time admitted him into Partnerſhip with him.* But *Gerontius* a *Britain*, one of the Generals, finding himſelf ſlighted by *Conſtans* made a *Revolt* among his Soldiers, and ſtirr'd up the *barbarous Nations* in *Gaul* againſt *Conſtantine*; Upon which occaſion, ſaith *Zoſimus*, *The* Britiſh *Iſlands, and ſome of the* Celtick *Nations renounced the* Roman *Empire*; *And took up Arms to defend themſelves from the Incurſions of their Enemies: And* Honorius *by his Letters, gave them leave to take care of themſelves.* Not long after *Conſtans* is killed by *Gerontius*, and *Conſtantine*, after the Siege of *Arles*, had his Head cut off by (*d*) *Honorius* his Order. But (*e*) *Nennius*, againſt the conſent of all the *Greek* and *Latin Hiſtorians*, both Heathen and Chriſtian, ſaith, *That this* Conſtantine *reigned* 16 *Years in* Britain, *and in the* 17*th died at* York. However he falls much ſhort of (*f*) *Geoffrey*; for, he ſaith, *That* Conſtantine *was Brother to* Aldroenus, *King of the* Aremorican Britains, *to whom* Guithelin, *Metropolitane of* London, *was ſent on an Embaſſy to accept the Government, which he put off to* Conſtantine, *who was choſen King at* Silceſter, *and had a* Roman *Wife of* Guithelin'*s Education, by whom he had three Sons,* Conſtans *a Monk at* Wincheſter, Aurelius Ambroſius, *and* Uther Pendragon, *who were committed to* Guithelin'*s Care. After* Conſtantine'*s Death, who was killed by a* Pict, *there happen'd a great Conteſt about the Succeſſion*; *but by* Vortigern'*s means* Conſtans *is taken from the Monaſtery, and ſet on the Throne at* London; *But* Guithelin *was now dead, and* Vortigern *put the* Diadem *on his Head, who governed all things, and ſoon got himſelf rid of him by a Guard of* Picts *he had placed about him, and ſo took the Government upon himſelf.*

But I ſhall ſet aſide theſe Fictions or Traditions of *Geoffrey* and *Nennius*, and conſider now what *Bede* ſaith, He makes *Gratianus Municeps* to be ſet up two Years before the ſacking of *Rome* by *Alaric*, King of the *Goths*, which happen'd *Anno Dom.* 410. And he follows *Oroſius*, about *Conſtantine* and his Son *Conſtans*, without ever imagining their continuing to govern, and loſing their Lives in *Britain*: But then he applies the Paſſage in *Gildas* concerning *the lamentable Condition of the* Britains, *and their help from the* Romans, to the Times after the Death of *Conſtantine*; Whereas *Gildas* mentions both upon the Uſurpation of *Maximus*, and his withdrawing the Forces from hence; And therefore

this

(*a*) *Hiſt. l.* 7. c. 40.

(*b*) Nenn. c. 24.

(*c*) Galfr. *l.* 2. c. 4.

(*d*) Soz. *l.* 9. c. 15. Phot. *Cod.* 80.

(*e*) Nenn. c. 25.

(*f*) Galfr. *l.* 2. c. 5, 6.

this firſt cruel Invaſion of the *Picts* and *Scots*, muſt be between the Death of *Maximus*, and the ſetting up of *Gratianus Municeps*: And then the *Britains* ſo earneſtly begging for Aſſiſtance, had *Roman Governors* and *Forces ſent to their Relief*. Some think that (g) *Claudius Rutilius* mentions *Victorinus* as *a* Roman *Governor here at that time*, but this is uncertain, when he there ſpeaks of the taking *Tholouſe* by the *Goths*, which was done by *Ataulphus* ſome time after the death of *Alaric*; And therefore could not be before the time of *Gratian* and *Conſtantine*; For *Idatius* ſaith, *that this latter was killed before* Ataulphus *entred* Narbon, which was before the taking of *Tholouſe*.

It is evident from many Paſſages in (h) *Claudian*, that *Stilicho*, took particular care of *the Supplies of the* Britains *againſt the* Scots *and* Picts: But *Stilicho* was killed by the Army when *Baſſus* and *Philippus* were *Conſuls*, Anno Dom. 408. before the firſt Siege of *Rome* by the *Goths*; And therefore the *Roman Forces* ſent by him were before *the Uſurpation of* Gratianus *and* Conſtantine: *Stilicho* being killed the ſame Year that theſe were ſet up in *Britain*, it is not poſſible he ſhould do it after their Death; And it ſeems not probable that any Supplies ſhould be ſent through *Gaul* while *Conſtantine* remained there, the Army through which they were to paſs in *Gaul* taking part with *Conſtantine* againſt *Honorius*. And withall *Gildas* ſaith, *That the* Roman *Legion, having driven out the* Picts *and* Scots, *returned in Triumph to* Rome: And ſo much is confeſſed by *Bede*. But at what time ſhould we ſuppoſe, after the *Uſurpation* of *Conſtantine*, *that a* Roman *Legion ſhould return in ſo much Triumph?* For after *Conſtantine*'s Uſurpation the *Roman Empire* began to decline extremely in thoſe Parts through which they were to paſs: *Gaul* being upon *Compoſition* (i) delivered up to the *Goths* by *Honorius*, and the *Franks* and *Burgundians* making continual impreſſions there. I conclude it therefore moſt probable, that the *firſt Supplies* given to the *Britains* were not after *Conſtantine*'s *Uſurpation*, but between the Death of *Maximus*, and the ſetting up of *Gratianus Municeps*.

The ſecond time the diſtreſſed *Britains* were forced to ſolicit the *Romans* for *Supplies*, is placed by (k) Archbiſhop *Uſher*, Anno Dom. 426. when *Gallio Ravennas* was ſent hither, as he ſuppoſes, becauſe the next Year *Proſper*, ſaith *Gallio*, *was ſent againſt* Bonifacius *in* Africa. But then he makes the *firſt Supplies* to have been in the *latter end of* Honorius; for which I can ſee no reaſon. For he grants, *That after the Death of* Maximus, *the* Scots *and the* Picts *did waſte* Britain; *and that then* Stilicho *did ſend aſſiſtance to them.* Why then ſhould the *firſt waſting of the Countrey*, ſpoken of by *Gildas*, and the *Legion* ſent upon it, be that *in the latter end of* Honorius, and not rather that *in the beginning?* For the latter end of *Honorius* his Reign was very perplexed and troubleſome. The *Alani*, *Suevi* and *Vandali* were in *Spain*; The *Franks*, *Burgundians* and *Goths* in *Gaul*; *Jovinus* and *Sebaſtian* there, after *Conſtantine*'s death, uſurped the Empire; And although the *Goths*, going into *Spain*, did great Service againſt the other *Barbarians*, yet ſuch were the Straits of the *Roman Empire* in *Gaul*, That *Conſtantius*, who then managed the Affairs of the Empire, was forced to recall them, as both *Proſper* and *Idatius* ſay, *Monaxius* and *Plinta* being *Conſuls* (which was the twenty fourth of *Honorius*,) and *to give them all that part in* Gaul *from the* Garonne *to the Ocean*. The Year before *Honorius* his death, he was forced to ſend his Forces under *Caſtinus* into *Spain*, againſt the *Vandals*, as *Proſper* affirms; and that proved the Occaſion of new Troubles in *Africa*, by the difference between *Caſtinus* and *Bonifacius*, who, for his own Security, conveyed over the *Vandals* thither. It is not therefore very probable, that the *firſt Supplies of the Britains* ſhould be in the latter end of *Honorius*, eſpecially ſince the Learned *Primate* confeſſeth, that *Honorius* did not in his time recover the *Province of* Britain, and he proves it againſt *Sabellicus* from *Procopius*, *Bede*, the *Saxon Annals* and *Ethelwerd*. And the ſingle Teſtimony of *Sigebert*, *That* Honorius, *at the ſame time, ſent aſſiſtance to the* Britains, *that he did to the* Spaniards (when *Proſper*, *Idatius* and *Caſſidore*, who all mention the latter, ſay not a Word of the former) cannot weigh down the *Reaſons* on the other ſide.

(g) *Itiner.* *l.* 1. *v.* 500.

(h) *De laud.* Stilich. *l.* 2. *v.* 25. *De Bello Ger.* *v.* 415. *In* Eutrop. *l.* 2.

(i) Jornand. *c.* 30. Paul. Diac. *l.* 14. Sigeb. *Chron.* *A.D.* 412.

(k) *Primord.* *p.* 603.

p. 594.

p. 602.

But as to the *ſecond Supplies* which were ſent upon the mighty *importunity* of the *Britains*; They were in probability in the beginning of the Reign of *Valentinian* III. after that *Aëtius* had ſomewhat recover'd the Credit of the *Roman Empire* in *Gaul*: For after his Succeſs there, both againſt the *Goths* and *Franks* he had liberty enough to ſend over a *Legion* to the Aſſiſtance of the *Britains*, who were again miſerably haraſs'd by the *Scots* and *Picts*. And at this time it was that *Gildas* ſaith, *The* Romans, *upon the ſad Repreſentations the* Britiſh *Embaſſadors made of their pitiful Condition, ſent them ſpeedy Supplies, who coming upon their Enemies on a ſudden, like a violent Torrent, drove them all before them, and made them repaſs the Seas*: Which is an Argument, they did not then inhabit in *Britain*. But the *Romans* then plainly told the *Britains. they were not at leiſure to bring over Legions as often as their Enemies invaded them: But they muſt train up their own People to Arms to defend themſelves and their Wives and Children againſt a ſort of Men no ways ſtronger than themſelves. And, to incourage them the more, they built a Wall of Stone from Sea to Sea, and Forts on the Shore, and exerciſed them in Arms, taking their leave of them, and telling them, they muſt expect their return no more.* This is the Subſtance of *Gildas* his Relation, with whom *Bede* agrees; only inlarging the Deſcription of the *Wall, which,* he ſaith, *was eight Foot in breadth and twelve in height, and that it ſtood where the Wall of* Severus *ſtood, being all made of Stone, and not of Turf as that unſerviceable Wall was, which the* Britains *had before without skill and direction built for themſelves.*

It hath been much diſputed among our Learned Antiquaries where this laſt *Wall* ſtood, whether in the place where the former of *Turf* was raiſed by the *Britains* between *the two Friths*, or where *Hadrian*'s *Wall* was firſt built, between the *Tine* and the *Esk*. *Bede* puts a great diſtance between theſe *two Walls, and makes the former to have been between the two* Friths, *beginning at a Place called* Peneltun, *two Miles from* Abercorney, *and ending to the Weſt, near* Alcluyd: *Which,* ſaith he, *ſignifies a Rock in the River* Cluyd. *But the latter Wall was from Sea to Sea, in a direct Line, between the Cities there built for Security againſt Incurſions, and it ſtood in the Place of* Severus *his Wall.* (l) *Joh. Fordon* diſtinguiſhes between the *old Wall* called *Grimeſdike*, from *Grime*, a *Britain* (whoſe Daughter *Fergus* married, and after his death, ruled over the *Scots*, during his Grand-child's Minority: and *which Wall*, he ſaith, *this* Grime *overthrew, and ſo recovered the ancient Poſſeſſions due to him as deſcended from* Fulgenius) and *the other Wall built where* Severus *his ſtood*: And he gives very different deſcriptions of them. *The former*

(l) *Scotichron. l.* 3. *c.* 5.

Wall, he ſaith, *begins from the Eaſt, upon the South-ſide of the* Scotiſh *Shore, near a Village called* Karedin, *and then for twenty two Miles croſſes the Land, leaving* Glaſgow *on the South; and ends on the Bank of the River* Clyd, *near* Kirk-patrick. *The other*, he ſaith, *begins on the Eaſt in the Southern Bank of the* Tyne *to* Gaitſheved, *or* Goats-head, *where* Severus, ſaith he, *a long time before had made a Wall and a Trench over againſt* New-caſtle; *and ſo it is continued to the River* Eſk, *called* Scotiſhwath, *for ſixty Miles, and ends near* Carliſle, *on the Weſt.* But (*m*) *Buchanan* contends, that *Severus* his *Wall* was where *Graham's Dike*, or *Grimeſ-dike* was, *and at leaſt eighty Miles diſtant from* Hadrian's *Wall*; which he proves from *the Antiquities there found, and the ſquare Stones taken up*; which do ſufficiently prove an *ancient ſtone Wall* to have been there, but not that of *Severus*: And the *Roman Inſcriptions* in (*n*) *Camden* mention *Antoninus*, and not *Severus*. *Joh.* (*o*) *Major* places *Severus* his Wall, as *Fordon* doth, *between the* Tine *and the* Eſk. But Archbiſhop (*p*) *Uſher* hath endeavoured to clear this matter, by yielding to *Buchanan*, that the *Scotiſh Wall was made of Stone*, *viz.* By the *Romans* under *Gallio Ravennas*, and by proving, *that* Bede *was miſtaken as to* Severus *his Wall being made of Turf before*, which was the Reaſon he thought it turned into *Stone* at this time; *it being not likely, that the* Romans *would bring the* Britains *at leaſt eighty Miles back, and put them to defend a Wall ſo very much longer than the other*; But I rather think *Severus* his *Wall* was now repaired, and a larger Scope allow'd for the *Picts* and *Scots*; As, beſides what hath been ſaid before, may appear by this one Argument from (*q*) *Fordon*. He ſaith, *That when the Scots made a new Incurſion, they open'd Paſſages in the Wall, from whence it was called* Thirle-wall, *i. e.* ſaith he, *Murus perforatus.* Now the Learned (*r*) Primate grants, that a Place called *Thirle-wall* ſtood *on the Borders of* Cumberland *and* Northumberland: *And that* Fordon *ſaith*, Thirle-wall *was built by* Severus *on the* Tyne. And therefore *Bede* ſeems to have been in the right as to *Severus* his *Wall*, but only miſtaken in thinking it was made of *Turf* before, which was built of Stone by *Severus*, and accounted one of *the great Works of the* Roman *Empire*, which was impoſſible to be built of *Stone* a-new by *one Legion* and the help of the Countrey; But might very well be repaired, and made defenſible againſt the *Scots* and *Picts*.

We might now think that the *Britains* were left by the *Romans* in a tolerable Condition to defend themſelves; But as ſoon as their *old Enemies* underſtood that their *old Friends* had forſaken them, they came upon them with a greater Force and Violence than ever. And the Spirits of the poor *Britains* were ſo broken by their former Miſeries, that they were not able to withſtand the Aſſaults of their Enemies: But they forſook their Wall and Forts, and fled as far as they could, and diſperſed themſelves, which made them an eaſie Prey to their barbarous Enemies, who now deſtroyed them in a more cruel manner than they had done before; And thoſe who eſcaped were driven from their Habitations, and hardly left in a Condition to ſubſiſt, having no Proviſion left, but what they did get by Hunting. This is the ſhort account of what *Gildas* more Tragically inlarges upon. And being thus reduced to the utmoſt Extremities, they reſolve once more to ſend to *Aetius* their *laſt Groans*; and to let him underſtand how unable they were to ſtand out againſt their Enemies, *Seeing between them and the Sea they were either drowned or butchered.* But all further Aſſiſtance

---

c. 4.

c. 7.

(*m*) *Hiſt. l.* 4. *Rege.* 27. *l.* 5. *R.* 41.

(*n*) *Brit. p.* 699.

(*o*) *l.* 1. *c.* 14.

(*p*) *Primord. p.* 605, 1024, *&c.*

(*q*) *Scotichron. l.* 3. *c.* 10.

(*r*) *Primord. p.* 1028.

was now denied them; Aëtius *being then*, as (*s*) *Bede* ſaith, *deeply engaged in the War with* Bleda *and* Attila, *Kings of the* Hunns. This Meſſage was ſent, ſaith *Bede* in the 23*d.* of *Theodoſius*, *Aëtius* being then *third time Conſul* with *Symmachus*. But *Bleda*, according to *Proſper* and *Caſſiodore*, was killed by *Attila* two years before *Aëtius* and *Symmachus* were *Conſuls* (but one year before according to *Marcellinus*) but the year following he makes the terrible Invaſion of *Europe* by *Attila* to be; And ſo *Aëtius* havingthen a Proſpect of that War, had juſt reaſon to deny Supplies to the *Britains*. And when *Valentinian* was VI. *Conſul*, the year before *Aëtius* and *Symmachus*, it appears by *Valentinian*'s Letters to him, that he was then in *Gaul*, for then he directed the famous Conſtitution *de Epiſcoporum Ordinatione* to him there; wherein he interpoſes his *Authority* to ratifie *Leo*'s Sentence againſt *Hilary* of *Arles*. But this is ſufficient to ſhew that the *Britains* Complaints were then ſent to *Aëtius*, and not to any *Agitius* or *Æquitius*, as ſome imagine. (*t*) *Fordon* ſaith, *The* Britains *ſent to* Agitius *and* Litorius; But *Litorius* ſome years before was beaten, and taken Priſoner by the *Goths*, as appears by the *Faſti Conſulares* both of *Proſper* and *Caſſiodore*, and (*u*) *Paulus Diaconus* out of them.

But the Miſeries of the *Britains* were ſtill increaſed *by a Famine which then raged*; which was not peculiar to *Britain*. (*w*) *Bede* ſaith, *That there was then a Famine at* Conſtantinople, *and a great Plague which follow'd it, which conſumed abundance both of Men and Beaſts*. Which he borrows from *Marcellinus* who makes both *Famine and Plague* to break out the very year *Aëtius* and *Symmachus* were *Conſuls*. Both theſe are mention'd by (*x*) *Euagrius* in the *Eaſtern Parts*, and therefore are not to be looked on as a peculiar Judgment on the *Britains*.

After this, as (*y*) *Gildas* and *Bede* tell us, finding their Caſe almoſt deſperate, the *Britains* were reſolved to ſell their Lives and Liberties as dear as they could, and by making *a fierce Aſſault* upon their Enemies, they began to get the better of them; Which they impute *to their truſting rather to Divine Aſſiſtance than to the help of Men, which they too much relied upon before*. The *Britains*, as appears afterward, did not want *Courage*, but *Exerciſe* in *Arms*; being kept under ſo long by the *Romans*, they durſt not ſo much as pretend to fighting, for fear of being deſtroyed; And now the *Romans*, when they had a mind, could not infuſe new Spirits into them; But their own Miſeries at laſt rouſed and awaken'd them to that degree, that they made their Enemies quiet for ſome time; *And the* Iriſh *Robbers*, ſaith *Gildas*, *returned home, intending to return ſhortly: And the* Picts *in the fartheſt part of the Iſland lay ſtill, only ſometimes making Excurſions*. This is a conſiderable paſſage in *Gildas*, which ſhews, that even then the *Scots*, whom he calls *Iriſh Robbers*, were not *Inhabitants* of any part of *Britain*. For he calls *Ireland* their *home*, as before he ſaid upon the *Second Devaſtation* (as the Margin of *Jocelin*'s *Gildas* hath it) *that they came in their* Curroughs *over the* Scythian *Vale*, ſo he calls *the* Iriſh *Sea*; as *Nennius* calls the *Scots*, *Scytæ*. But if they had then inhabited in *Britain*, there had been no uſe of *Curroughs* to convey them over, and this had been their *proper Home*. (*x*) *Fordon* ſeems to have been aware of this *Objection*, and therefore ſaith, *The* Scots *and* Picts *took the* Iriſh *in to their Aſſiſtance*; But *Gildas* takes notice of no other *Scots* than thoſe that came out of *Ireland*, and returned back again. (*y*) *Buchanan* ſaith, *That upon the Succeſs of* Grime *againſt the* Britains, *many Strangers came in to the*

(s) Bede, *l.* 1. *c.* 13.

(t) *Scotichron. l.* 3. *c.* 11.

(u) *Hiſt. Miſcb. l.* 14.

(w) *L.* 1. *c.* 13.

(x) Euagr. *l.* 2. *c* 6.

(y) Gild. § 18. Bed. *l.* 1. *c.* 14.

(x) *Scotichron. l.* 3. *c.* 10.

(y) *Hiſt. l.* 5. *R.* 41.

the Scots *Aſſiſtance, and had their ſhares allow'd them in the conquer'd Lands.* But he takes no notice of *Gildas* or *Bede's* ſaying, *That thoſe very People who fought with the* Britains *returned home to* Ireland; *And the* Picts *were quiet in the utmoſt parts of the Iſland*; where there is no mention of any third ſort of People called the *Scots* in *Britain.* But (z) *Dempſter* undertakes from this place of *Gildas* to prove, *That the* Scots *and* Iriſh *were then diſtinguiſhed, becauſe* Gildas, *after he had mention'd the* Scots *and* Picts, *here names the* Iriſh *Robbers.* It is true, that *Gildas* before doth mention the *Scots* and *Picts*; but in this Place he only ſpeaks of the *Iriſh* and the *Picts*, which is an Argument on the other ſide. For either the *Scots* had no ſhare in theſe *laſt Incurſions*, or they muſt be comprehended under the Name of *Iriſh*, having then no ſettled *Habitations* elſewhere but in *Ireland.* But there is one Paſſage in (a) *Gildas* which ſeems to imply *that it was their Cuſtom to inhabit this Country*, but *Solito more* being their uſed, and they being then ſuppoſed out of *Britain*, the word *Inhabit* can only imply making *a longer ſtay* here, as they were wont to do when they had Succeſs. For their coming is deſcribed, like that of the *Bucaniers* in the *Weſt-Indies*, and their Stay was as they liked their Entertainment.

From this time *Gildas* only mentions *the Vices* and *the Fears*, and another great Plague among the *Britains*, before he comes to that *pernicious Counſel*, as he calls it, *for ſending for the* Saxons *by* Vortigern.

But before I ſpeak of that, while we are upon this Head of the *Britains* being thus expoſed to their Enemies, it will be needful to enquire what that *Legionary Aſſiſtance* was which is mention'd in the *Notitia Imperii*, and at what time that was made; For if the Common Opinion be true, that it was made after the time of *Honorius*, then *Britain* could not have been left ſo deſtitute of *Roman Aſſiſtance* as *Gildas* and *Bede* ſay. For by that *Notitia*, here in *Britain*, under the *Dux Britanniarum* (who ſeems to have ſwallow'd up the Power of the *Comes Britanniæ*, whoſe bare Title is ſtill left in the *Notitia*) there was the *Prefect* of the *ſixth Legion* at *York*, of the *Dalmatian Horſe* at *Præſidium*, i. e. *Warwick*, probably firſt built in the time of *Didius Gallus* againſt the *Silures*, and ſo continued its Name after, as being a convenient Station to keep under the *Provincial Britains*; Of the *Caſpian Horſe* at *Danum*, (*Doncaſter*;) Of the *Cataphractarii* at *Morbium*, (*Moresby* in *Cumberland*;) and ſo of others, at *Albeia* (*Jerby* in the ſame County,) at *Dictum* (*Diganwey* in *Carnarvanſhire*,) at *Concangii* (*Kendal* in *Weſtmoreland*,) at *Lavatræ* (*Bowes* in *Richmondſhire*,) at *Verteræ* (*Burgh* in *Weſtmoreland*,) at *Brovoniacum* (*Brongham* in the ſame County,) at *Maglona* (*Macleneth* in *Montgomery-ſhire*,) at *Magi* (old *Radnor*,) at *Longovicum* (*Lancheſter* in the Biſhoprick of *Durham*,) at *Derventio* (*Aldby* in *Yorkſhire*;) And beſides theſe, there were many *Cohorts* diſpoſed *per lineam Valli*, along the Wall, as at *Segedunum* (*Seton* or *Seghill* in *Northumberland*,) *Pons Ælii* (*Ponteland* in the ſame County,) *Condercum* (*Cheſter* in the *Street*,) *Vindobila* (*Walls-end*,) *Hunnum* (*Severſhale*,) *Cilurnum* (*Silcheſter in Muro*,) *Procolitia* (*Prudlow*,) *Borcovicus* (*Borwick*,) *Vindolana* (*Wincheſter*,) *Æſica* (*Netherby* on the *Esk* in *Cumberland*,) *Magna* (*Cheſter* in the *Wall*,) *Amboglana* (*Ambleſide* in *Weſtmoreland*,) *Petrianæ* (old *Perith* in *Cumberland*,) *Aballaba* (*Appleby* in *Weſtmoreland*,) *Congavata* (near *Caudebec* in *Cumberland*,) *Axellodunum* (*Hexam* in *Northumberland*,) *Gabroſentum* (*Gateſhead* by

New-

(z) *Apparat. ad l.* 1. *c.* 3.

(*a*) Gild. §. 10.

Newcaſtle,) *Tunnocelum* (*Tinmouth,*) *Glanoventa* (a Place upon the *Wensbeck,* ſaith our Learned (*b*) Antiquary, (whoſe Judgment in the other I have follow'd) *ſome Miles within the Wall;*) *Alione* (upon the River *Alne* in *Cumberland,*) *Brementuracum* (*Brampton* in the ſame County,) *Olenacum* (*Elenborough* in the ſame,) *Viroſidum* (*Warwick* on the *Eden.*) Now if all the *Military Forces* lay here *ſo near to the Wall,* after the time of *Honorius,* how came the *Britains* to have been in ſuch diſtreſs? But we have no certainty when this *Notitia* was made. If it were, as *Pancirol* conjectures, in the latter end of *Theodoſius* the younger, about *Anno Dom.* 445. Then all theſe *Roman Forces* were certainly withdrawn; and any new Supplies denied by *Aëtius* in the 23th of *Theodoſius;* Therefore this *Notitia* muſt relate to the *Roman Settlement* here, before the time that *Maximus* carried over the *Roman Legions,* which never returned to that Station which they had before. And although the Title ſeems to imply that it extended beyond the times of *Arcadius* and *Honorius;* yet it cannot be underſtood of what then was, but of what had been in former times. For that the *Britains* had then no ſuch *Forces* among them is apparent by what hath been ſaid already.

I now come to that fatal Counſel of ſending for the *Saxons* to come to their Aſſiſtance. It appears by (*c*) *Gildas,* That the *Britains* could come to no Settlement among themſelves. “ For, ſaith he, They anointed Kings, not according to the Will of God, but ſuch as were
“ more fierce and cruel than others, and not long after they without
“ Examination took them off, and ſet up worſe than they. If any one
“ was more gentle and a Lover of Truth, he was the moſt hated and
“ maligned, as a Betrayer of his Countrey, they minded not what was
“ pleaſing or diſpleaſing to God; or rather the latter was more pleaſing
“ to them. They acted ſtill contrary to their own Intereſt, and there
“ was an univerſal Degeneracy of Manners in all ſorts of Men; And
“ thoſe who ſhould have given the beſt Examples, their Prieſts and
“ Teachers, were as bad as others; Exceſſive Drinking, Heats and Animoſities, Contentions and Diviſions, Envy and Oppreſſion, were then
“ ſo prevailing, that they ſeemed to have loſt all Judgment of Good
“ and Evil; ſo that then, he ſaith, The Saying of the Pſalmiſt was
“ fulfilled, *He poureth Contempt upon Princes, and cauſeth them to wander*
“ *in the Wilderneſs, where there is no Way.* And when neither Fear of
“ their Enemies nor the Judgments of God in a raging Peſtilence would
“ do them good, then their Iniquities, ſaith he, growing full, like the
“ *Amorites,* they fell into Conſultation, what was beſt for them to do
“ againſt their Enemies Incurſions, and they all agreed to invite the
“ *Saxons* over to aſſiſt them. Upon which he breaks out into a ſtrange
“ Admiration of that Stupidity and Infatuation which the *Britains* were
“ then under, to call in a Nation to help them whom they dreaded
“ worſe than Death.

For the *Saxons* had been *terrible* for ſome time before to the *Britiſh* Nation; which was the Occaſion of calling the Shore on both ſides the *Saxon* Shore, and ſetting up ſuch an *Admiral* here by the *Romans,* who was called *Comes Litoris* Saxon' *per* Britanniam. Which ſhews that the *Saxons* were then very well known for their great *Piracies,* and had been ſo from the time of *Carauſius:* For then, (*d*) *Eutropius* ſaith, *he was employ'd to ſcour the Seas from the* Franks *and* Saxons, *who were very troubleſome.* It appears by (*e*) Tacitus, *that* Gannaſcus, *with the* Chauci, *did, in* Claudius *his time, infeſt the* Gallican *Shore with Piracy.*

(*b*) Camd. Brit. p. 669.

(*c*) Gild. §. 19, 20, 21, 23.

(*d*) Eutrop. l. 9. c. 19.

(*e*) Tacit. An. 11.

(f) *Zoſimus* ſaith, *That the* Saxons, *who were the ſtouteſt of all the barbarous Nations, ſent out the* Quadi, *a part of their own People, into the* Roman *Territories.* By theſe *Quadi* (g) *Cluverius* and (h) *Bucherius* underſtand the *Cauchi.* But (i) Archbiſhop *Uſher* ſhews, *That theſe were neither the* Quadi *nor the* Cauchi, *but the* Chamavi, *from* Eunapius, *whom* Zoſimus *tranſcribes, and from* Julian *himſelf:* But from hence it appears, That the *Chamavi* were then accounted a part of the *Saxons*, who, according to (k) *Cluverius*, there lived near the River *Amiſia*, a great way on this ſide the *Elb* or the *Weſer*; And *Eunapius* places them *not far from the* Rhine. However, this proves, that the Name of *Saxons* then comprehended *Nations* of other *denominations*. But, to make this out, we are to conſider, that *Zoſimus* ſaith, *That in the time of* Conſtantius, *three* German Nations *brake forth as it were at once on the* Roman Empire; *The* Franks, *the* Alemanni *and the* Saxons; *and had taken and deſtroyed forty Cities on the* Rhine. And St. (l) *Hierome* mentions the *Franks*, as lying between the *Alemanni* and the *Saxons*. *Theſe three*, as (m) *Beatus Rhenanus* obſerves, *comprehended the ſeveral Nations of* Germany; And, as the late Learned Biſhop of (n) *Munſter* ſaith, *The* Saxons *was a Name belonging to different, but Neighbour Nations, which joined together upon a common Intereſt.* And, not improbably, had their Name at firſt from the *ſhort Swords* they did commonly wear, called *Sachs*; as the *Quirites* had their Name from *Quiris*, a ſort of *Spear*; And the *Scythians*, from *Scytten*, *to ſhoot with a Bow.* (o) *Witikindus* firſt mentions this *Etymology*, which is followed by others; but (p) *Reinerus Reneccius* and (q) *Gryphiander* do much more incline to another derivation, *viz.* from *Saſſen*, which in the *German* Tongue is the ſame with *Natives* or *Inhabitants*; And which in the modern *Saxon* is *Saten*; as *Groſs* is *Grote*; and ſo *Holſati* are the ſame with *Holt-ſaten, Men that lived in Woods.* But why this, which was common to other *Germans*, ſhould give a particular denomination to one ſort, is not ſo eaſie to apprehend: But *Tacitus*, ſpeaking of ſome of the *Northern Germans*, ſaith, *That the common Badges of them are round Shields and ſhort Swords:* And *the Arms of* Saxony *to this day*, as (r) *Pontanus* obſerves, *are two ſhort Swords a-croſs.* As to thoſe who derive the *Saxons* from the *Sacæ* of *Aſia*, as though they were *Sacaſones*; although there be Perſons of great Name who embrace that Opinion (among whom our (s) Mr. *Camden* is one) yet I think it no more probable, than that the *Germans* are derived from *the Plowmen of* Perſia, ſome whereof, *Herodotus* ſaith, were called *Germanii.* For a bare ſimilitude of Names is no ſufficient ground to judge of the *Affinity* of People; nor the agreement of *ſome Words*, as in the *German* and *Perſian* Languages (which Mr. *Camden* inſiſts on) to conclude the People of the *ſame Original:* Unleſs there be a probable account withall given, how they came to be propagated from each other, *i. e.* how the *Perſian Germans* came into theſe Parts; And how the *Sacæ* left their own Countrey to People *Saxony*. But under this Name of *Saxons*, not only thoſe who originally had that Name, but all thoſe who joined with them, were comprehended. And it is obſervable, that not one of the three Names of the *German* Nations then in uſe was known in *Tacitus* his time. The *Alemanni* are firſt ſpoken of by (t) *Spartianus*, in the Life of *Caracalla*; and, as (u) *Agathias* ſaith from *Aſinius Quadratus*, *They were an Aſſociation of many People together under that Name*, as the Word imports. The Name of *Franks* was firſt known in the time of (w) *Aurelian*, and took in ſeveral of the old *German* Names, the *Sicambri*, *Chatti*, *Tencteri*, and many others; Thence (x) St. *Jerome* ſaith, That *France* was that which Hiſtorians called *Germany*; And ſo the *Saxons* was a general Name for the *Northern Germans*, who chiefly lived upon *the Sea-ſhore*, from the *Amaſis* to the *Weſer* and *Elb*, as far as the *Eydor*, unto the *Cimbrick Cherſoneſe*, that had peculiar Appellations. For although the Teſtimony of (y) *Ptolomy* be commonly produced for the *Saxons* living on the back of the *Cimbrick Cherſoneſe*, yet Mr. *Selden*'s *MS.* in both places, leaves out the Σ, and *Capnio*, as (z) *Ciſnerus* obſerves, contends, it ought to be read Ἄξονες. But I lay no weight upon this. But it is certain, that the People in *Tacitus* his time were called *Foſi*, who lived in the Place where the *Saxons* are ſuppoſed to have been. (a) *Cluverius* makes a very unhappy Conjecture, that *FOSI*, in *Tacitus*, was corrupted, for *SASONI*; becauſe they lived in *Holſtein*, and about *Sleſwick*; But it is far more probable, That the Name of *Saxons* was then generally aſſumed by the *Northern Germans* when they joined their Forces together, and reſolved to make ſome Expeditions abroad, as the *Franks* and *Alemanni* had done. Which they did with ſo great Succeſs, that (b) *Zoſimus* ſaith, *in the time of* Julian *they went down the* Rhine, *and drove out the* Salii, *a Nation of the* Franks, *out of the Iſland of the* Batavi. But it ſeems very probable, That the *Saxons* had placed themſelves near the *Sea-ſhore*, from the time of *Diocleſian*, when *Carauſius* was employ'd againſt them. (c) *Oroſius* deſcribes them as a *People living on the Sea-ſhore*; and ſo do *Iſidore* and *Paulus Diaconus* after him. *Ammianus* (d) *Marcellinus* mentions them, as *bordering*, *in* Valentinian'*s time, on the Parts of* Gaul *as well as the* Franks.

(f) Zoſim. *l.* 3.

(g) *Germ. Antiq. l.* 3.

(h) *Belg. Rom. l.* 7. *c.* 5.

(i) *Primord. p* 309.

(k) *Germ. l.* 3. *c.* 14.

(l) Hier. *vit.* Hil.

(m) *Rer. Germ. l.* 1. *p.* 55.

(n) *Mon. Pader. p.* 91.

(o) Witikind. *de Sax. l.* 1.

(p) Reiner. *de Sax. Origine, p.* 10.

(q) *De Weichbild. Saxon. c.* 70. *n.* 5.

(r) *Origin. Franc. l.* 2. *c.* 2.

(s) *Brit. p.* 92.

(t) *Vit.* Caracal.

(u) *Hiſt. l.* 1.

But about this Point our two Learned Antiquaries differ, (e) *Camden* ſaith, *That the* Saxons *originally came from the* Cimbrick Cherſoneſe, *in the time of* Diocleſian; *And after, paſſing the* Elb, *they partly went into thoſe parts of the* Suevi, *which are ſince called* Saxony, *and partly into* Friſia *and* Batavia; *From whence*, he ſaith, *all the Inhabitants of the* German Shore, *who uſed Piracy at Sea, were called* Saxons; by which he underſtands *the People from* Jutland *to* Holland. For which he produces the Teſtimony of *Fabius Ethelwerd*, of the Royal Blood of the *Saxons*; Who ſaith, *That the* Saxons *lived upon the Sea Coaſts, from the* Rhine *as far as* Denmark. But Archbiſhop (f) *Uſher* will not allow, *that the* Saxons *had ſeated themſelvos upon thoſe Coaſts then; But only that they did exerciſe their Piracies along them.* He grants, *that before* Bede'*s time, the* Saxons *took Poſſeſſion of the Places quitted by the* Franks, *when they went into* Gaul, *and not only inhabited on the Coaſt between the* Elb *and the* Rhine, *but in the inner Parts of the Countrey*; But he denies, *that this was before the* Saxons *coming into* Britain. But then *Fabius Ethelwerd* did not underſtand where his Countreymen lived before they came into *Britain*; And if the *Saxons* in *Valentinian*'s time, were ſtill only in the *Cimbrick Cherſoneſe*, how comes *Ammianus Marcellinus* to make them to border upon *the Parts of* Gaul? Are either *Jutland* or *Holſtein*, or *Sleſwick*, or any of thoſe Countries contiguous to *Gaul*? Yet his Words are, *Gallicanos Tractus* Franci & Saxones *iiſdem confines*, &c: Which, that it is not to be underſtood, *that the* Saxons *were Neighbours to the* Franks; but *that the* Franks *and* Saxons *then bordered upon the* Gauls, will appear from hence, The *Franks* were then in *Taxandria*, as is plain by (g) *Ammianus* his Words, in the time of *Julian*, and

(w) Vopiſc. *in* Aurel.

(x) Hier. *in vit.* Hilar.

(y) *Geogr. l.* 2.

(z) *Præfat. ad Crantz. Sax.*

(a) *Germ. Antiq. l.* 3. c. 21.

(b) Zoſim. *l.* 5.

(c) *Hiſt. l.* 7. c. 31.

(d) Marcel. *l.* 27.

(e) Brit. p. 93.

(f) Primord. p. 309.

(g) L. 17.

and in *Batavia*; and withall, *Zoſimus* ſpeaks *of the* Salii, who were undoubtedly *Franks*, *being driven out of the Iſland of the* Batavi *by ſome of the* Saxons. And this was no Incurſion of the *Franks*. For *Ammianus Marcellinus* ſaith, *They did there fix their Habitations:* And the *Chamavi*, whom he makes a part of the *Saxons*, had that Command of the *Rhine*, that *Julian* made Peace with them, *becauſe without their leave Corn could not be brought out of* Britain, as (h) *Eunapius Sardianus* ſaith: And ſo (i) *Libanius* and (k) *Zoſimus* ſay, *that* Julian *took greater Care for the tranſporting Corn out of Britain, as had been accuſtomed, by building more Ships on the* Rhine *for that purpoſe*; And (l) *Ammianus Marcellinus* ſaith, *he built Granaries inſtead of thoſe which were burnt.* Such a one the *Arx Britannica*, in the Mouth of the *Rhine*, was made from a *Magazine*, and thence probably, ſaith (m) *Camden*, had its Name, *becauſe the Corn was conveyed thither out of* Britain. From thence it follows, that the *Saxons* ſo early as *Julian*'s time, had the Command of the *Rhine*. For, whether theſe were the *Chauci*, the *Quadi*, or the *Chamavi*; yet *Zoſimus* ſaith, *That they were a People of the* Saxons. But it may be ſaid, *That this was only a ſudden Incurſion, and that they were driven out again by the* Roman *Forces.* So indeed *Zoſimus* and *Julian* relate it, but how then come the *Saxons* in *Valentinian*'s time to border ſtill upon *Gaul*? So that, if they were driven out by *Julian*, they quickly returned, and fixed their *Habitations* by *the Sea*, as the *Salii*, who were *Franks*, did in *Taxandria*; which was more within Land: and where, as (n) *Godfrey Wendelin* hath endeavoured to prove, *the* Salick *Law was firſt made.* Which *Taxandria*, according to him, was bounded by the *Maes* on the Eaſt and North; by the *Tamera* on the South, and by the *Scheld* on the Weſt; And here, upon Submiſſion, the *Franks* were permitted to live; And this was thence forward called *Francia Minor*, and he mentions a Place there ſtill called *Vranrijck*, the *Kingdom of France* (but a very ſmall one) and others called *Seilberg*, the *Mountain* of the *Salii*, *Seelbendens*, the *Salian Meadows*, *Seleheim*, the *Houſe* of the *Salii*: But the other *Franks* being by *Stilicho*'s means driven out of their Poſſeſſions beyond the *Rhine*, they came into the Parts about *Tongres* near to *Taxandria*, and there joined in one Body; and ſet up *Kings among themſelves*, as he ſhews from *Gregorius Turonenſis*, and then they made that *Body of Laws*, called *the* Salick *Laws*. But to return to the *Saxons*.

(h) *Excerpt. Legat. p.* 15.
(i) *Orat. Fun.*
(k) *Zoſ. l.* 3.
(l) *L.* 18.
(m) *Brit. p.* 852.
(n) *Natale Solum Legum Salic. c.* 8.
c. 11.
c. 13.

(o) *Ubbo Emmius*, a learned and judicious Hiſtorian, gives this Account of the *Saxons* and their *Neighbour Nations*, who inhabited on the Northern Parts of *Germany*. The *Friſii* dwelt from the middle Stream of the *Rhine*, about *Utrecht*, to the River *Amaſus*, (*Eems*;) From thence to the *Elb* lived the *Chauci*, divided into the greater and leſſer by the *Weſer*; A great part of theſe, leaving their Native Soil, joined with the *Sicambri* on the *Rhine*, who, from their affecting Liberty, were called *Franks*; beyond the *Elb* were the *Saxons* and the *Cimbri*; Theſe *Saxons*, being preſſed by the more Northern People, or for their own Conveniency, came Southwards, and took Poſſeſſion firſt of thoſe Places where the *Chauci* dwelt; And by degrees prevailing, all the other People, who joined with or ſubmitted to the *Saxons*, were called by their Name: and among the reſt the *Friſii*; From whoſe Coaſts he ſuppoſes the two Brothers, *Hengiſt* and *Horſa*, to have gone into *Britain*; and, returning thither, carried over a far greater Number with them, not ſo much to fight, as to inhabit there. He thinks it moſt probable,

(o) *Rer. Friſic. l.* 1.
l. 3.

probable, that *Hengiſt* and *Horſa*, by their Deſcent, were originally *Saxons*; But that the greateſt part of the People who went over with them were rather *Friſians* than *Saxons*. Which he proves, not only from the greater facility of Paſſage from the Coaſts of *Friſeland*, and the *Teſtimony* of their own *Annals*; but from the greater agreement of the *Engliſh Language* with theirs than with the *Saxon*, or any other *German Dialect*. And becauſe (p) *Bede* reckons *the* Friſians *among thoſe from whom the* Engliſh *are derived*; and *Wilfrid*, *Wickbert*, *Willibrord*, preach'd to the *Friſians* in their *own Tongue*, as he proves from *Marcellinus* his Life of *Suidbert*: And *Procopius* reckons the *Friſians* among the *Inhabitants of* Britain. But he ſaith farther, That the *Affinity of the Languages* continues ſtill ſo very great, that from thence he concludes many more to have gone out of *Friſeland* into *Britain*, than either of the *Saxons*, *Jutes* or *Angles*.

But to all this our Learned (q) Primate anſwers, *That* Hengiſt *and* Horſa *might be true* Friſians, there being a *Friſia* in the Southern Parts of *Jutland*, which *Saxo Grammaticus* calls *the leſſer Friſia*, and is parted by the *Eidore* from the *Countrey* of the *Angli* on the Eaſt, and of the *Saxons* on the South. But whatever *Suffridus Petrus*, or ſuch Authors contend for, as to *Hengiſt* and *Horſa* being *originally Friſians*, *Ubbo Emmius* quits that Point upon (r) *Bede*'s *Genealogy*, and grants they were *Saxons*; being the Sons of *Victgilſus*, whoſe Father was *Vitta*, the Son of *Vecta*, whoſe Father was *Voden*, *of whoſe Race the Kings of many Provinces are deſcended*. It doth not ſeem at all probable, That theſe lived in the *leſſer Friſia*, which is hardly taken notice of by any but by (s) *Saxo Grammaticus*; and (t) *Pontanus* tells us, *is not above four* German *Miles in length upon the Sea-ſhore*; But ſuppoſe that *Saxo* comprehended *Dithmars* under it, yet we have no certainty that the *Colony* of *Friſians* was removed thither before *Hengiſt* and *Horſa* came for *Britain*; and *Helmoldus* ſeems to imply that it was brought thither by *Adulphus* II. Count of *Holſtein*, about *Anno Dom.* 1137. But the Queſtion is not concerning *Hengiſt* and *Horſa*, but the greater Number of the People, which might be ſtill of the greater *Friſia*; For which the affinity of the Language is a conſiderable Argument, which doth not depend merely upon the Credit of *Marcellinus* his Life of *Suidbert*, but upon the probability of the thing. For ſince ſeveral *Engliſh* went thither to Preach, and the Affinity of the Language continues ſo great ſtill, it is a good Argument to prove, either that the *Friſians* came over hither, or that the *Friſian* and *Saxon* Languages were then the ſame. And (u) *Procopius* his Teſtimony is not to be ſlighted, who places the *Friſians* in *Britain*; for although he calls it *Brettia*, it is certain he means *Great-Britain*, becauſe he places the *Angles* together with the *Friſians* in it; So that he might as well queſtion the *Angles* as the *Friſians* coming hither; if *Procopius* his Authority ſignifie any thing.

I know that our moſt Learned (w) Primate takes this *Brettia* for the Iſland of the *Batavi*, becauſe *Joh. Leidenſis* ſaith, *That upon the* Saxons *Invaſion, ſome of the* Britains *fled into* Holland, *and there, in the Mouth of the* Rhine, *built that famous Caſtle called* Britton, *and ſubdued the People thereabout*. But this ſeems to be very improbable, for any one that looks into the Deſcription of it, in (x) *Scriverius* his *Antiquitates* Batavicæ, will conclude it to have been *a Roman Work*; which a Perſon of his Judgment could not but diſcern; But he ſaith, *it was poſ-*

(p) l. 5. c. 10.

(q) *Primord.* p. 399, 400.

(r) L. 1. c. 15.

(s) L. 14.

(t) *Deſcript. Daniæ.*

(u) *De bello Goth.* l. 4. c. 20.

(w) *Primord.* p. 419.

(x) *Antiq. Bat.* p. 171. &c.

ſeſſed then by the Britains: Which depends wholly on the Credit of this *Joh. Gerbrandus* of *Leyden*, who was a *late Writer*, and of no great Eſteem with him, as appears by many Paſſages in his Book: But how came the *Angles* to live here with the *Friſians* and *Britains?* For that the ſame *Gerbrandus* is cited, who ſaith, *That when part of* Hengiſt's *Army was driven out of* Britain, *they built the Caſtle of* Leyden. And ſo we have the *Britains* dwelling there, being driven out by the *Saxons*; and the *Saxons* driven out by the *Britains*; only to make this to be the Iſland *Brettia*, in *Procopius*, diſtinct from *Great-Britain*. But to proceed.

(*y*) *Adamus Bremenſis*, who lived near to *Jutland*, ſaith, That *the* Saxons, *who went over into* Britain, *lived near the* Rhine. (*z*) *Engelhuſius*, lately publiſhed out of *MSS.* by *Maderus*, and who lived in the lower *Saxony*, ſaith, *That* Hengiſt *and* Horſa *went out of* Weſtphalia, *from a Place called* Enghere, *and inſtead of* Engerſchen, *called themſelves* Engelſchen. (*a*) *Suffridus Petrus* ſaith, *Thoſe People were called* Angrivarii, *and the Country* Angria, *which was ſubdued by* Udolphus, *Father to* Hengiſt *and* Horſa, *and Prince of* Friſia; *But their Mother's Name was* Suana, *Daughter to* Vectgiſtus, *a great Man about* Hamburgh. If he ſuppoſe *Hamburgh* then built, he was extremely miſtaken; for it was only a *Caſtle* erected on the *Elb*, in the time of *Charles the Great*, for preventing the Incurſion of the *Sclavi*, as appears by the Teſtimonies of (*b*) *Eginhardus*, and (*c*) *Albertus Stadenſis*: After which he built *a City*, and founded *a Church* there, as *Adamus Bremenſis* and *Helmoldus* agree; Which City had its Name from a Neighbour *Wood*, called in the *Saxon*, *Hamme*; as (*d*) *Lambecius* ſaith, in *Ditmarſe* there are *two Woods* ſtill called *Suderhamme* and *Norderhamme*. But to return to *Suffridus*; *When, according to Cuſtom,* ſaith he, *a Colony of* Friſians *was to be drawn out,* Hengiſt *and* Horſa *were their Captains, and ſo went for old* England, *or* Anglen *in* Jutland, *where they were kindly received, by means of* Vectgiſtus; *and from thence took the opportunity of coming into* Britain. From hence he finds fault with *Crantzius*, for making *Angria* in *Weſtphalia* to be *Old Anglen*; and ſaith, *That* Bede *only reckons the Mother's Line, and not the Father's.* But his *Occa Scarlenſis*, on whom he chiefly relies, is much ſuch another Author as *Hunibaldus*, or *Geoffrey*, or *Hector*'s *Veremundus*; and therefore I ſhall ſay no more of him. For, I perceive, ſcarce any of the *Northern Nations* wanted ſuch Authors, who endeavour'd to ſupply the defect of their *Hiſtories* by their own *Inventions*. So that it is neceſſary to lay open the pretended *Antiquities* in order to the ſetting forth the true.

(*y*) *Hiſt. Eccleſ. l.* 1. *c.* 3.
(*z*) *Chron. p.* 111.
(*a*) *De Orig. Friſ. l.* 2. *c.* 15.
(*b*) *Annal. A.D.* 810, 811.
(*c*) *Stad. A. D.* 810.
(*d*) *Orig. Hambag. p.* 13.

The late Biſhop of (*e*) *Munſter*, a Perſon of far greater Judgment and Learning than *Suffridus Petrus*, calls his *Originals* of the *Saxons*, by no better a Title than of *Canoræ Nugæ*, Sounding Trifles, *having no Foundation in good Authority*. The Account he gives of the *Saxons* is this, That they at firſt lived beyond the *Elb*, where they had the ſame Situation with *Tacitus* his *Angli*, whom he makes the fartheſt of the *Suevi*, and therefore might well be the ſame People; That in *Bede*'s time they were come on this ſide the *Weſer*, and were ſettled in *Weſtphalia*; and ſo they made a threefold *Saxony* of the *Oſtphali*, *Angrivarii* and *Weſtphali*, who were called *Olt-ſaxons* by *Bede* and others: Not that theſe were all originally *Saxons*; But they bore the ſame Name, being united in one common League; So that, as all the *Germans* which went into *Gaul* were called *Franks*, ſo thoſe who prevailed in *Germany* and went into *Britain*, were called *Saxons*.

(*e*) *Monum. Paderborn p.* 88.
p. 90. *&c.*

But (f) *Olaus Rudbeck*, after all, hath found the Seat of the *Saxons* more North than *Jutland*, where, ſaith he, *The Name of the* Saxons *could never yet be found; and where are no Mountains to be met with upon which* Ptolemy *places them on the back of the* Cimbrick Cherſoneſe, *but in that part of* Sweden *which lies between* Vermelandia *and* Angermannia *he hath found* Norſaxen, *and* Soderſaxen, *and* Saxehundari, *and* Saxewall, *and* Saxen, *&c. And in* Smaland *he hath diſcovered many Places taken from the* Angles, *as* Angleſted *Hundred*, Angloridia, Anglodorpia, Engelbeck, *&c.*

But for our better underſtanding the Condition of that People who were called in by the *Britains*, it will be moſt material to conſider what is ſaid of them by thoſe who deſcended from them, and lived here not long after their coming.

(g) *Bede*, who was himſelf a *Saxon*, and lived neareſt the time of the *Saxons* coming hither, muſt be preſumed to have underſtood beſt who they were, and whence they came. And although at the beginning he makes the *Angles* and *Saxons* all one, ſaying, the *Angles* or *Saxons*, being invited by King *Vortigern*, came hither *in three Keels or long Boats at firſt*; yet when he adds, *that Numbers came afterwards*, he then diſtinguiſheth them into *three diſtinct ſorts of People*, viz. the *Saxons*, *Angles* and *Jutes*. The *Saxons*, he ſaith, *came from that Place which was then called* Saxony; *The* Angles, *from the Country called* Angulus, *which remained deſart to this day, and lay between the Provinces of the* Jutes *and* Saxons. And much to the ſame purpoſe (h) *Fabius Ethelwerd*; only he ſaith, *that they came* de *Saxonia, Anglia* atque *Giota*. *Saxony*, he ſaith, *was then called* Ealdſexe; and for *Anglia*, he ſaith, *it lay between the* Saxons *and the* Gioti, whoſe chief Town in the *Saxon Tongue* was called *Sleſwic*, and by the *Danes*, *Haithaby*. But, by this Account, all theſe People who came hither to aſſiſt the *Britains*, and after conquer'd them, and poſſeſſed their Land, muſt come out of that *Cherſoneſe* called *Jutland*, taking it in the largeſt extent, not only to the *Eidore*, but from the *Eidore* to the *Elb*. For if the *Angli* came from about *Sleſwic*, and lay between the *Jutes* and the *Old Saxons*; then the *Jutes* poſſeſſed all that part of the *Cherſoneſe* which is now called the *Northern Jutland*: and the *Southern Jutland* takes within it all that was poſſeſſed by the *Angli*, which reached no farther than between *Sleſwic* and *Flensburgh*, which in the modern Maps is ſtill called *Angelen*; And ſo the Country lying between the *Elb* and the *Eidore*, comprehending *Hoſtein*, *Dithmars* and *Stomar*, muſt be the Seat of the *Old Saxons*; which, by (i) *Adamus Bremenſis* and (k) *Helmoldus*, is called *Nortalbingia*; and, by (l) *Eginhartus*, *Saxonia Tranſalbiana*; by (m) *Albertus Stadenſis*, *Tranſalbia*; where the *Saxons* remained in ſo great Numbers *that* Charles *the Great could not totally ſubdue them, till after a War of above thirty years*, as the foremention'd Authors aſſure us. And (n) *Eginhartus*, whoſe Authority is unqueſtionable, ſaith, *That* Charles *had no War more tedious or more fierce than that which he had with the* Saxons; *And in the concluſion of it, he was forced to remove* 10000 Saxons *on both ſides the River* Elb, *and to diſperſe them in ſeveral Parts of the Empire.* And as to that part of *Jutland* which *Bede* ſaith *was left deſolate to his time upon the remove of the* Angli; (o) *Adamus Bremenſis* gives another Reaſon for it, ſaying, *That* Jutland *was the moſt uncultivated part of all* Germany, *and the leaſt fit for humane habitation, being ſo barren and unfruitful, and ſo obnoxious*

(f) *Atlantic. c.* 21. §. 16.

c. 24. §. 16.

(g) *L.* 1. *c.* 15.

(h) Ethelw. *l.* 1.

(i) *L.* 2. *c.* 8.

(k) *L.* 1. *c.* 5.

(l) *A. D.* 785.

(m) *Stad. A.* 785.

(n) *Vit.* Caroli.

(o) *De Situ Daniæ.*

to Pirates from both Seas. But ſince the *Saxons*, *Angles* and *Jutes*, coming into *Britain*, took Poſſeſſion of ſo great a part of it, as our *Hiſtorians* tell us, viz. *The* Jutes, Kent, *the Iſle of* Wight *and part of* Hampſhire; *The* Saxons, Suſſex, Eſſex, Middleſex, *the South part of* Hartfordſhire, Surrey, *the other part of* Hampſhire, Berkſhire, Wiltſhire, Dorſetſhire, Somerſetſhire, Devonſhire *and part of* Cornwall; *The* Angles, Norfolk, Suffolk, Cambridge, *the Midland and Northern Counties*; It deſerves to be conſidered whether, ſince there were ſo few Inhabitants then in *Jutland* and ſo many *Saxons* left behind, there be not far greater probability that theſe ſhould come from all the *Maritime Coaſts* from the *Rhine* to *Jutland*, than merely out of ſuch an *unpeopled Country* as that was. I do not deny the diſtinction of People that *Bede* mentions, nor their coming *originally* out of *Jutland*, or rather through *Jutland*: But, I think, all Circumſtances conſidered, it is more probable that the *Saxons*, before that time, were come nearer to the *Rhine*, and ſo had greater Conveniency of removing themſelves over in ſuch great Numbers into *Britain*, as they did upon *Vortigern's* Invitation, and the Diſcontents which ſoon happen'd between the *Saxons* and the *Britains*.

And it is obſervable, That thoſe who inlarge the Bounds of the *Saxons* do take notice of a difference in their Situation agreeable to what *Bede* ſaith; For (p) *Reinerus Reineccius*, a Learned *German* Antiquary, ſaith, *The* Saxons *were divided into three ſorts*, the *Oſtvali*, or the *Eaſtern Saxons*, whom the *Old* Saxon *Poet* calls *Oſterlingi*, *whoſe Limits extended*, he ſaith, *as far as the* Slavi, *i. e.* beyond *the River* Elb; the *Weſtvali*, whoſe Bounds, he ſaith, *came very near the* Rhine, And between theſe, he ſaith, were the *Angarii*, juſt as *Bede* puts his *Angli*, between the *Jutes* and the *Saxons*.

Inter prædictos media Regione morantur
Angarii, *Populus* Saxonum *tertius*——

If this Diviſion of the *Saxons* be allow'd, we have here ſcope enough for all thoſe People to live in who came over into *Britain*, and number enough to come hither, and yet not to leave the Places deſolate whence they came. And it is not improbable that the Northern Nations thruſting one another forwards, for a greater Conveniency of living, thoſe *Saxons* who lived about *Hoſtein* might come into *Weſtphalia*, and ſo be neareſt to the *Rhine*; The *Angli* came into the Place where the *Angrivarii* are ſeated; And the moſt remote Inhabitants of the *Cherſoneſe*, would then be the *Oſterlings* or the *Eaſtern Saxons*. This, upon the whole matter, ſeems to me the moſt probable way of reconciling what *Bede* ſaith with the *Circumſtances* of thoſe times, and with the *Friſians* coming in together with the *Saxons*, which he elſewhere expreſly affirms, as is already ſhew'd.

As to the time of the *Saxons* coming into *Britain*, in the common printed Copies of *Bede*, it is ſaid to have been *An. Dom.* 409. and ſo it is in the late Edition by *Chiffletius*, out of the old *MS.* of *S. Maximin* at *Triers*; But that cannot be true, becauſe *Martianus* is ſaid to be Emperor at the ſame time. But in the *Chronology*, at the end of that Edition, it is ſaid to have been *An. Dom.* 449. to which Mr. *Wheelock's MS.* agrees; and *Aſſerius Menevenſis* in his *Annals*; which is follow'd by *Fabius Ethelwerd*, the *Old* Saxon *Annals*, *William* of *Malmesbury*,

Henry

(p) De Orig. Sax. p. 11.

Henry Huntingdon, Matth. Weſtminſter, and others. *Florentius Wigornienſis,* who generally follows *Marianus Scotus,* places it in the following year; *Valentinianus* and *Avienus Conſuls*; but, according to *Marianus Scotus,* in the *Baſil* Edition, they were *Conſuls* the year before *Martianus* was *Emperor,* and he makes their coming in to have been when *Herculanus* and *Aſporatius* were *Conſuls,* An. Dom. 453. But Archbiſhop (q) *Uſher* ſaith, *That appears by the* Faſti *to have been* An. Dom. 452. or the ſecond of *Martianus,* by *Caſſiodore.* Two *Characters* of the time are certain; *viz.* that it was after the *third Conſulſhip of* Aëtius, and the Death of *Theodoſius*; And therefore it is to be wondred, Mr. (r) *Camden* ſhould ſo confidently affirm that it was before *An. Dom.* 449. But there are three things he goes upon which muſt be conſider'd. Firſt, *That* Vortigern'*s Death was before St.* German'*s return*; *But St.* German *died* An. Dom. 435. *And therefore the coming in of the* Saxons *muſt be ſome time before.* As to *Vortigern*'s Death, before St. *German*'s return, he produces only the Teſtimony of *Nennius,* who, in the Affairs of *Vortigern,* doth *Romance* ſo much, That even *Geoffrey* of *Monmouth* was aſhamed to follow him. But as to the time of St. *German*'s Death, there are very convincing Arguments to prove *Camden* miſtaken. (s) *Honoratus,* in the Life of *Hilary,* Biſhop of *Arles,* mentions St. *German* as preſent when *Chelidonius* was depoſed by *Hilary* in his *Viſitation*; which (t) *Sirmondus* placeth not without Reaſon, *An. Dom.* 444. as appears by the Epiſtle of *Leo* and the Reſcript of *Valentinian* upon *Chelidonius* his *Appeal,* which bears date, *An. Dom.* 445. But which is yet more conſiderable, (u) *Bede* ſaith, *that after his ſecond return he went on an Embaſſy to* Ravenna, *and was there kindly received by* Valentinian *and* Placidia, *and there died*; And, not long after, *Valentinian was* killed in the ſixth of *Martianus*: And therefore St. *German*'s Death could not be ſo ſoon as Mr. *Camden* ſuppoſeth. Add to this, that *Conſtantius,* in his Life of St. *German* ſaith, *That he ſate thirty years after St.* Amator *in his See, who died* An. Dom. 418. But the *Sammarthani* ſay, *An. Dom* 420.

As to the Teſtimony of *Proſper Tiro,* who ſaith, *That* Britain *was brought under the Power of the* Saxons, *the* 18th *of* Theodoſius, it plainly contradicts *Gildas*; For this was before the *third Conſulſhip* of *Aëtius,* which was five years after; and in matters of the *Britiſh Hiſtory, Gildas* certainly deſerves the greater Credit, ſuppoſing it were the true *Proſper.*

His laſt Argument is from *the Calculation, at the end of* Nennius, on which he lays the greateſt Weight; which makes their coming in to be when *Felix* and *Taurus* were *Conſuls,* which agrees with *An. Dom.* 428. But this was near twenty years before the third *Conſulſhip* of *Aëtius,* when the *Britains* were not yet in deſpair of Aſſiſtance from the *Romans*; Before which they never ſought for the *Saxons.* And I confeſs the Authority of *Gildas* and *Bede,* with the *Series* of the *Britiſh* and *Roman Affairs* at that time ſway much more with me than ſuch an *Anonymous Calculation.*

It is a ſtrange miſtake of (w) *Hadrianus Valeſius,* to make Vortigern, *King of the* Angles, *who were hired to aſſiſt the* Britains; But the Ambiguity of the words in (x) *Paulus Diaconus* ſeem to have been the occaſion of it: which had been eaſily prevented by looking into *Bede*: And ſo had another miſtake in the ſame place, viz. *That only the* Angles, *and not the* Saxons, *were invited over*: For *Bede* ſaith expreſly, *That* the

(q) *Primord.* p. 405.

(r) *Brit.* p. 95.

(s) Vincent. bar. *SS.* Lerinenſ. *Vit.* p. 112.

(t) *Concil. Gall.* To. 1. p. 79.

(u) *L.* 1. c. 21.

(w) *Rer. Franc. l.* 3. p. 143.

(x) *Hiſt. l.* 14.

the Britains, *with their King* Vortigern, *agreed to ſend for the* Saxons; But it is a third miſtake, when he ſaith, *That the* Saxons *before this time had a part of the Iſland near to the* Picts; Which he proves from the Words of *Conſtantius* as to their joining with the *Picts* in one of their Battels. But the *Saxons* did frequently make Incurſions before, and in one of them might join with the other Enemies of the *Britains*, which is a very different thing from Inhabiting in any Part of the Iſland, which we have no Evidence that they did, till they were called in by the *Britains*.

The *Saxons* having received ſuch an Invitation from the *Britains* were unwilling to let ſlip ſo fair an Opportunity of coming into that Land, by the conſent of Prince and People whoſe Shores they had ſo long infeſted. (*y*) *Bede* ſaith, *There was a particular Providence of God in it, to make them the Scourges of the Peoples wickedneſs.* (*z*) *Gildas* imputes it to *mere Sottiſhneſs and Infatuation.* (*a*) *Nennius* intimates ſome *Domeſtick Fear* that was the *Occaſion of* Vortigern's *ſending for the* Saxons, as well as that of their *common Enemies*, *i. e.* he was very apprehenſive of *a ſudden Riſing* of the *Roman Party* yet left in the *Iſland*, and of *Ambroſius*. But he leaves it wholly in the dark, who this *Ambroſius* was, and what Cauſe *Vortigern* had to be afraid of him. (*b*) *Gildas* ſpeaks of *Ambroſius Aurelianus*, as of *a modeſt Man, and as almoſt the only perſon of the* Roman *Nation then ſurviving, whoſe Parents were killed enjoying the Purple, and whoſe Poſterity was living in* Gildas *his time, but much degenerated from the Vertues of their Anceſtors.* This is the only Paſſage which gives us any light into this matter which is repeated by (*c*) *Bede*, who more plainly ſaith, *That his Parents had Royal Authority, and were killed.* Who theſe *Parents* of his were we are left only to conjecture. The (*d*) *Britiſh Hiſtory* would clear the matter, if it deſerved Credit, for there we read, *That* Aurelius Ambroſius *was one of the younger Sons of* Conſtantine, *King of* Britain, *who was forced to fly from* Vortigern *after the Murther of their Brother* Conſtans *by his Contrivance.* But we know that *Conſtantine* and his Sons, *Conſtans* and *Julian*, were killed abroad; and it is not probable the *Romans* would have permitted any one of his Sons to have remained here; or, if they did, this *Ambroſius* muſt have been of Ripe years for Government long before this time. For *Conſtantine*'s Life was taken away when *Theodoſius* was IV. *Conſul*, as *Idatius* and *Marcellinus* agree, *An. Dom.* 411. So that *Ambroſius* could not be very young when *Vortigern* took the Government, in whoſe fourth year, they ſay, *The* Saxons *were called in.* But there is another Paſſage in *Gildas* which helps to explain this: For he ſaith, *That after they found themſelves deſerted by the* Romans, *they ſet up Kings of their own, and ſoon after put them down again, and made choice of worſe in their Room*; This ſetting up of Kings he expreſſes by their *being anointed*; whether that Cuſtom were then uſed or not, it is plain, that he ſuppoſes that the *Britains*, in that Confuſion they were in, took upon them, without regard to their Duty, to place and diſplace them. But that he takes *anointing* in a *metaphorical* Senſe appears by what follows, *That the Anointers were thoſe who deſtroy'd them.* Among theſe in all probability was the Father of *Ambroſius*, and the rather becauſe, it is ſaid, *he was of* Roman *Deſcent*: For the *Britains* thought none then able to defend them that had not a *Roman Spirit* in him. At this time the *Britains* were left to their full Liberty by the *Roman* Empire, which, as (*e*) *Bede* reckons, *had the Dominion here for* 470 *years*; And then

(*y*) *L.* 1. *c.* 14.

(*z*) Gild. §. 23.

(*a*) Nenn. *c.* 28.

(*b*) Gild. §. 25.

(*c*) *L.* 1. *c.* 16.

(*d*) Galfr. *l.* 2. *c.* 6.

(*e*) *L.* 1. *c.* 11.

then there was no Line remaining to ſucceed in the Government, nor ſo much as to determine their Choice, which made them ſo eaſily to make and unmake their Kings, who loſt their Purple and their Lives together. This muſt needs breed infinite Confuſions among them; and every one who came to be King lived in perpetual fear of being ſerved as others had been before him; And the natural Conſequence of this Jealouſie of their own Subjects was, looking out for Aſſiſtance from abroad, which I doubt not was one great Reaſon of *Vortigern*'s ſending for the *Saxons*, hoping to ſecure himſelf by their means againſt his own People: although it proved at laſt the Ruin both of himſelf and his People. But this Jealouſie could not but increaſe upon them, while there was a Perſon deſcended from a former King, and of *Roman Parentage* in being; So that *Nennius* ſeems to have hit upon one of the main *Reaſons* which ſway'd *Vortigern* to ſend for the *Saxons*.

(*f*) Some have gone about to defend *Vortigern* ſo far as to ſay, *That he took the moſt prudent Courſe he could, for the benefit and ſecurity of his Subjects, by placing the* Saxons *upon the* Picts *Wall, and upon the* Kentiſh *Shores, which were thought fit to be ſecured by the* Romans. But, againſt whom? Was it not againſt theſe very *Saxons?* And is it the beſt way to ſecure the *Flock*, to ſet the *Wolves* to watch them? If they *had the Command of thoſe Shores*, could not they let in what *Numbers* they pleaſed of their own People, to ſtrengthen themſelves againſt the *Britains?* And, was this for the *Peoples Security?* What Succeſs had there been in that Age, in letting in the *Barbarous Nations* upon the ſeveral Parts of the *Roman Empire?* And what could be expected in ſuch a Condition as the *Britains* were in, otherwiſe than what did happen when a fierce, ungovernable, military People were called in to defend a Nation ſo long kept under, and wholly almoſt unacquainted with the exerciſe of *Brutiſh Valour*, and unexperienced in the Arts of War? Eſpecially when the Air, Situation, Fruitfulneſs and all ſorts of Conveniencies were ſo much above thoſe of the Countrey which they came from? So that *Gildas* ſeems to have a great deal of Reaſon, when he attributes this Act of *Vortigern*'s, with a reſpect to the Nation, to mere *Sottiſhneſs* and *Infatuation*.

(*f*) Hiſt. of Gavel-kind, *p.* 40.

(*g*) *Witikindus* tells a formal Story of a Speech made by the *Britiſh Ambaſſadors* to the *Saxons*, wherein they magnify the *Saxons Courage*, and lament their own Miſeries; and in ſhort tell them, *If they would come and help them, their Land and themſelves would be at their ſervice; for they knew none more worthy to Command them, ſince the* Romans *had left them*. But neither *Bede* nor *Ethelwerd*, although both *Saxons*, mention the leaſt Promiſe of *Submiſſion*; And it is apparent by their Quarrel with the *Britains* afterwards, that they came as *Mercenary Soldiers*, upon promiſe of Pay. For (*h*) *Gildas* ſaith, *The firſt Pretence of Quarreling was for greater Allowance*, which he calls their *Epimenia*, and *Bede*, *Annonæ:* Which ſhews upon what *Terms* they came. And *Witikindus* himſelf makes no other Pretence for their Riſing againſt the *Britains*, but *that the Countrey pleaſed them, and they found they were able to ſubdue the Inhabitants*. For after *Hengiſt* and his Company had taſted the Sweetneſs of it, they never left Wheedling that weak and vicious King (as all deſcribe him) with fair Promiſes, and neceſſity of more Succours to ſecure himſelf and to defend his Countrey, till they had by degrees got over Strength enough to bid defiance to the *Britains*. At firſt they ſeem'd very zealous and hearty againſt their common Enemies,

(*g*) De Geſt. Sax. p. 3.

(*h*) Gild. §. 23.

mies, and did great Service in beating the *Picts* and *Scots*; inſomuch that (i) *Buchanan* confeſſes, *they were driven beyond* Adrian's *Wall*; And ſome think their King *Eugenius* was then killed. (k) *Fordon* ſaith, *They went into* Albany, *and brought away great Booty from thence*; and confeſſes, *that he found in a certain Hiſtory, that he was killed South of* Humber, *by the* Britains *and the* Engliſh. And it is eaſie to imagine how inſolent ſuch a Barbarous People would grow upon their Succeſs, when they knew the *Britains* durſt not oppoſe them. (l) *Bede* ſaith, *That they entred into a ſecret League with the* Picts *and the* Scots *after they had beaten them, and then took occaſion to quarrel with the* Britains; *Only they ſtill endeavour'd to keep* Vortigern *firm to them.* To this purpoſe (m) *Nennius* tells the Story of *Hengiſt*'s fair Daughter *Rovena*, and how *Vortigern* was inſnared by her, to the great diſſatisfaction of the *Britains*. *Hector Boethius* ſaith, *That* Vodinus, *Biſhop of* London, *was killed by* Hengiſt, *for reproving* Vortigern *for that Marriage*; But we muſt not be too ſtrict upon *Hector* to put him to produce his *Vouchers*. And the (n) *Britiſh* Hiſtory adds, that *Hengiſt, being a ſubtile Man,* inſinuated ſtill into *Vortigern, That his own People did not love him, and that they would depoſe him, and ſet up* Aurelius Ambroſius: And by ſuch Arts they widen'd the Diſtance between him and his People, when they deſigned nothing leſs than the deſtruction of both.

It is certain, by what *Gildas* and *Bede* have left, that theſe Heats ſoon brake out into open Flames, to the Ruine and Deſolation of the Countrey: But how the War began, and by what means it was firſt managed on the *Britiſh ſide* is not ſo clear. But (o) *Nennius* ſaith, *That when* Vortigern's *Wickedneſs grew ſo great as to Marry his own Daughter, he was condemned in ſolemn Council of the* Britiſh *Nation both Clergy and Laity, and upon the Advice of his Nobles, he withdrew himſelf from Affairs to a private Caſtle.* But the (p) *Britiſh Hiſtory* makes it worſe, viz. *That the* Britains *forſook him, and ſet up his Son* Vortimer, *who behaved himſelf with great Courage and Reſolution againſt the* Saxons: And then reckons up *four Battels, which he fought with them; The firſt upon the* Derwent, *the ſecond at* Epiſford, *or rather* Aleſford, *the third upon the Sea-ſhore, when he drove them into their Ships, and ſo home*; but the fourth is not mention'd; After which *Geoffrey* relates *Vortimer*'s *being poiſon'd by his Mother-in-law, and the reſtoring of* Vortigern, *and his calling for the* Saxons *back again.* (q) *Nennius* ſpeaks of *Vortimer*'s fighting with *Hengiſt* and *Horſus*, and adds, *his Succeſs to have been ſo great, as to have driven them into the Iſle of* Thanet, *and that there he beſieged, and beat, and terrified them to that degree, That they ſent into* Germany *for freſh Succours; by which they were enabled to manage the War with various ſucceſs againſt the* Britains. And then reckons up the *three Battels*, juſt as *Geoffrey* doth; Only the laſt, he ſaith, was upon the *Sea-ſhore, juxta lapidem tituli*; a little after which, he ſaith, *that* Vortimer *died*, without any mention of Poyſon; But, he ſaith, *before his Death he gave command to have his Body buried on the Sea ſhore, where the* Saxons *fled; which was neglected*, and to which *Nennius* imputes their *Return, after which they could never be driven out. Becauſe*, as he ſaith, *It was the Divine Pleaſure more than their own Valour which made them ſettle here. And it is he that Orders and Rules the Nations of the Earth; And who can reſiſt his Will?* It is plain by all this, that *Nennius* conſulted the Honour of the *Britiſh Nation* as much as it was poſſible, and no where uſeth that freedom which *Gildas* doth in ſetting forth the

great

(i) *Hiſt.* l. 5.
(k) *Scoti-chron.* l. 3. c. 13, 14.
(l) *L.* 1. c. 15.
(m) Nenn. c. 37.
(n) *L.* 3. c. 1.
(o) Nenn. c. 39.
(p) *L.* 3. c. 2.
(q) Nenn. c. 45.

great *Sins* among them which provoked God to puniſh them in ſo ſevere a manner.

The Place where *Vortimer* deſired to be buried is called by *Nennius*, *Lapis Tituli*; from whence (r) *Camden* and Archbiſhop (s) *Uſher* conceive it to be *Stonar* in the *Iſle of Thanet*, near *Richborrow*; but *Nennius* ſaith only, *It was upon the Shore of the* French Sea; From whence Mr. (t) *Somner* rather concludes it to be *Folkſtone* in *Kent*, becauſe of its *lofty Situation*, whereas Stonar *lies in a low and flat level*, *apt to Inundations*; But then *Nennius* muſt have miſtaken *Lapis Tituli*, for *Lapis Populi*; and, I dare ſay, *Nennius* was guilty of greater Miſtakes than that. But, he farther obſerves, *that in the ancient Records, the Name is not* Stonar, *but* Eſtonar, *which ſignifies the Eaſtern Border, Shore or Coaſt.*

(r) *Brit.* p. 240.
(s) *Primord.* p. 413.
(t) *Roman* Ports and Forts in *Kent* MS.

(u) *Matthew* of *Weſtminſter* gives this account of theſe Proceedings: *That the* Britiſh *Nobility, forſaking* Vortigern, *ſet up* Vortimer, *who with their Aſſiſtance, purſued the* Saxons *to* Derwent, *and there killed many of them.* Which ſeems to have been *Darent* in *Kent*; thence *Dartford*, as (w) *Camden* obſerves, is the ſame with *Darenford*. But he makes Vortigern *to have fled away with the* Saxon *Army, and to have given them all the Aſſiſtance he could: And then*, ſaith he, Vortimer *began to reſtore the* Britains *Poſſeſſions to them, and to rebuild their Churches, and to ſhew kindneſs to the Churchmen.* The next Year, he ſaith, "The *Saxons* fought again with the *Britains* at *Ailesford*; and after a ſharp Fight the *Saxons* fled, and great Multitudes of them were ſlain; Not long after *Vortimer*, with his Brothers *Catigern* and *Paſcentius*, and the whole Nation of the *Britains* made War with the *Saxons*, and in Battel *Catigern* was killed by *Horſus*, and *Horſus* by *Vortimer*, upon which the *Saxon* Army fled. The next Year, he ſaith, *Hengiſt* fought three Battels with *Vortimer*, and at laſt he was forced to go back into *Germany*, and four Years after, *Vortimer*, ſaith he, was poiſon'd, *Anno Dom.* 460. and buried in *London*, and then *Vortigern* recalled the *Saxons*.

(u) Mat. Weſtm. A. D. 454.
(w) Brit. p. 233.

(x) *William* of *Malmesbury* ſaith, "That the *Britains* and *Saxons* agreed for ſeven Years after their Landing, and then *Vortimer*, finding their Deceit, incenſed his Father and the *Britains* againſt them, and ſo for twenty Years there was continual War and light Skirmiſhes, and four pitched Battels. In the firſt he makes their Fortune equal, *Horſa* being killed on one ſide, and *Catagis* on the other. In the reſt, the *Saxons* being always ſuperior, and *Vortimer* dead, a Peace was made; And ſo the *Britains* Affairs went ill, till *Ambroſius* recover'd them.

(x) *De Geſtis Reg. l.* 1. *c.* 1.

(y) *Henry* of *Huntingdon* relates this Story after a different manner: He tells us, "That *Vortigern*, after the Marriage of *Hengiſt*'s Daughter was ſo hated, that he withdrew to the *Mountains* and *Woods*, and that he and his Caſtle were conſumed together. After which *Ambroſius Aurelianus*, with *Vortigern*'s two Sons, *Vortimer* and *Catigern*, fought the *Saxons*; And he makes the firſt Battel at *Aileſtreu* or *Elſtree*, the next after *Vortimer*'s Death at *Creganford* or *Crayford*, in which, he ſaith, the *Britains* were quite beaten out of *Kent*, and from thence he begins the *Saxons* Kingdom of *Kent*; The next, he ſaith, was at *Wippedsflede*, which was ſo terrible on both ſides, That from thence he ſaith, *That the* Saxons *and* Britains *did not diſturb each other for a great while, they remaining within* Kent, *and the* Britains *quarrelling among themſelves.*

(y) *Hiſt. l.* 2.

(z) *Chronic. A. D.* 455.

(z) *Florentius Wigornienſis* therein differs from the reſt, that he makes the Battel at *Ægelſtherp* to have been between *Vortigern* and *Hengiſt*; But, he ſaith, after the Battel at *Creccanford*, the *Britains* fled to *London*, and left *Kent* to the *Saxons:* Wherein he follows the *Saxon Annals*; as he doth in the Account of the two other Battels; that at *Wippedsfleot*, and that which he calls the great *Victory* over the *Britains* by *Hengiſt* and *Æſca* his Son; which he places *Anno Dom.* 473. when he ſaith, *the* Britains *fled from the* Saxons *as from Fire.*

(a) Chron. *l.* 1.

(b) Nenn. *c.* 49.

(a) *Fabius Ethelwerd* agrees with the *Saxon Annals* and *Florentius* in theſe Particulars; And ſo doth *Aſſerius* in his *MSS. Annals*, as to *Vortigern*'s fighting with *Hengiſt*. Wherein they very much differ from the *Britiſh Traditions*; But after the Tranſlation of the *Britiſh Hiſtory* by *Geoffrey*, the *Monkiſh Hiſtorians* generally follow that, as to the Succeſs of thoſe Battels, and as to the Treachery uſed towards *Vortigern* by *Hengiſt*, upon *Saliſbury Plain*, near *Ambresbury*; Where it is ſaid by *Geoffrey*, that *the* Saxons *killed* 470 *of the* Britiſh *Nobility, under a Pretence of a Treaty of* Peace; (b) Nennius *ſaith* but 300; *and that* Vortigern *was then taken, and was forced to give* Eſtſex, Suthſex *and* Middleſex *for his Redemptiom.*

(c) *De Geſtis Sax. l.* 1.

(d) Verſtegan. *p.* 14

This Story paſſes for current among the *Monks*, and our late *Collectors* of *Engliſh Hiſtory:* And that which ſeems to add moſt weight to it is, That *William* of *Malmesbury* relates it, but he reports it much as he found it in *Nennius*, only inlarging on the drinking part, that went before the *Maſſacre*. But when I find the ſame Story in effect in (c) *Witikindus*, between the *Saxons* and the *Thuringers*, and the very ſame Word given *NEM ET EOUR SEAXES*, I am apt to think one was borrowed from the other. But I cannot but take notice of the Diſingenuity of (d) *Verſtegan*, who lays this to the Charge of the *Thuringers*, whereas *Witikindus* not only ſaith, *the* Saxons *did it, but adds, That the* Saxons *ſtruck terror into their Neighbours by it*, and ſaith, *They were thought to have their Name from it*, as *Verſtegan* himſelf thinks; Which were ridiculous, unleſs the *Seaxes* belong'd to the *Saxons.*

(e) Gild. §. 24.

(f) Bed. *l.* 1. *c.* 15.

All the certainty we have as to the matter of the Proceedings between the *Britains* and *Saxons* is, what (c) *Gildas* relates, which is very Tragical, *viz.* " That all the Cities and Churches were burnt to the
" Ground, from the Eaſt to the Weſtern Ocean; The Inhabitants de-
" ſtroyed by the Sword or buried in the Ruines of Houſes and Altars
" which were defiled with the Blood of the Slain; in which horrible
" Devaſtation, the Rulers of the Church and the Prieſts ſuffered toge-
" ther with the Common People. So that he applies to this Deſolati-
" on the Words of the Pſalmiſt, *They have caſt Fire into thy Sanctuary,*
" *they have defiled it by caſting down the dwelling Place of thy Name to the*
" *Ground.* And, *O God, the Heathen are come into thine Inheritance;*
" *thy holy Temple have they defiled*, &c. And (f) *Bede* ſaith, A Fire
" was kindled by the hands of the Heathens, which executed Ven-
" geance on God's People for their Sins, not unlike that of the *Chalde-*
" *ans*, which burnt *Jeruſalem* to the Ground: So here, ſaith he, the
" wicked Conqueror prevailing, or rather the juſt Judge ſo diſpoſing,
" there ſeem'd to be one continued Flame from one Sea to another;
" All publick and private Buildings demoliſhed, the Prieſts Blood ſpilt
" upon the Altars, the Prelates and People deſtroy'd together by Fire
" and Sword, and no Man durſt to give them Burial. Many of thoſe

“ that eſcaped at preſent, as (g) *Gildas* ſaith, had their Throats cut, and were thrown on Heaps in the Mountains, or delivered themſelves up to Slavery, to avoid being famiſhed, and thought it a Favour to be preſently diſpatched, and others hid themſelves among Mountains and Rocks and Woods to eſcape the Fury of their Enemies, where they lived in continual Fear; and others went over into Foreign Parts: Which was the Foundation of the *Aremorican Colony of Britains*; as will appear afterwards.

But that which prevented a total Deſtruction of the *Britains* now was, that it ſeems both by (h) *Gildas* and (i) *Bede*, *the* Saxons *having burnt ſo many Cities and Towns, and driven the Remainder of the Inhabitants into inacceſſible Places, did go home for ſome time,* “ And in that Interval, the diſperſed *Britains* gathered together, and after moſt earneſt Supplications to God, that they might not be utterly deſtroyed, they made Choice of *Ambroſius Aurelianus*, as their King; and, under his Conduct, God was pleaſed to give them Succeſs: And, from that time, ſaith *Gildas*, now one Party prevailed, and then another (whereby God made a farther Tryal of the *Britains*, whether they would love him or not) to *the Battel* on *Badon Hill*, wherein the *Saxons* ſuffer'd ſo great a Loſs; Which was forty four Years after their firſt coming hither, as appears more plainly by *Bede*. But *Gildas* adds, “ Even at this time their Cities were far from being Inhabited as formerly; And when their Enemies gave them reſpite, they deſperately quarrell'd among themſelves. So that we have here a Conjunction of ſo much Severity and Patience, ſuch Fears and Hopes, and yet ſuch Defeating of theſe Hopes, by their own Follies and Diviſions, as commonly forerun a Churches Deſtruction and a Peoples Ruine.

This is the beſt and trueſt Account of the *Britiſh* Affairs from the *Saxons* coming till the Government of *Ambroſius*, by which we are to judge of the probability of *Nennius* his *Traditions*.

As to the particular Conduct of the *Britiſh* Affairs under *Ambroſius*, we have little more light than what *Traditions* and Conjectures give us. However, it may not be amiſs to lay together what we can find about them.

(k) *Nennius* ſaith little more of him, than that *Vortigern was afraid of him:* and afterwards he confounds him with *Merlin*, when he tells *Vortigern*, after the Story of his being without a Father, *That he concealed his Father's Name out of Fear, but that his Father was one of the* Roman *Conſuls*; and ſo *Vortigern* gave him the Command of the Weſtern Parts of *Britain*.

But (l) *Geoffrey* gives a more ample account of him, not only that he was one of *Conſtantine*'s Sons; But that he, underſtanding the Condition of the *Britains*, came over from *Aremorica*, with his Brother *Uther Pendragon*, and conſiderable Forces, and after his Revenge upon *Vortigern*, burning him in his Caſtle, he makes the *Saxons* to retire beyond *Humber*, through the Terror of his Name; Whither *Aurelius* purſued them, and overcame *Hengiſt* in a *ſet Battel*, who fled to *Caer Conan* or *Conisburg*, where they fought again, and *Hengiſt* was taken by *Eldol*, Duke of *Glouceſter*, and beheaded by him, according to the Advice of *Eldad*, then Biſhop of *Glouceſter*.

(g) Gild. §. 25.

(h) Gild. §. 25.

(i) Bed. l. 1. c. 16.

(k) Nenn. c. 45.

(l) Galfr. l. 5. c. 1, 2, 3.

(m) Flores *Hiſt. A.D.* 487, 489.

(*m*) *Matthew Weſtminſter* tranſcribes theſe Paſſages out of *Geoffrey*, and puts them to ſuch years as he fanſied; but it is obſervable that he makes *Aurelius Ambroſius* to have fought the *Battel* at *Wippedsfleet* with *Hengiſt* and his Son *Æſc*, 16 years before this; which according to him was ſeven years after his coming into *Britain:* So that even *Matthew Weſtminſter* durſt not wholly rely on *Geoffrey's Relation.* But, as to the death of *Hengiſt*, *Florentius* ſaith, *he died after he had reigned in* Kent *thirty four years, and* Æſca *ſucceeded him*, An. Dom. 488. The *Saxon Annals* take no notice of *Hengiſt's* death, but place *Æſc's* Reign *An. Dom.* 487.

(n) Huntingd. *l.* 2.

(*n*) *Henry* of *Huntingdon* ſaith, *That* Hengiſt *died the fortieth year after his coming into* Britain, the 39th ſaith *William* of *Malmesbury.* But neither of them mentions any violent Death by the hands of his Enemies, and that after a Victory by the *Britains* under *Aurelius Ambroſius*; which are ſuch Circumſtances they could not eaſily have omitted, if they had then heard of them. But if they had heard of them, and yet left them out, it is a ſhrewd Sign, they gave no Credit to them. We are then to conſider, that *Geoffrey* of *Monmouth*, according to *Leland*, flouriſhed in the time of *Henry* I. Of King *Stephen* ſay *Bale* and *Pits*; but *Leland* obſerves, *That he dedicated his Tranſlation of* Merlin *to* Alexander *Biſhop of* Lincoln, *the ſame that was* Henry *of* Huntingdon's *Patron:* And *William* of *Malmesbury* dedicates his Hiſtory to the ſame *Robert* of *Glouceſter*, Son to *Henry* I. to whom *Geoffrey* dedicates his *Tranſlation* of the *Britiſh Hiſtory*, who died 12 of King *Stephen.* So that in all probability *Geoffrey's* Book was ſeen by both theſe *Hiſtorians*, and ſince they do not follow him where they have occaſion to mention the ſame matters, They plainly diſcover they preferr'd *Nennius* before him, whom both of them follow; but it appears by *H. Huntingdon* he then paſſed under the Name of *Gildas.*

(o) Cambr. *l.* 2. *c.* 1.

But theſe two Hiſtorians thought it beſt for them to decline taking any publick notice of *Geoffrey's* Hiſtory, it being ſo great a *Novelty* then, and probably enough in ſome eſteem with *Robert* of *Glouceſter*, whoſe Father; as (*o*) *Giraldus Cambrenſis* ſaith, *had lately ſubdued the* Britains *in* Wales; and ſuch a Hiſtory ſeemed to add to his Father's Glory. But after *Robert's* death, *William* of *Newborough* very frankly delivers his Opinion of it, charging the *Original* with *Falſhood*, and the *Tranſlator* with *Inſincerity.* *Geoffrey*, in the Concluſion of his Hiſtory, mentions *William* of *Malmesbury* and *H.* of *Huntingdon*, as then Writing the *Engliſh Hiſtory*; But he bids them not to meddle with the *Britiſh* Kings, ſince they had not the *Britiſh MS.* which *Walter* of *Oxford* brought out of *Britany.* But they do not forbear to make uſe of *Nennius*; and *Huntingdon* tranſcribes ſeveral things out of him; But they do not inlarge or alter or adorn their Hiſtory in one Point from the *Britiſh MS.* although in all likelyhood ſet forth before their Death.

As to what he next adds, *That after his Victory over the* Saxons, Aurelius Ambroſius *called the Princes and great Men together at* York, *and gave order for repairing the Churches which the* Saxons *deſtroyed*, there is far greater probability in it. For after the Battel at *Wippedsfleet*, which was ſeventeen years after the *Saxons* coming; *H. Huntingdon* ſaith, *Things remained quiet for a good while between the* Britains *and* Saxons; and in that time it is reaſonable to preſume that *Ambroſius* and the *Nobles* and *People* did their endavour towards the recovering the honour of their *Churches*, as well as of the *Kingdom*. And after the care he took in other places, ſaith *Geoffrey*, he marched to *London*, which had ſuffered as well as other Cities; and having called the diſperſed Citizens together, he went about the repairing of it; all his deſign being the reſtoring the Church and Kingdom. From thence he went to *Wincheſter* and to *Salisbury*. And in the paſſage thither *Geoffrey* launches out to purpoſe in his *Hiſtory of* Stonehenge, *tranſlated* ſaith he, *by* Merlin *out of* Ireland, *to make a Monument for the* Britiſh *Nobles, ſlain there by* Hengiſt'*s Treachery*: Which is ſuch an *Extravagancy* that it is to be wondred any ſhould follow him in it, and yet *Matt.* (p) *Weſtminſter* tranſcribes the main of it; and (q) *Walter Coventry* ſets it down for *authentick Hiſtory*; But he adds two circumſtances which make it ſeem probable that *Stonehenge* had ſome Relation to *Ambroſius*, *viz.* That here *Ambroſius* was *Crowned*, and was not long after *buried*; from whom (r) *Polydore Virgil* makes it the *Monument of Ambroſius*; and *John* of *Tinmouth* in the Life of *Dubricius* calls it *Mons Ambroſii*: And the Name of *Ambresbury* near it doth much confirm the probability, That it had rather a reſpect to *Ambroſius*, than either to the *Romans* or the *Danes*. But I cannot now inſiſt on this.

(p) Flores; *A. D* 490.
(q) W. Coventry *in Præfat.*
(r) Polyd. Virg. *Hiſt.* *l.* 3.

(s) *Matthew Weſtminſter* confirms *Geoffrey*'s Relation concerning the great Zeal of *Ambroſius* in repairing the *Britiſh Churches* every where, and ſetting up Divine Worſhip in them, and giving great incouragement to the Clergy to perform all Divine Offices, and particularly to pray for the Proſperity of the Church and Kingdom. But *Geoffrey* adds yet farther concerning him, *that in a ſolemn Council of the* Britains *he appointed two Metropolitans for the two Vacant Sees at that time*, viz. Sampſon *one of eminent piety for* York, *and* Dubricius *for* Caer-leon. This ſaith *Matt. Weſtminſter* was done *An. Dom.* 490. and he makes them both to live and flouriſh *An. Dom.* 507. But he ſaith, *That* Sampſon *was afterwards driven over to* Aremorica, *and there was Archbiſhop of* Dole *among the* Britains. For *An. Dom* 561. he ſaith, *another* Sampſon *ſucceeded in that See, the former who came out of* Great Britain *to the* Leſs. *Sigebert* of the old Edition, *An. Dom.* 566. ſpeaks of Sampſon *then Archbiſhop of* Dole, *Kinſman to* Maglorius, *who came from the* Britain *beyond the Sea to that on this ſide.* This ſecond *Sampſon*'s Life is extant in the *Bibliotheca Floriacenſis*, where he is ſaid to have been born in *Britain*, and the Scholar of *Iltutus*, and conſecrated by *Dubricius*. But (t) *Giraldus Cambrenſis* ſaith, *The Pall was carried over from* Wales *to* Dole, *in the time of another* Sampſon, *who was the* 25*th from St.* David, *and went over becauſe of the Plague which diſcoloured People like the Jaundice, and therefore called* Flava Peſtis: Which is tranſcribed by (u) *Roger Hovedon*. But here are ſeveral miſtakes in this Account. For there was no ſuch thing as a *Pall* then known or uſed in the *Weſtern Church*; And if this *Sampſon* went over on the occaſion of that *Plague*, there could not be 25 between St. *David* and him: For in the Life of St. *Teliaus*, St. *David*'s Siſter's Son, that *Plague* is deſcribed, and then *Sampſon* is ſaid to be *Archbiſhop* of *Dole*, and to have received *Teliaus* and his Company with great joy, having been School-fellows under *Dubricius*, and *Sampſon* being conſecrated by him. But ſtill we have two *Sampſons* Archbiſhops of *Dole*, and in the time of the great Controverſie about that Archbiſhoprick, (of which afterwards) it was a Queſtion from which the Title was derived. And *Innocent* III. as *Giraldus* relates, ſaid it was from this *Sampſon* Archbiſhop of *York*: but

(s) Flores *Hiſt. A. D.* 488.
(t) *Itiner.* Camb. *l.* 2. c. 1.
(u) Hoveden, *p.* 454.

but the *Sammarthani* only mention him that came from St. *Davids*, when *Maglorius* ſucceeded among the *Aremorican Britains*; but we are not yet come to them.

It is obſerved by *H.* of (*w*) *Huntingdon*, that after the *Britains* had a little reſpite from their Enemies, they fell into Civil diſſenſions among themſelves, which is very agreeable to what *Gildas* had ſaid. Of this the (*x*) Britiſh *Hiſtory* gives no improbable account, when it relates that one of *Vortigern*'s Sons called *Paſcentius*, raiſed a Rebellion in the North againſt *Ambroſius* among the *Britains*, who were overcome by him, and put to flight; but afterwards he hired a *Saxon* to poiſon *Ambroſius* at *Wincheſter*. This ſaith *Matthew Weſtminſter* happen'd *An. Dom.* 497. But we are not to paſs over what he affirms of him, *An. Dom.* 485. viz *That he commanded in the Battel at* Mecredsburn *againſt* Ælla *and his Sons, in which they were ſo much worſted as to ſend home for Supplies*, as he ſaith. This *Ælla* and his Sons *Cymen*, *Plenting* and *Ciſſa* came into *Britain*, *An. Dom.* 477. and landed at a place from his eldeſt Son called *Cymenſhore*, on the Coaſts of *Suſſex*. (*y*) *Camden* ſaith *it hath loſt its Name*; But he proves from a *Charter* of *Cedwalla* to the Church of *Selſey* it muſt be near *Wittering*. Here *Ælla* and his Army fought the *Britains* at his firſt Landing, and forced them to retire to *Andredeſwald*, ſay the *Saxon Annals*, and *Matthew Weſtminſter*, *Florentius* and *Huntingdon*. The *Saxon Annals* and *Huntingdon* call it *Andredeſleage*: by that no queſtion is meant the vaſt *Wood* which began in *Kent*, and ran through *Suſſex* into *Hampſhire*, called by the *Britains Coid Andred*, by the *Saxons Andred*, and *Andreſwald*; from whence as Mr. *Somner* obſerves, that part of *Kent* where the Wood ſtood is ſtill called the *Weald*; and (*z*) *Lambard* obſerves, *that no Monuments of Antiquity are to be met with in the* Weald *either of* Kent *or* Suſſex. The *Saxons* after this Battel continued to inhabit on the *Shore*, till at laſt the *Britains* finding them to incroach farther, reſolved to fight them at a place called *Mecredsburn*. And a different account is given of the Succeſs of this Battel: The *Saxon* Annals and *Ethelwerd* only mention it, boaſting of no Victory; *Florentius* makes it *a clear Victory on the* Saxon *ſide*: Matthew Weſtminſter *ſaith* Ælla *quitted the field, but confeſſeth the* Britains *had great loſs*: H. *of* Huntingdon *ſaith, It was a drawn Battel, both Armies having ſuſtained great damage and avoiding each other.* After this *Ælla* and *Ciſſa*, ſay the *Saxon* Annals, *beſieged* Andredeſceſter *and killed all the Inhabitants, leaving not one* Britain *alive*; and ſo *Florentius* and *Matthew Weſtminſter* relate it. But he (*a*) ſaith, *That the* Britains *came out of the Wood, and galled the* Saxons *ſo much, that they were forced to divide their Army; and the Inhabitants periſhed by a Famine as well as by the Sword*: And he obſerves *that the* Saxons *utterly demoliſhed the City, and the place where it ſtood was in his time ſhewed to Travellers.* Therefore the queſtion among our Antiquaries which was the *Anderida* of the Ancients, *Newenden* or *Haſtings* or *Pemſey* is quite out of doors, unleſs one of theſe be proved to be built in the place of *Anderida* ſince *Matthew Weſtminſter*'s days; which were towards the end of *Edw.* III. Thoſe words (*b*) *Camden* applies only to *H.* of *Huntingdon*, and he ſaith *it was new built in* Edw. I. *his time, and therefore called* Newenden; but they are likewiſe *Matthew Weſtminſter*'s who lived after that time, and therefore it cannot be *Newenden* if it were rebuilt in the time of *Edw.* I. for he ſaith, *The deſolate place was ſhewed in his time*; unleſs one tranſcribed the other, without any regard to the difference of their own times.

After

(*w*) Huntingd. *l.* 2.

(*x*) Galfr. *l.* 5. *c.* 6.

(*y*) *Brit. p.* 223.

(*z*) *Perambulation of* Kent, *p.* 211.

(*a*) Matt. Weſt. *A. D.* 492.

(*b*) *Brit. p.* 247.

After *Ambroſius* his death, according to the (*c*) *Britiſh Hiſtory*, his Brother *Uther Pendragon* ſucceeded, who routed the *Saxons* in the *North*, relieved *York* beſieged by them, took the Sons of *Hengiſt* Priſoners marched to *London*, and there called a *Parliament*, and was ſolemnly Crowned, and fell out with *Goalois* Duke of *Cornwall*, about his Wife *Igerna*, and under his ſhape had King *Arthur* by her; but her Husband was killed at the Siege of his Caſtle. After which it is ſaid, that he overcame the *Saxons* at *Verulam*, where he was after poiſoned by their means, and his Son *Arthur* ſucceeded.

(*c*) *Galfr. l.* 6. *c.* 2.

This is the ſumm of what is there more at large related; but taking it all together, it is a very blind and partial account of the proceedings between the *Britains* and *Saxons* of that time. For even *Matthew Weſtminſter*, *An. Dom.* 494. takes notice of *Cerdic* and *Kenric* his Son, Landing with new Forces at a place called from him *Cerdicſhore*, (near *Yarmouth* ſaith (*d*) *Camden* where the name *Cerdicſand* ſtill remains) and fought the *Britains* at their firſt Landing, till they were forced to withdraw and leave room for them, who after went into the Weſtern parts, and laid the foundation of the Kingdom of the *Weſt Saxons*. To the ſame purpoſe *Florentius*, *Ethelwerd* and *Huntingdon*. Seven years after him came *Port* and his two Sons *Bleda* and *Magla*, and arrived at *Portſmouth*, which had its Name from him, as the ſame Authors inform us from the *Saxon* Annals. Now how comes *Geoffrey* to think of none of theſe, but only of *Hengiſt*'s two Sons in the North? Beſides, he let ſlip one of the greateſt Battels that was fought between *Cerdic* and *Nathanleod*, and pretends to give no account at all of it. This the *Saxon* Annals, *Florentius*, *Ethelwerd* and *Matthew Weſtminſter* all place *An. Dom.* 508. But *Huntingdon* the ſixtieth year after the firſt coming of the *Saxons*. This *Nazaleod*, as he calls him, was *the greateſt King of the* Britains, *one of great Fame and Pride*, from whom the Country about *Charford* did take its Name. At this place the whole Forces of the *Britains* were gathered together, and *Cerdic* procured aſſiſtance from *Æſc* of *Kent*, from *Ælla* of *Suſſex*, from *Port* and his Sons; ſo that here was a pitched Battel of the Strength of both ſides; and *Nazaleod* behaved himſelf with ſo much Courage, that he drove *Cerdic* out of the Field, and purſued him; which his Son who commanded the other Wing perceiving, followed him cloſe and cut him off, and 5000 of his Men who fled upon the death of their King. And from this memorable Battel, the Place was called *Cerdicsford*, and ſince *Charford*, upon the *Aven* between *Salisbury* and *Ringwood*. But who was *this mighty King of the* Britains, who loſt his Life in this Battel? (*e*) Mr. *Camden* profeſſes *he cannot gueſs*; unleſs it were *Aurelius Ambroſius*, whoſe Name he obſerves the *Saxon* Annaliſts never mention, nor the Battels wherein they were worſted. And the *Britiſh* Hiſtory is even with them for that, which takes no notice of this great Fight, wherein their King was ſlain. *Matthew Weſtminſter* will not have him to be *King*, but only to be *General* under *Uther*, who was then ſick, which contradicts *Ethelwerd*, and *Huntingdon*, and *Florentius*, who affirm him to have been then *King*, and as *Huntingdon* ſaith *Rex Maximus Britannorum*; which ſeems to imply, that there were more *Kings* then among the *Britains*, as there were among the *Saxons*; and that one was the *Chief* as in the *Heptarchy*. Archbiſhop (*f*) *Uſher* thinks this King was the ſame whom the *Britiſh* Hiſtory calls *Uther*, and that *Nathanleod* was his true Name, and *Uther* was a Nick-name to denote his

(*d*) *Brit. p.* 348.

(*e*) *Brit. p.* 187.

(*f*) *Primi p.* 466.

fierceneſs, as the Annotator on (g) *Nennius* calls *Arthur Mab Uter* in the *Britiſh* Tongue for the ſame reaſon: And ſo *Arthurus* in *Latine* from the *Britiſh Arth*, which ſignifies *a Bear*. This is an ingenious Conjecture: But we are not ſo ſure there ever was ſuch a King as *Uther*, as we are from *Gildas*, that there was ſuch a one as *Ambroſius*; But *Gildas* ſaith, *That ſome of the Race of* Ambroſius *were living in his time*; therefore he died not without Iſſue, as the *Britiſh* Hiſtory ſuppoſes, and this might probably be his *Son*, who was ſlain in this *Battel*.

But what then is to be ſaid to King *Arthur*, who was Son to *Uther*, and ſucceeded him, whoſe mighty Feats are ſo amply related by the *Britiſh Hiſtory*? I think both ſorts are to blame about him, I mean thoſe who tell *incredible Tales* of him, ſuch as are utterly inconſiſtent with the *Circumſtances* of the *Brittiſh Affairs* at that time; and thoſe who deny there was any ſuch Perſon, or of any conſiderable *Power* among the *Britains*. *William* of *Malmesbury* takes notice of the *Britiſh* Fables about him, (and if I miſtake not makes a ſevere Reflexion upon *Geofrey*'s Hiſtory without naming it, when he ſaith, *Hic eſt Arthurus de quo Britonum Nugæ hodieq; delirant*) but he wiſhes a true Account had been given of him, *for he was the ſupport of his Countrey for a long time, who ſharpned the broken Spirits of the* Britains, *and made them Warlike*. But after all, he will not allow him to have been *Monarch* in *Britain*, but only the *General* under *Ambroſius*. And in all this *William* keeps cloſe to *Nennius*; for *Nennius* ſpeaking of the Wars between the *Britiſh* Kings and the *Saxons*, ſaith of *Arthur*, *Ipſe Dux erat Bellorum*; although he exceeds the bounds of Truth in the next Words, *& in omnibus Bellis Victor extitit*, he came off always Conqueror. If this had been true, the *Saxons* could never have kept footing in *England*. I will allow the *Saxon* Annals to be partial in not recounting their Loſſes; and on the other ſide it is unreaſonable to ſuppoſe, that the *Saxons* ſhould be always beaten, and yet always get Ground even in *Arthur*'s Days. For after the great Battel wherein *Nathanleod* was killed, (the only *Britiſh* King mentioned in the *Saxon* Annals) *Cerdic*'s two Nephews, *Stuff* and *Witgar*, landed upon *Cerdicſhore*, which (h) *Matt. Weſtminſter* here places on the *Weſtern Coaſts* (and not on the *Eaſtern* as *Camden* doth, which ſeems more probable, becauſe they came with Supplies to *Cerdic* their Uncle) but all agree, that as they fought upon their Landing, they had the better of the *Britains*; *Huntingdon* ſaith, *It was ſuch a Victory as laid open the Countrey to them*; *the force of the* Britains *being ſcattered, God having caſt them off*. Where was *Arthur* at this time? Again, five Years after ſaith *Ethelwerd*, *Cerdic* and *Cenric*, came the ſecond time to *Cerdicsford*, and there fought the *Britains*; the *Saxon* Annals ſay nothing of the *Victory*, but *Florentius* gives it to the *Saxons*, and ſo doth *Huntingdon*, who ſaith, *the* Britains *had a terrible Blow that Day*. And as an Evidence of the *Saxons* Conqueſt, *Ethelwerd* ſaith, *That Year* Cerdic *began the Kingdom of the* Weſt Saxons; From that very day ſaith *Huntingdon*, *Anno Dom.* 519. Here *Matt. Weſtminſter* is ſo hard put to it, that taking in King *Arthur* at *Anno Dom.* 516. he is forced to leave out this Battel, and to tell *Geoffrey*'s Story of King *Arthur*'s beating the *Saxons* in the *North* about *York* and *Lincoln*, and driving them as far as the *Caledonian Wood*, and takes no notice of *Kerdic*'s ſetting up a *Kingdom in the Weſt*: But the following Year, *Anno Dom.* 520. he brings *Colgrin*, *Badulph* and *Cheldric* to *Totnes* with new Forces, with which they beſieged *Bath*; And then

Arthur

(g) Nenn. c. 63.

(h) Mat. Weſtm. *A.D.* 514.

Arthur with his *Caliburn* did incredible Execution, for he ſaith, *he killed* 840 *with his own Hands, and ſo totally routed the* Saxons; and not a Word of *Kerdic* or *Kenric*, whereas *Anno Dom.* 528. he remembers them again, and tells what a mighty Army they had in the Iſle of *Wight*, which *H. Huntingdon* calls *Witland*, and what ſlaughter they made at *Witgaresburgh*, which had its Name from *Witgar*, one of *Kerdic*'s Nephews, to whom he gave the Iſle of *Wight*, and was buried at *Witgar* ſaith *Huntingdon*.

But before this there was another *Battel* between *Kerdic* and the *Britains* at *Cerdicſleage*; which *Huntingdon* makes the ſame with *Cerdicsford*, in which there was great Slaughter on both ſides, *and in that time*, he ſaith, *many* Saxons *came in out of* Germany *into* Eaſtangle *and* Mercia, but they were not yet formed into Kingdoms; however, innumerable *Battels* were fought in many Places by Perſons whoſe Names are not recorded. And now *Huntingdon* mentions *Arthur*, as a *moſt valiant General on the* Britiſh *ſide, who commanded in twelve Battels, in all which he had the better*; and ſo reckons them up in order juſt as (*i*) *Nennius* had done, whom he tranſcribes, and when he hath ſet down the Places of the twelve *Battels* he confeſſes they were then unknown, but he adds, *that there was almoſt perpetual fighting, in which ſometimes one ſide had the better and ſometimes the other*; but ſtill the *Saxons* poured in greater *Numbers* upon them: And (*k*) *Nennius* ſaith, *They increaſed here without intermiſſion, and fetched new Kings out of* Germany *to Rule over them*. And then ſets down the Foundation of the *Northern Saxon* Kingdom under *Ida*, who govern'd all beyond *Humber* twelve Years, which was branched into two, *Deira* and *Bernicia*. This *Kingdom* began, ſaith *Huntingdon*, in the 13*th* Year of the Reign of *Kenric* (who ſucceeded *Kerdic*) *Anno Dom.* 547. and *Ida* deſcended from *Woden* was the firſt *King*. *Kenric* in his 18*th* Year, ſaith the ſame Author, fought againſt the *Britains*, who came with a powerful Army to *Salisbury*, where he diſperſed them and made them fly. But this is ſuppoſed to have hapned after *Arthur*'s Death, which is placed by *Matt. Weſtminſter* and others, *Anno Dom.* 542.

We muſt therefore look back to judge of *Arthur*'s Prowefs. We have already ſeen ſeveral *Saxon* Kingdoms eſtabliſhed, that of *Kent*, of *South-Saxons*, of *Weſt-Saxons* and *Saxons* in other Parts, not yet gather'd into *Kingdoms*; and beſides theſe, before *Kerdic* had gained the *Iſle of Wight*, *H. Huntingdon* ſaith, *The Kingdom of Eaſt* Saxons *was founded by* Erkinwin, *whom* Slede *ſucceeded, who married the Daughter of* Ermenerick, *King of* Kent, *Siſter of* Ethelbert, *and Mother to* Sibert *the firſt Chriſtian King there*. Now, if *Arthur* were a King ſo powerful, ſo irreſiſtible as the *Britiſh Hiſtory* makes him, how came all theſe *Kingdoms* to grow up under him? Why did he not ſend the *Saxons* all out of *Britain*? Nay, how came *Cerdic* and *Kenric* to grow ſo ſtrong in the *Weſtern Parts* as they did? *Cerdic*, ſaith (*l*) *William of Malmesbury*, came hither 8 Years after the death of *Hengiſt*, *Anno Dom.* 495. He was here 24 Years before he ſet up his Kingdom, and lived in it 16 Years. This was in the midſt of *Arthur*'s Fame and Greatneſs. If it were ſuch as *Geoffrey* deſcribes, would he have ſuffered ſuch a Terror to the *Britains* to have been ſo near him? (*m*) *Ranulphus Higden* ſaith, *That* Arthur *was ſo tired out with fighting* Cerdic, (ſo weary of overcoming) *that* 26 *Years after his coming he yielded part of the*

(*i*) Nenn. c. 64.

(*k*) Nenn. c. 65.

c. 66.

(*l*) *De Geſtis Reg. l.* 1. *c.* 2.

(*m*) *Polychr. l.* 5. *c.* 6.

the Weſt to him: And to the ſame purpoſe (*n*) *Rudburn* ſpeaks. What is the meaning of all this? The plain truth is, they follow'd *Geoffrey* as far as they could, but they found at laſt they muſt give away *Kerdic*'s Kingdom to him; and ſo they had better make it a *free Act* of King *Arthur*.

Let us now compare with this, the Account the *Britiſh Hiſtory* gives of him; which is this in ſhort.

(*o*) “After the death of *Uther Pendragon*, the *Britiſh* Nobility met at *Silceſter*, where they deſired *Dubricius* to conſecrate *Arthur*: For the *Saxons* had conquer'd from *Humber* to *Cathnes*. (It ſeems all clear on this ſide *Humber*.) And ſo he was no ſooner Crown'd but away he marches for *York*, (leaving the *Saxons* here in quiet poſſeſſion) where *Childeric* came with 600 Ships to aſſiſt the two Brothers *Colgrin* and *Baldulph* (whoſe Names the *Saxon* Annals conceal.) Upon this dreadful Conjunction *Arthur* repairs to *London*, and calls a *Parliament*: And they ſend over to *Hoel* King of *Little-Britain*, his *Nephew*, and who brings 15000 to his aſſiſtance at *Southampton*, (notwithſtanding *Port* and his Sons were ſo near) then away he marches for *Lincoln*, and there kills 6000 *Saxons*, and purſued the reſt into *Scotland*, and there diſmiſſed them home upon promiſe of *Tribute*; but they perfidiouſly returned to *Totnes*, and ſo marched to beſiege *Bath*: Where after he had done the execution *Matt. Weſtminſter* related, the *Saxons* get upon the Hill, which *Arthur* by the help of his *Caliburn* recover'd, killed the two Brothers, and made *Childeric* fly, whom *Cador* purſued to the Iſle of *Thanet*, (although the Son of *Hengiſt* had all *Kent* as his Kingdom.) After this he drives *Gillomarus* and his *Iriſh* home; and determined to root out the *Scots* and *Picts*, but upon great Submiſſion he ſpared them. This being done he returns to *York*, where he rebuilds the Churches, and ſettles *Pyramus Archbiſhop* in the place of *Samſon*, and reſtores the *Britiſh* Nobility. Next Summer he goes for *Ireland*, and having ſubdued that, he ſails for *Iſeland*, (not then inhabited ſaith (*p*) *Arngrimus Jonas* a Learned Native there) but upon notice of his coming, the Kings of *Seland* and the *Orcades* yielded themſelves. Then he returns home and ſettles the Nation in a firm Peace for 12 Years. (although the *Saxons* were every where about them.) After which time, his Name was dreaded abroad, and away he ſails for *Norway*, and there conquer'd *Riculfus* and the whole Countrey: from thence to *Gaul*, where he chopt in pieces the Head of *Flollos* the Governor in ſingle Combat, and diſpoſed the ſeveral Provinces to his Servants, and returning home reſolved to keep a ſolemn Court at *Caer-leon*, (this was well thought upon, for we read of no *Saxons* thereabouts) where beſides ſeveral Kings the three Metropolitans met, of *London*, *York* and *Caerleon*, beſides all his Nobility. But to paſs over the great Solemnities there, the Emperor *Lucius* (not to be found elſewhere) ſends to demand Tribute on the account of *Julius Cæſar*'s Conqueſt, upon which he makes great Preparations to conquer *Rome*; and leaves *Britain* to *Mordred* his Nephew, who rebelled againſt him, and forced him to return home, when, after he had conquered *Lucius*, he was marching for *Rome*; and here *Mordred* had aſſociated *Saxons*, *Scots* and *Picts*, all againſt *Arthur*; but upon his coming the other fled to *Wincheſter*, from thence to *Cornwall*, where near the River *Camblan* he waited for *Arthur*'s coming,

(*n*) Chronic. l. 2. c. 1.

(*o*) Galfr. l. 7.

(*p*) Crymog. l. 1. c 2.

“ ing, the iſſue of the Battel *Mordred* was killed, and *Arthur* mortally wounded, who was carried into the *Iſland* of *Avalon*, and there died and was buried.

This is the *Britiſh* Legend of King *Arthur*, which hath raiſed the laughter of ſome, and the indignation of others. *William* of *Newburgh* was the firſt who openly and in plain terms charged it with *falſity* and *inconſiſtency*; but againſt ſome parts of it he makes *trifling objections*; as about the *three Archbiſhops*, denying that the *Britains* had any *Archbiſhops*, becauſe the firſt *Pall* was given to *Auguſtine* the *Monk*. But this was a piece of Monkiſh ignorance in him, for there were *Metropolitans* before, and without *Palls* from *Rome*; and *Archbiſhops* or *Metropolitans* did aſſume the uſe of *Palls* to themſelves, without asking the *Pope*'s leave; and when he ſaith *Archbiſhops came ſo late into the Weſtern Churches*, it is true the uſe of the *word* did, but the *juriſdiction* over *Provinces* was long before, as I have already ſhew'd.

Upon the reviving of Learning ſome were ſo offended at this *ridiculous Legend*, that they queſtioned whether ever there were ſuch a Perſon as *Arthur*, againſt whom *Leland* undertook the defence of King *Arthur*. But ſome of his *Authors* will not be allow'd to bear witneſs in this cauſe, being partial followers of *Geoffrey*; ſuch as *Alfred* of *Beverly*, *Gray* the Author of *Scalæ-Chronicon*, *Joh. Burgenſis*, *Joh. Roſs*, *&c.* Others do not ſpeak home to the point, ſuch are the Teſtimonies of *Nennius*, *Malmesbury*, *Huntingdon*, which make him only *General of the* Britiſh *Forces:* others are too *modern*, as *Trithemius*, *Volaterranus*, *Philippus Bergomas*, *Nauclerus*, *Hector Boethius*, *Pontius Virunnius*, *&c.* Others overthrow the main part of it, as to Arthur*'s Sovereign Dominion in* Britain, as the (q) *Chronica Divionenſis*, which ſaith, *That after ſeveral Combats* Cerdic *had the poſſeſſion of the Weſt* Saxon *Kingdom by* Arthur's *Conſent:* and as parts of this Kingdom he reckons *Seven whole Provinces from* Surry *to* Cornwall. But the *Britiſh Hiſtory* takes no notice of *Cerdic*, but ſuppoſes all under *Arthur*'s command, and his Nephew *Mordred*'s in his abſence. If *Cerdic* had the *Weſt*-Saxon *Kingdom*, then how comes no notice of him in the Battel at *Camblan*? how came the fight within his Territories? Again, the *Author* of the Life of *Gildas* cited by him, ſaith, *That one* Meluas *had ſtollen his Wife* Guenhere, *and defiled her, and that* Arthur *a long time beſieged him in the Marſhes near* Glaſſenbury. Is this agreeable to the mighty power of King *Arthur*, to have his Queen detained by force ſo long by ſuch an inconſiderable Perſon as *Meluas*? Eſpecially if it were as *Caradoc* of *Lancarvan* there ſaith, *She was reſtored at laſt, more by the intreaty of* Gildas *than out of reſpect to* Arthur*'s Authority.* As to *Arthur*'s Seal which he lays ſo much weight upon, it certainly belonged to the *Diploma* he gave to the *Univerſity of* Cambridge, in his time, mentioned by *Leland*; and the *Church* of *Weſtminſter*, if they have it ſtill, ought to reſtore it. But after all *Leland* hath ſufficiently proved, That there was ſuch a Perſon as King *Arthur* from the *Cair-Arture* in *Wales*, two Mountains ſo called; And *Arthur*'s Gate in *Mongomery*; and the abundant Teſtimony he brings about his Coffin in Lead found in *Glaſſenbury*, either in *Henry* the Second's time, or at leaſt in the beginning of *Richard* the Firſt, with an *Inſcription* ſet down often by him, and more exactly by (r) *Camden*. Where the Letters appear very rude, and the *Inſcription* very plain, and therefore more likely to be true.

(q) *Aſſert.* Arthuri, *p.* 4, 5.

p. 24.

p. 8.

p. 12.

(r) *Brit. p.* 166.

HIC JACET SEPULTUS INCLITUS REX
ARTURIUS IN INSULA AVALONIA.

Where are all the Noble Titles given him in the *Britiſh Hiſtory* and contained in the *Inſcription* about his Seal?

PATRICIUS ARTURIUS BRITANNIÆ, GALLIÆ,
GERMANIÆ, DACIÆ, IMPERATOR.

So much greater a Man was *Arthur* living, when he uſed his Seal, than dead, when ſo mean an *Inſcription* was put upon the lower part of his *Leaden Coffin!* How ſoon were all his great Titles forgotten!

(s) *Hiſt. Brit. Defenſ.* p. p. 109. But ſince *Leland*, Sir *John* (s) *Price* hath undertaken to vindicate the Story of King *Arthur*: and the firſt Argument he uſes is from the *Inſcription* on his *Coffin*, and the *Antiquity* of the Letters; but the modeſty of the *Inſcription* is a better Argument to me, for if the *Monks* deſigned a Cheat in *Henry* II. his time, and laid this *Coffin* there on purpoſe to deceive, they might counterfeit ſuch Letters, but they could never have held from ſpeaking more glorious things of ſo great a *Heroe*. p. 117. Then he produces the Teſtimonies of *Nennius*, *Malmesbury* and *Huntingdon*, and proves that theſe two could not take out of *Geoffrey*; that they did not I grant, but the other is not proved. The Verſes of *Thaliaſin* (who he ſaith lived in the time of *Maglocunus* mentioned p. 120. by *Gildas*) do prove *That* Arthur *commanded in the Battel at* Badon *Hill*, which I ſee no reaſon to queſtion; but *Polydore Virgil* will have *Aurelius Ambroſius* to do it, which I ſee no reaſon to believe. p. 121. Beſides, he quotes old *Britiſh Chronicles*, which reckon from *Vortigern* to the Battel on *Badon* Hill, wherein *Arthur* beat the *Saxons*, 128 years; from that *Battel* to the *Battel* at *Camblan* wherein *Arthur* was killed, 22 years. And he finds the Name of *Arthur* in many ancient p. 125. *Britiſh Poems*; and in the old *Regiſter* of *Landaff*: But that only proves, *there was one* Arthur, *whoſe Son's Name was* Noe; but what is more p. 128. material, he finds ſome paſſages agreeing with *Geoffrey* in the old *Chronicles* of St. *Davids* and *Caer-Mardin*, as to his fighting againſt *Lucius Hiberus* in *Burgundy*, and the Battel at *Camblan*; but it doth not appear, that theſe *Chronicles* were before *Geoffrey*'s time. As to *King* p. 129. Arthur'*s Crown and Seal*, they may go together. But as to *Gildas* his ſilence, from whence ſome would prove that there was no ſuch Perſon, he anſwers from *Giraldus*, that Arthur *having killed his Brother* p. 141. Hoel, *he purpoſely left him out*, which is no clear anſwer; For if *Gildas* did this in revenge, he would rather have mentioned his *Cruelty*, as we ſee he ſpares not the Kings of his own time. But his better Anſwer is, *That* Gildas *deſign'd no Hiſtory, but a ſerious exhortation to the* Britains *to repent of their Sins, and therefore paſſes over other things, only by the by mentioning* Ambroſius Aurelianus, *and addreſſes himſelf to his main buſineſs*; which is reaſon enough why he never names King *Arthur*.

(t) *Scotic.* l. 4. c. 25. *Joh.* (t) *Fordon* follows *Geoffrey*, as far as he thinks conſiſtent with the honour of his Country. This appears in the Story of King *Arthur*; for he ſaith, *he was ſet up by a Faction againſt the lawful Heirs, who were* Mordred *and* Walwan, *the Sons of* Uther'*s Daughter by* Loth, *then a great Man in* Scotland; *but deſcended from* Fulgentius; but he after excuſes it, *on the account of neceſſity*; which *Dubricius* alledged, *they being then under age ſo much, as not to be able to go into the Field.* But he juſtifies *Mordred*'s Rebellion afterwards againſt *Arthur* on this ground, *that he had the right Title to the Crown.* (u) *Hector Boethius* ſaith, That *Lothius* put in his claim, according to the *ancient Law of the* Britains, and that he ought to have the *Regency* during the *Minority* of his Sons; But the *Britains* would by no means hear of *Strangers* coming to their *Crown*; and ſo *Arthur* took poſſeſſion of it; who firſt conquer'd the *Saxons* 10 Miles from *London*, then took *London* (which it ſeems the *Saxons* had before) and ſo went towards *Humber*; and then he goes on with the *Britiſh Hiſtory*, only interſperſing ſome *News* of his own. Particularly he tells *what a profane Chriſtmas* Arthur *kept with his Nobles at* York *for thirteen days together*; *And that ſuch Jollity and Feaſting then had its original from him.* (w) *Buchanan* is ſo pleaſed with this notable obſervation, that he ſets it down for good Hiſtory; ſaying upon it, *that the old* Saturnalia *were renewed, only the Days increaſed, and* Saturn*'s Name changed to* Cæſar*'s, for,* ſaith he, *we call that Feaſt* Julia. But why ſhould the Name of *Saturn* be changed into *Cæſar's*, Was he worſhipped for a God among the *Britiſh Chriſtians*, as *Saturn* was among the *Old Pagans?* *But the Name* Julia *imports it:* by no means. For *Buchanan* doth not prove that this *Name* was ever uſed for that Feſtival among the *Britains*; And the *Saxons* who brought in both the *Feaſt* and the *Name* give another reaſon for it. For (x) *Bede* ſaith, *That* December *was called* Giuli *from the converſion of the Sun and the increaſe of the days.* And *Giul*, as (y) *Loccenius* obſerves, ſignified *a Wheel*, or any thing *that turns round*, in the *Gothick Language*. At which time among the Northern Nations, the *Feaſt* of the *New-year* was obſerved with more than *ordinary jollity*; thence as (z) *Olaus Wormius* and (a) *Scheffer* obſerve they reckon'd their *Age* by ſo many *Iòla*'s, and *Snorro Sturleſon* deſcribes this *New-years Feaſt*, juſt as *Buchanan* ſets out the *Britiſh Saturnalia*, by *feaſting and ſending Preſents or New-years Gifts to one another:* Thence ſome think the Name of this *Feaſt* was taken from *Iòla*, which in the *Gothick Language* ſignifies *to make merry*. But (b) *Olaus Rudbeck* thinks the former more proper, not only from *Bede*'s Authority, but becauſe in the old *Runick Faſti* a *Wheel* was uſed to denote that *Feſtival:* And as he obſerves, *this Feſtival continued twelve days from their firſt of* Juul. The true reaſon whereof was, as *Olaus Rudbeck* at large proves, from the *Joy* they had at the hopes of *the return of the Sun*; at which time they made *Solemn Sacrifices* to the *Sun*. But after *Chriſtianity* prevailed, all their *Idolatrous Sacrifices* were laid aſide, and this time of *Feaſting* was joined with the *Religious Solemnities* of that Seaſon, which in other parts of the World were obſerved by *Chriſtians*. Which is certainly a very different thing from the *Roman Saturnalia*, although *Buchanan* thought fit to parallel them.

But to proceed with the Story of King *Arthur*, as it is in *Buchanan*, who takes his Materials from *Hector*, and puts them into a finer dreſs. *Arthur*, he ſaith, *made a League with the* Scots *and* Picts, *and* Lothus *brought his Sons to him: And then a reſolution was taken to drive out the* Saxons, *and to reſtore Chriſtianity*; *Then follow'd the Battel againſt* Colgrin; of which before: And the reſt of *Arthur*'s Battels: But upon the whole, he concludes *that* Geoffrey*'s Relations have no colour of Truth*; and yet he makes uſe of no other, but where he follows *Hector*'s

(u) *Hiſt.* Scot. *l.* 9. *p.* 164.

(w) Buch. *l.* 5. *p.* 44.

(x) *De ratione Temp. c.* 13.

(y) *Antiq. Suec. Goth. l.* 1. *c* 5.

(z) *Faſti Danici l.* 1. *c.* 12.

(a) Upſal. *c.* 16.

(b) *Atlantic. c.* 5. *p.* 125.

p. 100.

ctor's own inventions. The remainder of his Story is, “That things being quieted here, *Arthur* goes over into *Leſſer Britain*, and leaves the *Government* to his Nephew *Mordred*; But while he was abroad, ſome had prevailed with him to declare *Conſtantine* the Son of *Cador* his Succeſſor being born in *Britain*; which being done, *Mordred* ſet up for himſelf, and in a Battel about *Humber*, ſaith he, *Mordred* was killed, and *Arthur* mortally wounded. Thus *Buchanan* having picked what he thought fit of *Hector*, concludes with a bitter *Invective* againſt the fabulous Relations about *Arthur*; But he gives him an extraordinary Character, ſaying, *he was certainly a great Man, of mighty Courage and wonderful kindneſs to his Country, preſerving them from Slavery, and keeping up or reſtoring the true Religion.*

And that is the Subject I am now to conſider, *viz.* The *State of Religion here in King* Arthur'*s days.* It was under great Perſecution almoſt where-ever the *Saxons* came, who were cruel both to the Bodies and Souls of the poor *Britains:* Moſt of the Southern and Weſtern parts were under their *Tyranny*, and (*c*) *Brian Twyne* quotes a paſſage out of *Matthew Weſtminſter*, which is not ſo full in the printed Copies, concerning the *Perſecution* of the *Britiſh Chriſtians* in the *Eaſtern parts* of the Land. *For*, ſaith he, *An. Dom.* 527. *The Pagans came out of* Germany, *and took poſſeſſion of the Country of the* Eaſt-Angles, & omni crudelitatis genere Chriſtianos affecerunt, *They tormented the Chriſtians with all ſorts of Cruelty.* Although this be wanting in other Copies, yet it may be reaſonably preſumed, The *Saxons* uſing the *Britiſh Chriſtians* in ſuch a manner in the moſt places where they prevailed. It is true that (*d*) *Malmesbury* ſaith, *many of the* Britains *ſubmitted to* Cerdic, and it is probable they were the better uſed for doing ſo. *Thomas* (*e*) *Rudburn* ſaith, *That* Cerdic *allow'd Liberty of profeſſing the Chriſtian Religion to the* Corniſh *upon a certain Tribute.* I rather think that *Cerdic* never went ſo far, but left that part to the *Britains*, who ſtill continued there: For in *Gildas* his time *Conſtantine* is ſaid to be King of the *Danmonii:* and (*f*) *Camden* obſerves out of *Marianus Scotus*, that *An. Dom.* 820. *the* Britains *and* Saxons *had a terrible Fight at* Camelford *in* Cornwall, which *Leland* thinks to have been *Camblan*, where King *Arthur* fought with *Mordred*, and near which is *a Stone*, ſaith Mr. (*g*) *Carew*, *which bears* Arthur'*s Name*; but now called *Atry.* To prove what I have ſaid, that the *Weſt-Saxon Kingdom* did not extend to *Cornwall*, we may obſerve that, (*h*) *William* of *Malmesbury* ſaith, *That* Ceaulin, *Grandchild to* Cerdic, *was the firſt who took* Glouceſter, Ciceſter *and* Bath *from the* Britains, *and drove them thence into the Rockey and Woody places:* And in the time of *Athelſtan*, above 400 years after the coming of the *Saxons*; the *Corniſh Britains* did inhabit in *Exceter*, and were driven thence by him beyond the River *Tamar*, and confined by that, as the other *Britains* were by the *Wye.* This ſhews that the *Britains* in *Cornwall*, and thereabouts, were free from the *Yoke* of the *Weſt-Saxon Kingdom.* As to the *Northern Britains*, they came to ſome agreement after a while with *Occa* and *Ebuſa*, whom *Hengiſt* ſent thither; and that they had their own Government, and the Chriſtian Religion among them appears by the Hiſtory of *Ceadwalla*, a Prince of theſe *Britains* in (*i*) *Bede.* But theſe were but ſmall remnants in the *Northern* and *Weſtern Parts.* As to the *Eaſtern*, we have had the Teſtimony of *Matthew Weſtminſter* already. And although the Kingdom of the *Eaſt-Angles* did not begin till after-

(c) *Antiq. Oxon. Acad. Apol. l.* 1. §. 87.

(d) *De Geſt. Reg. l.* 1. *c.* 2.

(e) *Chron. l.* 2. *c.* 1.

(f) *Brit. p.* 141.

(g) *Survey of* Cornw. *p.* 122.

(h) *De Geſt. Reg. l.* 1. *c.* 2.

l. 2. *c.* 6.

l. 1. *c.* 3.

(i) *l.* 2. *c.* 20.

afterwards, about *Anno Dom.* 575. yet in the *9th* Year of *Cerdic*, about *Anno Dom.* 517. *Huntingdon* obſerves, *That many* Angles *or* Saxons *were come out of* Germany, and took Poſſeſſion of the Countrey of the *Eaſt-Angles* and *Mercia*, and wherever they prevailed, *the poor* Britiſh *Chriſtians ſuffered* to the higheſt extremity. Which is enough to conſidering Men to overthrow the Credit of the ſuppoſed *Diploma* of King *Arthur* to the *Univerſity* of *Cambridge*, which bears date *Anno Dom.* 531. But *Brian Twyne* hath brought no fewer than 15 Arguments againſt it, which are far more than needed. For I cannot think that Dr. *Cajus* in earneſt believed it, for he goes not about to prove the *Diploma*, but King *Arthur*; And I cannot think it any Honour or Service to ſo famous and ancient an *Univerſity*, to produce any ſuch ſuſpected *Diplomata* or *Monkiſh Legends* to prove its *Antiquity*. It is not certain in whoſe Poſſeſſion *London* was at that time, from whence the *Charter* is dated: For the *Kingdom* of the *Eaſt-Saxons* was then ſet up by *Erkinwin*, and *London* commonly was under that, and that Kingdom as (k) *Malmesbury* obſerves, had the ſame Limits which the Dioceſe of *London* now hath, *viz.* *Eſſex*, *Middleſex*, and part of *Hartfordſhire*: (l) *Matt. Weſtminſter* agrees, *that* Middleſex *was under the Kingdom of the* Eaſt-Saxons, but he will not yield that *Theonus* Biſhop of *London*, did retire with his *Clergy* into *Wales* till *Anno Dom.* 586. and then he confeſſes, *that he and* Thadioc, *Biſhop of* York, *when they ſaw all their Churches demoliſhed, or turned into Idol Temples, did for their Security retire thither.*

And there was the freeſt *Exerciſe* of their *Religion* kept up, even in the Reign of King *Arthur*; There flouriſhed the *Schools* of *Literature* ſet up by *Dubricius* and *Iltutus*, and there were the Perſons of greateſt Reputation for Learning and Sanctity in the *Britiſh Churches*, ſuch as *Dubricius*, *Iltutus*, *Paulinus*, *Gundleus*, *Cadocus*, *Sampſon*, *Paternus*, *Daniel*, and St. *David* above the reſt, whoſe Reputation continues to this Day, and was preſerved in the *Saxon Churches* of *Britain*, as appears by the *Breviary* of *Salisbury*, where *nine Leſſons* are appointed upon his Day; And (m) *Matthew* obſerves that this was by a *Provincial Conſtitution* in the *Province* of *Canterbury*; But the *nine Leſſons* were taken out of the firſt *Chapter* of the *Legend* of his *Life*, a little being added at the end concerning his *Death*. It is the juſt complaint of (n) Bollandus, *that there is nothing extant concerning him, which was written near his own time; and what is extant hath many fabulous mixtures, ſo that it is hard to find out the Truth.* The oldeſt *MS.* of his *Life*, he ſaith, is that of *Utrecht*, which he hath publiſhed; the next he accounts is that in *Colganus*, which he would have thought to be the *Life* written by *Ricemarchus*, quoted by Archbiſhop (o) *Uſher*; whom he ſuppoſes to have lived before *Giraldus Cambrenſis*, who tranſcribed much out of him. But *Colganus* withall intimates, *That the Life was taken out of an old Book, wherein* Auguſtin Macraidin, *the Author of the Annals of* Ulſter *had written many things*, and probably might write that too; and to confirm this *Bollandus* obſerves, only a little difference in Style between this and the *Utrecht MS.* But if we add to theſe, *Giraldus* his Life, with that of *John* of *Tinmouth*, or *Capgrave*, we ſhall after all find, the *Life* of St. *David*, not much clearer than that of his Nephew *Arthur*, for he is ſuppoſed to have been *Uncle* to him by the *Mothers* ſide, whoſe Name is ſaid to be *Nonnita* in *Capgrave*; *Nonna* in the *Utrecht MS.* *Nemata* in *Colganus*, *Melari* in the Life of St. *Kenna*; ſo *Colganus* and

Bol-

(k) De Geſtis Reg. *l.* 1. c. 6.

(l) Matt. Weſt. *A.D.* 586.

(m) *Trophæa Congr. Bened.* To. 1. p. 263.

(n) *Acta Sanct. Mart.* 1. §. 1. n. 5.

(o) *Prim.* p. 843, 844.

Bollandus ſay; But in *Capgrave* I find *Melari* ſaid to be *the Mother to the Father of St.* David, *i. e.* to *Xantus* King of the *Provincia Ceretica*, *i. e.* *Cardiganſhire* (ſo called from *Ceretus* Father to *Xanctus* ſay ſome; from *Caraticus*, who ruled here, as (*p*) *Camden* ſeems inclinable to believe) That *Melari* was one of the 12 Daughters of *Braghanus* King of *Brecknock* from whom, (*q*) *Giraldus* ſaith, *The County took its Name*; And he ſaid from the *Britiſh* Hiſtories *that he had* 24 *Daughters*; but *Capgrave* ſaith, *he had* 12 *Sons and* 12 *Daughters*. *D. Powell* in his *Notes* on *Giraldus* ſaith, *this* Brachanus *his Father was* Haulaphus, *King of* Ireland, *and his Mother a* Britain, *viz. Marcella*, Daughter to *Theodoric* Son of *Tethwaltus* King of *Garthmathrin*, afterwards called *Brecknock*; Another Daughter of *Brachanus*, he ſaith, was Wife to *Congenus* Son to *Cadel*, King of *Powiſland*, and Mother of *Brochmiel*, who killed *Etheldred* King of *Northumberland*, and routed his Army about *Anno Dom.* 603. By this we ſee what a Number of *Petty Princes* there was about that time among the *Britains*; but whether St. *David* were *Uncle* by the *Mother* to King *Arthur* or not, we have not light enough to diſcover. I ſhall paſs over all the *Legendary Parts* of his Life; and conſider only what relates to the *Church Hiſtory* of thoſe Times. His *Domeſtick Education* is ſaid to have been under *Pauleus* or *Paulinus* a Diſciple of St. *German*; with whom he continued *ten Years*; in the *Iſle* of *Wight*, ſaith *Giraldus*, but it ſeems more probable to have been *Whiteland* in *Caermardenſhire*; the School of *Iltutus* being not far off in *Glamorganſhire* at *Lantwitt*, *i. e. Fanum Iltuti*; and in his Life it is ſaid, *that he came to the King of* Glamorgan; and after, that *Sampſon*, *Paulinus*, *Gildas* and *David* were his *Scholars*. But *Bollandus* ſhews, that there muſt be a miſtake as to *David*; and that inſtead of him it ſhould be read *Daniel*, who was a Diſciple of *Iltutus*, and conſecrated firſt Biſhop of *Bangor* by *Dubricius*. After this it is ſaid, *that* David *and* Eliud, *or* Teliaus, *and* Paternus *went to* Jeruſalem, *and* David *was there conſecrated* Biſhop *by the* Patriarch. And it is not to be wondred, that in ſuch a diſtracted time at home, they ſhould go to *Jeruſalem*, when (*r*) St. *Jerome* in his time mentions *the* Britains *going thither*; eſpecially ſuch as were more inclined to *Devotion*; which humour ſpread ſo much, that *Gregory Nyſſen* wrote againſt it, as a thing very much tending to *Superſtition* if not ariſing from it. But it was moſt excuſable in ſuch a troubleſome time at home. Not long after his return, the famous Synod at *Brevy* was held at a place called *Lhandewy-brevy*, the *Church of St.* David *at* Brevy. Here the *Utrecht MS.* ſaith; *was a Synod aſſembled of all the Biſhops of* Britain, *upon the account of the* Pelagian *Controverſie then revived*. *Giraldus* ſaith, *It was a general Convention of Clergy and Laity*. But the former MS. ſaith, *there were preſent* 118 Biſhops, *beſides* Abbats *and others*. One would think it hard to find ſo many Biſhops in *Britain* at that time: And *Bollandus* ſtartles at it; but *Colganus* undertakes to defend it; having premiſed that *Giraldus* and *Capgrave* leave it out; But he ſaith, *there were more Biſhops at that time than afterwards*; *and more Biſhops than Biſhopricks, Dioceſes not being then ſo limitted as afterwards*; *And every Monaſtery almoſt having a Biſhop its Superior*; *by which means he juſtifies St.* Patrick'*s conſecrating*, as *Jocelin* ſaith, 350 *Biſhops with his own Hands*. But after all this, *Giraldus* did much better to omit ſuch a number in ſuch a time, unleſs there were better Teſtimony concerning it. However there was a conſiderable number there preſent, *yet St.* David *was abſent*

(*p*) Brit. p. 518.

(*q*) Itiner. Camb. l. 1. c. 2.

(*r*) Epiſt. 17.

abſent; and firſt *Paulinus* was ſent to him, but he prevailed not, then *Daniel* and *Dubricius* went, upon whoſe intreaty he came, and by his *Authority* and *Eloquence* put an effectual ſtop to *Pelagianiſm*: And before the end of the *Synod* it is ſaid, *That by general Conſent he was Choſen Archbiſhop of* Caerleon, Dubricius *deſiring to retire on the account of his Age.*

But here we meet with a conſiderable difficulty concerning the *Succeſſion* to *Dubricius*, viz. *That* Teliaus *is ſaid to ſucceed* Dubricius *at* Landaff, *and to have Power over all the Churches of the Weſtern Parts of* Britain; How can this be conſiſtent with St. *David*'s ſucceeding *Dubricius* in the See of *Caerleon*, which had the *Metropolitan Power* over thoſe *Churches*?

(*s*) Biſhop *Godwin* out of *Bale*, and as he ſuppoſeth, out of *Leland* ſaith, *That St.* Dubricius *was firſt Biſhop of* Landaff *being there conſecrated by* Germanus *and* Lupus, *and that afterwards he was removed by a Synod to* Caerleon, *and* Teliaus *placed in* Landaff. But this by no means clears the difficulty; for although *Bale* doth there exactly follow *Leland*, yet *Leland* himſelf doth not ſeem to have conſulted the Book of *Landaff*; Where it is ſaid, *That when* Dubricius *was made Archbiſhop, he had the See of* Landaff conferr'd *upon him, by the Gift of* Mouricus *then King, and the three* Eſtates, i. e. *the Nobles, Clergy* and *People, and all the Land between the* Taff *and* Elie: And (*t*) *Leland* himſelf out of another Author ſaith, *That when* Dubricius *was made Archbiſhop,* Landaff *was made his Cathedral Church.* After *Dubricius* his time *Teliaus* is ſaid to be *Archbiſhop* ſeveral times in the Book of *Landaff*; and after him *Oudoceus* is called *Summus Epiſcopus*; and the Biſhop of *Landaff* in his *Petition* to *Calixtus* 2. *Anno Dom.* 1109. ſaith, *That it appears by the hand writing of St.* Teliaus, *That the Church of* Landaſſ *was Superior in dignity to all other Churches in* Wales. That which ſeems to me the moſt probable account of this matter is, That when *Landaff* was given to *Dubricius* then *Archbiſhop*, he fixed his *See* there, and ſo *Landaff* was the *Seat* of the Archbiſhop of *Caerleon*. But afterwards when St. *David* removed the Archiepiſcopal *See* to *Menevia*, a remote, barren and inconvenient Place, as *Giraldus* himſelf confeſſeth; The Biſhops of *Landaff* aſſumed the *Archiepiſcopal Power*, which had been in that *See*, and would not ſubmit to the *Biſhops* of St. *Davids*. This is apparent from that paſſage of *Oudoceus* (who ſucceeded *Teliaus*) in the *Book* of *Landaff*, that he would not receive *Conſecration* from the Biſhop of St. *Davids*, as his *Metropolitan*, but had it from the Archbiſhop of *Canterbury*. This is a very improbable thing at that time, conſidering the hatred the *Britains* did bear to the *Saxons*, and their *Biſhops* to *Auguſtine* the Monk: It is far more likely that they received it from the Archbiſhop of *Dole* in *Britany*; or from the Archbiſhop of *London* then reſident in thoſe Parts; who probably kept up their Succeſſion for ſome time, as long as there were any hopes of returning to their own See, as is before obſerved.

(*s*) *De Præſul. p.* 618.

(*t*) *Collect. Vol.* 2. *p.* 42.

After this *Giraldus* ſpeaks of another *great Council* held by St. *David*, which he calls *Victoria*; in which he ſaith *all the Clergy of* Wales *were preſent*; *And the Decrees of the former Council were confirmed, and new Canons made for the Government of the* Britiſh *Churches*; But this *ſecond Synod* is not mentioned in the old *Utrecht MS.* nor in *Capgrave*, but it is in *Colganus*, and by the *Expreſſions* it appears to have been taken out of *Giraldus*, who confeſſeth, *That no Copies of thoſe Canons were to be* *ſeen in his time, that Coaſt being ſo often viſited by Pirats*, (who no doubt came to ſteal MSS. and eſpecially Church-Canons.) I will not deny that the *Britiſh* Churches at that time, and in thoſe Parts might be ſaid to be in a flouriſhing Condition, in compariſon with other Parts of *Britain*, and there might be more Chriſtians there, becauſe they had been driven out from other Places; and their Brethrens Afflictions might encreaſe their Devotion; But *Gildas* takes no more notice of St. *David* than he doth of King *Arthur*. The *Battel* at *Badon-hill*, according to Archbiſhop *Uſher*, was the Year after the *Synod* at *Brevy*, and from that time *the* Britiſh Churches had ſome quiet from their Enemies: But then (u) *Gildas* ſaith, *The* Britains *quarrelled among themſelves; but yet ſo as that ſome kind of Order and Government was then kept up among them, by the Remembrance of their late Calamities.* And at this time he ſpeaks the beſt of the *Britains*, that he doth in his whole Book; for he ſaith, *That Kings, and Publick and Private Perſons, Biſhops and other Churchmen* (for *Sacerdotes* in that Age often ſignified *Biſhops*, and *Gildas* calls it, *Sacerdotalem Epiſcopatus Sedem*) *did all keep to the Duty of their Places.* But then he adds, *when the Senſe of theſe Calamities was worn out, and a new Generation aroſe, they fell into ſuch a degeneracy as to caſt off all the Reins of Truth and Juſtice, that no remainder of it appear'd in any ſort of Men, except a few, a very few, whoſe number was ſo ſmall in compariſon with the reſt, that the Church could hardly diſcern its genuine Children when they lay in her Boſome.*

(u) Gild. §. 26.

But before I come to this laſt and ſaddeſt part of the *Hiſtory* of the *Britiſh Churches* it will be neceſſary now to give ſome Account of thoſe *Britains*, who being wearied out here went for Refuge to that *Countrey* in *France*, which from them is called *Bretagn*.

It ſeems hard to determine when the firſt *Colony* of *Britains* was ſettled in the Parts of *Aremorica*. For in the declining times of the *Roman* Empire, there was ſo frequent occaſion of the *Britiſh* Soldiers removing into the *Continent*, and ſo little encouragement to return hither, that it is not improbable, that after the Troubles of *Maximus* and *Conſtantine* a Colony of *Britains* might ſettle themſelves upon the *Sea Coaſts* near to *Britain*, where they might be ready to receive or to go over to their Countreymen, as the condition of Affairs ſhould happen. This I am very much induced to believe, not from the Authority of *Nennius*, or *Geoffrey*, or *William* of *Malmesbury*, or *Radulphus Niger*, &c. but from theſe Arguments;

Firſt from *Sidonius Apollinaris*; and there are two Paſſages in him which tend to the clearing this matter; The firſt is concerning *Arvandus* accuſed at *Rome* of *Treaſon*, in the time of *Anthemius*, for perſuading the *King of the* Goths to make War upon the *Greek Emperor*, *i. e. Anthemius*, who came out of *Greece*, and upon *the* Britains *on the* Loir, as (w) *Sidonius Apollinaris* expreſly affirms, who lived at that time, and pitied his Caſe. This hapned about *Anno Dom.* 467. before *Anthemius* was the ſecond time Conſul. From whence it appears, not only that there were *Britains* then ſettled on the *Loir*, but that their *Strength* and *Forces* were conſiderable, which cannot be ſuppoſed to conſiſt of ſuch miſerable People as fled from hence for fear of the *Saxons:* And it is obſervable, that about this time *Ambroſius* had Succeſs againſt the *Saxons*, and by *Vortimer*'s means, or his, the *Britains* were in great likelihood of driving them out of *Britain*; ſo that there

(w) *Epiſt. l.* 1. *Ep.* 7.

is no probability that the Warlike *Britains* ſhould at that time leave their Native Countrey. A ſecond paſſage is concerning *Riothamus*, a King of the *Britains* in the time of (x) *Sidonius Apollinaris*, and to whom he wrote, who went with 12000 *Britains* to aſſiſt the *Romans* againſt *Euricus* King of the *Goths*, but were intercepted by him, as (y) *Jornandes* relates the Story, and *Sigebert* places it *Anno Dom.* 470. Now what clearer Evidence can be deſired than this, to prove that a conſiderable Number of *Britains* were there ſettled, and in a condition not only to defend themſelves, but to aſſiſt the *Romans*; which cannot be imagined of ſuch as merely fled thither after the *Saxons* coming into *Britain*. Beſides we find in *Sirmondus* his *Gallican* Councils, *Manſuetus*, a Biſhop of the *Britains* ſubſcribing to the firſt *Council* at *Tours*, which was held *Anno Dom.* 461. By which we ſee the *Britains* had ſo full a Settlement then, as not only to have *Habitations*, but a *King* and *Biſhops* of their own; which was the great incouragement for other *Britains* to go over, when they found themſelves ſo hard preſſed by the *Saxons* at home. For a People frighted from hence, would hardly have ventured into a foreign Countrey, unleſs they had been ſecure before hand of a kind Reception there. If they muſt have fought for a dwelling there, had they not far better have done it in their own Countrey? From whence I conclude, that there was a large Colony of *Britains* in *Aremorica* before thoſe Numbers went over upon the *Saxon* Cruelties; of which (z) *Eginhardus* and other foreign *Hiſtorians* ſpeak. Archbiſhop *Uſher* ſeems to think this *Riothamus* himſelf to have been *the firſt Leader of them*; But it is hard to think a Perſon of his Valour and Experience would leave his Countrey in that diſtreſſed Condition it was brought into by the *Saxons*.

But (a) *Florentius*, the Author of the Life of *Judocus* Son to a King of *Bretagn* ſaith, *That his Name was* Rioval, *a Prince here in* Britain, *who gathered a good Army and Fleet together, and with that ſubdued the People who lived on the* Aremorican *Coaſts, being then left deſtitute and unable to defend themſelves.* For that was the effect of the *Roman* Government, which was kept up by the force of the *Roman* Legions in all Parts of it, and ſo when theſe were broken, the *Nations* were ſo unaccuſtomed to War, that they lay open to all *Invaders*. So that the *Aggreſſors* did generally ſucceed in their *attempts* where the *Roman* Legions were withdrawn; and next to the Wiſe Providence of God which ordereth all things, there was no one Cauſe which contributed ſo much to the miſeries of thoſe times, and the ſtrange Revolutions which hapned in them, as the *Natives* being not trained up to *Martial Diſcipline*, but depending wholly on the *Roman* Legions for their Defence and Security; thence, whatever People had the Courage to invade, did uſually take Poſſeſſion of the *Countrey* where the *Roman* Legions were at a diſtance, or otherwiſe engaged againſt each other. Thus in *France*, the *Goths*, the *Burgundians*, the *Franks*, and the *Britains* took poſſeſſion of the ſeveral *Parts* they *attempted*; and the *Goths* and *Vandals* in *Spain*: So *Goths* and *Lombards* in *Italy* it ſelf. So that it is not to be wondred, if the *Saxons* prevailed here at laſt; but with as much difficulty, and after as many *Battels*, as were fought by any People of that time without foreign Aſſiſtance. But to return to the *Aremorican Britains*, whether they came over under *Rioval* in the beginning of the *Diſtractions* here, *when the People were ſo Rebellious againſt their Princes*, as *Gildas* relates, or whether they went over to aſſiſt *Con-*

(x) *L.* 3. *Ep.* 9.

(y) *De Rebus Get. c.* 45.

(z) *Annal. A. D.* 786. *Hiſt. Francic. Script. coat. To.* 2. *p.* 639.

(a) *Sur. Dec.* 13.

ſtantine and his *Son*, and ſo remained there, I ſhall not determine. But that the *Britains* were well *ſettled* there before *Sampſon* Archbiſhop of *York* and his Company paſſed the Seas, appears by what (*b*) *Matt. Paris* ſaith, *That they went to their fellow Citizens and Countrey Men, hoping to live more quietly there.* And after the *death* of *the Biſhop* of *Dole*, he was by the conſent of the *Britains* put into his Place, and from thenceforwards exerciſed *his Archiepiſcopal Power* there; *the Kings* of that Province, not ſuffering his Succeſſors there to pay any Obedience to *the Archbiſhop* of *Tours.* Which begot a *Suit* which held 300 Years in *the Court* of *Rome*, and was this Year manfully decided by *Innocent* III. as *Matt. Paris* there relates: Who ſtates *the Caſe* very unskilfully, laying *the weight* of it upon *the Archbiſhop's bringing over his Pall from* York, *which the* Pope *had given him there.* Suppoſe this were true (although *the Popes* gave no *Palls* then, nor a great while after) yet this were no reaſon to conteſt it in the *Court* of *Rome* ſo long together. But the difficulty of *the Caſe* lay upon *another Point*, *viz.* according to *the Old Canon* of *the Church*, If a *Province* were divided into two, each *Province* was to have a *Metropolitan*; Now *this Reaſon* held much ſtronger when *new Kingdoms* were erected out of *the Roman Provinces*: For what Reaſon was there why *the Biſhop* of *Dole* in *the Kingdom* of *Bretagn* ſhould yield Subjection to *the Biſhop* of *Tours* in a diſtinct *Kingdom?* And there was the fairer Colour for this when one actually an *Archbiſhop* before came to be *ſettled there*; and from hence they inſiſted on a *Preſcription* of a very long time, wherein no *Subjection* had been made to *the Biſhop* of *Tours*, as appears by *the account* given of *this Cauſe* by (*c*) *Innocent* III. in *his Epiſtles* lately publiſhed by *Baluzius.* On the other ſide it was pleaded, that all *Britany* was under *the Juriſdiction* of *the Archbiſhop* of *Tours*, but that *the Britains* conſpiring againſt *the King* of *France*, and *ſetting up* a Kingdom of their own, they made uſe of *Sampſon*, *Archbiſhop* of *York*, coming to eſtabliſh a *Metropolitan* Power within *that Kingdom*; and upon *Complaint* made to *Rome*, the Popes had put it upon this iſſue, whether any of *their Predeceſſors* had granted *the Pall* to *the Biſhop* of *Dole*, which not being proved, *the Pope*, as it was eaſie to imagine, gave Sentence againſt *the Biſhop* of *Dole.* But it is certain, that they went upon a falſe Suggeſtion, *viz.* That *the Kingdom* of *Bretagn* was ſet up in *Rebellion* to *the Kingdom* of *France.* For *Childeric* had not extended his *Dominions* in *France* as far as *the Loir*: and before his time, *the Britains* were in quiet Poſſeſſion of *thoſe Parts* of *Aremorica*; and the beſt (*d*) *French* Hiſtorians now grant that *the Britains* came *thither* in the time of *Merovée*, who obtained but *little* in *Gaul*, as (*e*) *Hadrianus Valeſius* confeſſeth. And the (*f*) *Author* of the Life of *Gildas* obſerves, *That the Power of the Kings of* France *was very inconſiderable in the time of* Childeric, *Son of* Merovée, at what time *Gildas* went over into *Aremorica*, as his School-fellows under *Iltutus*, *Sampſon* and *Paulus* had done before him; whereof one ſucceeded the other *Sampſon* at *Dole*, and the other was made Biſhop of the *Oxiſmii*, the moſt *Northern People* of *Bretagn*; which *Dioceſe* is ſince divided into Three, *Treguier*, *S. Pol de Leon*, and *S. Brieu.*

Here *Gildas* at the requeſt of his Brethren who came out of *Britain*, ſaith the *Author* of his *Life*, *wrote his Epiſtle*, wherein he ſo ſharply reproves the ſeveral Vices of the *five Kings of* Britain, whom he calls by the Names of *Conſtantine*, *Aurelius*, *Vortiporius*, *Cuneglaſus* and

Maglo-

(*b*) *A. D.* 1199.

(*c*) *Epiſt. l.* 2. *Fo.* 82.

(*d*) Mezeray, *To.* 1. *p.* 18.

(*e*) *Rer. Fran. l.* 3. *p.* 146.

(*f*) *Vit.* Gild. c. 12.

Maglocunus; and ſpeaks to them all as then living. The (g) *Britiſh Hiſtory* makes them to ſucceed each other; *Conſtantine*, according to that, was killed in his third year by *Aurelius Conanus*. He died in his ſecond year, and *Vortiporius* ſucceeding him Reigned four years. After him he places *Malgo*, and leaves *Cuneglaſus* wholly out. But that they Reigned at the ſame time in ſeveral parts of *Britain* is evident from *Gildas*, becauſe he ſaith, *He knew that* Conſtantine *was then living*; Now *Conſtantine* Reigning the firſt of theſe, how could he ſpeak to the four Kings that ſucceeded him, if he were ſtill living? For there is no colour, for imagining that *Gildas* ſtill added his Reproof as one died and another ſucceeded; for any one may diſcern it was written in one continued Style, and he writes to them all as then living without the leaſt intimation that they ſucceded each other: Beſides, he calls *Conſtantine* the *Iſſue of the impure* Danmonian *Lioneſs*; and at this time the *Britains* in the remote *Weſtern parts* were ſeparated from the other by the *Weſt* Saxon *Kingdom*; and therefore there is far leſs Probability that all the *Britains* at that time ſhould be under *one Monarch*. And where they had greateſt freedom of living together, they were divided into ſeveral *Principalities*. For he, whom *Gildas* calls *Maglocunus*, is by the *Britiſh* Writers called *Maelgun Guineth*, and *Maelgunus* mentioned by *John* of *Tinmouth*, in the Life of St. *Paternus*, and by *Thalieſſin* in Sir *John Price*, from whom it appears that he was *King* of *North-Wales*. And as *Gildas* calls *Vortiporius* the Tyrant of the *Demetæ*, by whom the *Inhabitants* of *South-Wales* are underſtood: *Aurelius Conanus*, Archbiſhop (h) *Uſher* thinks was King of *Powiſland*; which was ſometime a *third Kingdom*. And for *Cuneglaſus*, it ſeems probable, *he had the Command of the Northern* Britains; for it is plain from *Bede* they had a diſtinct *Principality there*. All theſe *Gildas* doth very ſeverely reprove for their ſeveral vices; and then taxes the *Judges* and *Clergy* to the *Concluſion* of his *Epiſtle*, *to the end they might repent of their Sins, and acquit the juſt and wiſe Providence of God in the judgments he brought upon them*, which were very terrible, and ended in the *deſolation* of the *Country* and the *ruine* of the *Britiſh Churches*, excepting only thoſe *Remnants* which were confined to the *Corners* of the *Land*. For our (i) *Hiſtorians* ſay, *That the* Saxons *left not the Face of Chriſtianity where-ever they did prevail.*

This is a very ſad Subject, which ought not to be paſſed over without that Reflection which St. (k) *Paul* made on the Church of the *Jews* and *Gentiles*.

Behold the goodneſs and ſeverity of God; on them which fell ſeverity, but towards thee goodneſs; if thou continue in his goodneſs, otherwiſe thou alſo ſhalt be cut off.

It remains only, that we conſider the *Liberty* or *Independency* of the *Britiſh Churches*; of which we can have no greater Proof than from the *Carriage* of the *Britiſh Biſhops* towards *Auguſtine* the *Monk*, when he came with *full power* from the *Pope* to require *Subjection* from them. And this material point relating to the *Britiſh Churches* I ſhall endeavour to clear from all the *Objections* which have been made againſt it. In order thereto, we are to underſtand, That (l) *Auguſtine* the *Monk* by virtue of the *Pope's Authority*, did challenge *a Superiority over the Biſhops of the* Britiſh *Churches*, which appears not only by *Gregory*'s Anſwer to his *Interragations*, but by the *Scheme* of the *Eccleſiaſtical Government*, here, which *Gregory* ſent to him, after he had a fair pro-

(g) Galfr. *l.* 8.

(h) *Prim.* p. 537.

(i) Ranulph. Nig. *in Chronic.* Matthew Weſtmin. *A. D.* 586. 596.

(k) Rom. 11. 22.

(l) Bed. *l.* 1. c. 27. c. 29.

ſpect of the *Converſion* of the *Saxons*, which was at the ſame time that he ſent *Melitius*, *Juſtus*, *Paulinus* and *Rufinianus*, with the *Archiepiſcopal Pall* to him. There he declares that there were to be two *Archbiſhops Sees*, one at *London* (which out of honour to *Ethelbert* or *Auguſtine* was fixed at *Canterbury*, or rather by *Ethelbert*'s own Authority) and the other at *York*, which had been a *Metropolitan See* in the *Britiſh* times, and both theſe *Archbiſhops* were to have twelve *Suffragan Biſhops* under them. The Biſhop of *London* was to be conſecrated by his *own Synod*, and to receive the *Pall* from the *Pope*; But *Auguſtine* was to appoint the firſt Biſhop of *York*, who was to yield *Subjection* to him for his time, but afterwards *the Sees* were to be *Independent* on each other. But by all this, it ſhould ſeem, *that he had Authority given him only over thoſe Biſhops who were conſecrated by him, and the Archbiſhop of* York; what then becomes of thoſe Biſhops in *Britain* who were *Conſecrated* by neither, and ſuch they knew there were? Concerning theſe *Gregory* gives a plain Anſwer, *That they were all to be ſubject to the Authority of* Auguſtine; *and to govern themſelves in Life and Doctrine and Church-Offices according to his Direction.* *Auguſtine* being furniſhed with ſuch *full Powers*, as he thought, deſires a *Meeting* with the *Britiſh Biſhops*, at a place called *Auguſtinſac*, as (*m*) *Bede* ſaith, in the *Confines* of the *Wiccii* and the *Weſt-Saxons*. Where this place was is very uncertain, and not at all material; *Camden* could find nothing like it, and the *Conjectures* of others ſince have no great probability, either as to *Auſtric*, or *Hauſtake*, or *Oſſuntree*, but at this place, the *Britiſh Biſhops* gave *Auguſtine* a Meeting; where the firſt thing propoſed by him was, *That they would embrace the Unity of the Catholick Church, and then join with them in Preaching to the Gentiles, for*, ſaith he, *they did many things repugnant to the Unity of the Church*; Which was in plain terms to charge them with *Schiſm*; and the *Terms* of *Communion* offer'd, did imply *Submiſſion* to the *Church* of *Rome*, and by conſequence to his *Authority* over them. But the utmoſt that could be obtained from them, was only *that they would take farther advice, and give another Meeting, with a greater Number.* And then were preſent *Seven Biſhops of the* Britains, *and many Learned Men, chiefly of the Monaſtery of* Banchor, *where* Dinoth *was then Abbat*; And the *Reſult* of this *Meeting* was, *That they utterly refuſed Submiſſion to the Church of* Rome, *or to* Auguſtine *as Archbiſhop over them.* And for the Account of this, we are beholding to *Bede*, whoſe Authority is liable to no exception in this matter.

(*m*) L. 2. c. 9.

But againſt this plain Matter of *Fact*, there have been three *Objections* made which muſt be removed.

(1.) That *Auguſtine* did not require *Subjection* from the *Britiſh Biſhops*, but only treated with them, about other matters in difference between them.

(2.) That their refuſing *Subjection* to the *Biſhop* of *Rome* depends upon the *Credit* of a *Spurious* Britiſh *MS.* lately invented and brought into light, as the Anſwer of *Dinoth*.

(3.) That if they did refuſe *Subjection* to the *Pope*, it was *Schiſmatical Obſtinacy* in them, and contrary to the former *Senſe* of the *Britiſh Church*.

To all theſe I ſhall give a clear and full Anſwer.

(1.) As to the matter of their *Conference*, it cannot be denied that other things were ſtarted; as about the *Paſchal Controverſie* and ſome *Rites* of *Baptiſm*, &c. but this was the main point; which *Auguſtine* did not in plain Terms inſiſt upon, becauſe it would look too invidiouſly to require *Subjection* to *himſelf*, but he cunningly inſinuates it under the Name of *Eccleſiaſtical Unity*. For I dare appeal to any Man's common Senſe, whether upon the *Principles* of the *Church* of *Rome*, the *Britiſh Biſhops* complying in other things and rejecting the *Pope's Authority* would have been thought ſufficient? If ſo, then *Submiſſion* to the *Pope* is no neceſſary term of *Communion*; and Men may be in a very ſafe Condition without it. But if it were neceſſary, then *Auguſtine* muſt imply it within the terms of *Catholick Peace* and *Eccleſiaſtical Unity*. It is therefore ridiculous in (n) *Alford* and (o) *Creſſy*, and ſuch Writers to ſay, *That* Auguſtine *did not inſiſt upon it:* For it is to charge him with *Ignorance* or *Stupidity*, that he ſhould leave out ſo neceſſary an Article of *Communion:* And yet *Gregory* had ſo great an opinion of him, as to make him *the Director of the* Britiſh *Churches*. And therefore it cannot be ſuppoſed that he ſhould offer terms of *Communion* without requiring *Submiſſion* to the *Pope's Authority*; if thoſe were in a ſtate of *Schiſm* who denied it.

But it is ſaid, *That in the Concluſion of the ſecond Meeting*, Auguſtine *did not inſiſt upon, nor ſo much as mention any ſubjection to him from the* Britiſh *Churches, but only required Compliance in three Points, viz. the time of the Paſchal Solemnity agreeable with the Church of* Rome; *following the* Roman *Cuſtoms in Baptiſm; and joining with them in Preaching to the* Saxons; *and upon theſe they broke up the Meeting.*

To which I Anſwer,

That theſe things were required by *Auguſtine*, not as *Conditions* of *Brotherly Communion*, but as the *Marks of Subjection* to his *Authority*; which appears from *Bede*'s own Words, *Si in tribus his mihi obtemperare vultis, &c.* Which *Creſſy* very unfaithfully renders, *If they would conform in three points only:* Whereas the meaning is, If they would own his *Authority* in thoſe *three things*; and therefore the *Britiſh Biſhops* anſwered very appoſitely, when they ſaid, *we will neither do the things nor ſubmit to you as Archbiſhop over us.* Why ſhould they deny *Subjection* if it had not been required of them? Which ſhews they very well underſtood his meaning, and gave anſwer in ſhort, to the main point. And upon this Account I ſuppoſe it was, that the *Anchoret's* advice was followed about obſerving *Whether he roſe up to the* Britiſh *Biſhops at their entrance*; Not that they were ſo offended for want of a *Complement*, as Mr. *Creſſy* ſuggeſts, but this was look'd on by them, as a *Mark* of that *Superiority* which he challenged over them; And therefore they had reaſon to take ſo great notice of it, and to infer harder uſage from him, when they ſhould be under his *Authority*. They could not be ignorant what *Authority* the *Pope* had given *Auguſtine*, and that made them more *Obſervant* of his whole Behaviour, and finding it ſo agreeing to the *Character* of an *Archbiſhop* over the Britiſh *Churches*, They give him that Reſolute Anſwer, *That they would not own any Authority he had as Archbiſhop over them.* Which is a ſufficient proof, that this was really the main point conteſted between them.

(2.) As to the *Britiſh MS.* which contains *Dinoth*'s Anſwer more at large; I Anſwer;

1. (p)

(n) *Annals Eccleſ. A. D.* 604. *n.* 11.

(o) *Church. Hiſt. l.* 13. *ch.* 19. *n.* 6.

(*p*) *De Script. in* Dinoth.

1. (*p*) *Leland* obſerves, *That the* Britiſh *Writers give a more ample account of this Matter than is extant in* Bede; who is very ſparing in what concerns the *Britiſh* Affairs. But from them he ſaith, *That* Dinoth *did at large diſpute with great Learning and Gravity againſt receiving the Authority of the Pope, or of* Auguſtine; *and defended the Power of the Archbiſhop of St.* Davids; *and affirmed it not to be for the* Britiſh *Intereſt to own either the* Roman *Pride or the* Saxon *Tyranny.* And he finds fault with Gregory, *for not admoniſhing the* Saxons *of their groſs Uſurpations, againſt their Solemn Oaths*; And adds, *that it was their duty, if they would be good Chriſtians, to reſtore their unjuſt and Tyrannical Power to thoſe from whom they had taken it.* For Dinoth, *out of his great Learning could not but know, that the Pope under a pretence of bringing in the true Faith could not confirm them in their unjuſt Uſurpation. For if that ſhould be admitted no Princes could be ſafe in their Dominions.* And no doubt the Britiſh *Biſhops* looked upon this attempt of *Auguſtine* upon them to be the adding one *Uſurpation* to another: Which made them ſo adverſe to any *Communication* with the Miſſionaries which otherwiſe had been inexcuſable.

(2.) The certainty of the *Britiſh Churches* rejecting the *Pope*'s *Authority*, and *Auguſtine*'s juriſdiction doth not depend upon the *Credit* of this *Britiſh MS.* for this is ſufficiently clear from *Bede*'s own Words, wherein they declare, *they would not own* Auguſtine *as Archbiſhop over them.* But if they had owned the *Pope's Authority*, they ought to have ſubmitted to him, who acted by virtue of his *Commiſſion:* And it was not poſſible for them at ſuch a diſtance from *Rome*, to expreſs their diſowning his *Authority* more effectually than by *rejecting* him, whom he had ſent to be *Archbiſhop* over them. And *Nich. Trivet* in his *MS. Hiſtory* cited by Sir *H.* (*q*) *Spelman*, ſaith expreſly, *that* Auguſtine *did demand Subjection from the* Britains *to him, as the* Pope's *Legate, but they refuſed it.* So that if this *MS.* had never been heard of, the Matter of Fact had been nevertheleſs fully atteſted.

(*q*) *Concil. p.* 111.

(3.) The *Objections* againſt this *MS.* are not ſufficient to deſtroy the *Authority* of it. Sir *H. Spelman* who ſets it down at large in *Welſh*, *Engliſh* and *Latin*, tells from whom he had it, and exactly tranſcribed it, and that it appeared to him to have been an *Old MS.* taken out of an *Older*, but without *Date* or *Author*, and believes it to be ſtill in the *Cotton Library.* Here is all the appearance of *Ingenuity* and *faithfulneſs* that can be expected; and he was a Perſon of too great Judgment and Sagacity to be eaſily impoſed upon by a modern Invention, or a *new found Schedule*, as Mr. *Creſſy* Phraſes it. The ſubſtance of it is, That the *Abbat of* Banchor, in the *Name* of the *Britiſh Churches* declares, *That they owe the Subjection of Brotherly Kindneſs, and Charity to the Church of God, and to the Pope of* Rome, *and to all Chriſtians: but other obedience than that, they did not know to be due to him whom they called Pope; And for their parts they were under the Juriſdiction of the Biſhop of* Caerleon *upon* Usk, *who was under God their ſpiritual Overſeer and Director.* But ſay the Objectors, *There was then no Biſhop of* Caerleon *upon* Usk, *and had not been ſince the time the Metropolitan Juriſdiction was by St.* David *tranſferr'd to* Menevia. I grant that from the time of *Dubricius* the *See* was tranſferr'd firſt to *Landaff*, and then to St. *Davids*, but this latter *Tranſlation* was not agreed to by all the *Britiſh Biſhops*; And it appears by the foregoing Diſcourſe, That the Biſhops of *Landaff* did at that time when *Oudoceus* lived, challenge the *Metropolitical Power of* Caerleon to themſelves, and therefore would not be conſecrated by the *Biſhop* of St. *Davids*. And *Caerleon* having been the ancient *Metropolitical See*, it was no abſurdity at all to mention that in a Diſpute which depended upon ancient Right. For the Authority over the *Britiſh* Churches was not upon the account of St. *David*'s or *Landaff*, but the Metropolitan Right which belonged to the *See of* Caerleon. As if in the *Britiſh* times the Metropolitan See had been removed from *London* to *Canterbury*, what incongruity had it been in a Diſpute of Superiority to have alledged, that the *Britiſh* Churches of theſe Parts were under the Juriſdiction of the *Archbiſhop of* London, although at that time the See were removed to another Place? And if this be all to make it appear to be a *Forgery*, as Mr. *Creſſy* pretends, for all that I can ſee, it may be a very ancient and genuine *MS.*

But *Alford* goes deeper, for he diſproves it, *becauſe it contradicts the Senſe of the* Britiſh *Churches before, which profeſſed Subjection to the* Roman *See.*

This is indeed to the purpoſe if it be well proved, which in the laſt place comes to be conſidered.

(3.) To this purpoſe he alledges, (1.) *The Confirmation of St.* David*'s Synod by the Pope's Authority.* But from whence hath he this? From no other Teſtimony than that of *Giraldus Cambrenſis* cited by Biſhop *Uſher*, who in the ſame place confeſſes, *That there was no Monument of thoſe Synods at all remaining, nor of the Pope's Confirmation of them*; and the other *MSS.* and *Legends* of St. *David*'s Life ſay not a Word of this. How then came *Giraldus* to affirm it? We are to remember that *Giraldus* had a Cauſe depending in the Court of *Rome*, about the *Biſhoprick* of St. *David*'s, and he knew well enough what *Doctrine* was pleaſing there, and therefore the *Teſtimony* of ſuch a one, having no concurrent Evidence to ſupport it, is of very little force in this matter. (2.) He mentions the Reſpect *Kentigern* ſhew'd to *the Church of* Rome, *going ſeven times thither, and having at laſt his uncanonical Ordination purged, or confirmed by the* Pope; as the *Author* of his Legend relates. But this ſeems to me a ſenſeleſs and ridiculous *Legend*: For as (r) *Bollandus* obſerves, if *Kentigern* went ſeven times to *Rome*, how came he to put off the Error of his Conſecration to the laſt? If it were good before, why not then? If naught before, then all the *Acts* performed by him by virtue of his firſt Conſeration were invalid. But there is no more Error ſuppoſed in the Conſecration of *Kentigern* by one *Biſhop*, than there was in that of *Seruanus* by *Palladius*, which as (s) *Joh. Major* ſaith, *was good in caſe of neceſſity.* But the Writers of the *Legends*, living long after the times of the Perſons, framed their Stories according to the Cuſtoms of their own times; and becauſe ſuch a *Conſecration* was not then held good, therefore the Author of his *Legend* takes care to have that defect ſupplied at *Rome*, and to make amends, he ſaith, *That* Kentigern *at his death recommended to his Diſciples the Decrees of the Fathers, and the Cuſtoms of the* Roman *Church.* But what is this to the *neceſſity* of *Subjection* to the *Roman See* from the general Senſe of the *Britiſh Churches*? What if *Kentigern* having been often at *Rome*, were pleaſed more with the *Cuſtoms* of that *Church*, than of the *Britains*? Doth it hence follow, that thoſe *Britains* who maintained *Cuſtoms contrary to the* Romans, did think it neceſſary to conform to the Church of *Rome*, when the plain *Evidence* of *Fact* is to the contrary; and which hath far more Authority than ſuch *Legends*,

(r) 13. *Jan. Vit.* Kentigern.

(s) *De Geſt. Scot. l.* 2. *c.* 2.

gends as theſe? (3.) Ninianus *is* (*t*) *ſaid to have learnt the Chriſtian Doctrine at* Rome, *who converted the Southern* Picts, *and founded the Church* ad Candidam Caſam; *being the firſt built of Stone.* But what follows from hence? Becauſe *Ninianus* was made a *Chriſtian* at *Rome*, therefore the *Britiſh Churches* always own'd the *Pope's Supremacy.* They are indeed to ſeek for Arguments who make uſe of ſuch as theſe. (4. He offers to prove the conſtant *Submiſſion* of the *Britiſh Churches* to the *Roman See* from *Gildas* himſelf, and he makes uſe of two Arguments.

(1.) *From his calling the* Britiſh *Churches*, Sedem Petri, *the See of St.* Peter. I confeſs *Gildas* hath theſe Words, but quite in another Senſe; For in the beginning of his *Invective* againſt the *Clergy*, among other things he charges them, that they did *Sedem Petri Apoſtoli immundis pedibus uſurpare.* Doth he mean that they defiled *St.* Peter'*s Chair at* Rome? No certainly, but he takes St. *Peter*'s Chair for that which all the *Clergy* poſſeſſed, and implies no more than their *Eccleſiaſtical Function*; and ſo he oppoſes it to (*u*) *the Chair of* Judas, *into which*, he ſaith, *ſuch wicked Men fell.* But if they will carry *St.* Peter'*s Chair to* Rome, they muſt carry *the Chair of* Judas thither too.

(2.) (*w*) *Alford* inſiſts on this Paſſage in *Gildas*, *That they were more ambitious of Degrees in the Church than of the Kingdom of Heaven*; And after a bitter *Invective* againſt their *Symoniacal Contracts*, he adds, *that where they were oppoſed they ran beyond Sea to compaſs their ends.* Now ſaith *Alford*, *whither ſhould this be but to* Rome? For as *Leland* obſerves in the Caſe of *Giraldus Cambrenſis*, *ſunt enim omnia Venalia* Romæ: all things are bought and ſold there; and therefore whither ſhould ſuch *notorious Symoniacal Perſons go, but to* Rome? This is a very ſurpriſing Argument, and is more wiſely paſt over by Mr. *Creſſy* than inſiſted on by *Alford*, as being a horrible Reflection on the *Court* of *Rome* in thoſe Days. But to ſay Truth, there is not one Word of *Rome* in *Gildas*; but if they will apply it to *Rome*, how can we help it.

To conclude this Diſcourſe, (*x*) *Alford* is much diſpleaſed with (*y*) Sir *H. Spelman*, for *parallelling the Caſe of the* Britiſh Biſhops, *and* Auguſtine, *with that of the* Cyprian Biſhops *againſt the* Patriarch *of* Antioch: But for what Reaſon? *Why*, ſaith he, *The Council of* Epheſus *did not permit the* Cyprian Biſhops *to decline the Judgment of their* Patriarch, *but declared the* Biſhop *of* Antioch *not to be their* Patriarch. Very well! And is not this the very caſe here? The Biſhop of *Rome* challenged a *Patriarchal Power* over the *Britiſh Churches*, and appoints an *Archbiſhop* over them, but they deny that he had ſuch *Authority over them*, they being governed by their own *Metropolitan*, as the *Cyprian* Biſhops were; and therefore by the *Decree* of the *Council of* Epheſus, they were *bound to preſerve their own Rights*, and conſequently to oppoſe that *foreign Juriſdiction*, which *Auguſtine* endeavoured to ſet up over them.

Two

(t) Bede, l. 2. c. 4.

(u) Gild. p. 58. 60.

(w) *A. D.* 548. *n.* 4.

(x) *A. D.* 604. *n.* 10.

(y) *Concil. p.* 110.

Two DISCOURSES Concerning the DOCTRINE of CHRIST's SATISFACION: or, the true Reaſon of his Sufferings: Wherein the *Socinian* and *Antinomian* Controverſies are truely Stated and Explained. With an ANSWER to Mr. LOBB's Appeal, and to ſeveral Letters from the Diſſenting Parties in *London*.

30:2:C

PART I.

The PREFACE.

T*HE Deſign of the following Diſcourſe, is to vindicate the Doctrine of* Chriſt's Satisfaction *from the* Socinian Objections. *Which, that I might do more effectually, I ſet my ſelf to conſider the Force and Strength of all that* Crellius *had produced in his elaborate Anſwer to* Grotius. *For I have always endeavoured to underſtand the right ſtate of a Queſtion, before I undertook it; and when I had done that, I have taken as much Care, as I could, to repreſent it truly to others. Which made me not a little ſurpriſed, when I found our modern* Socinians *in their late Pamphlets to charge Me as well as others, with* not reading their Books upon this Queſtion, and wholly miſtaking the State of the Queſtion between the Church and them. *Whereas, if I had not read their Books I might peradventure have entertained a more favourable Opinion of them, than I now have. But it was upon a diligent Conſideration of the utmoſt I could find was ſaid by their beſt Writers, that I ſo long ſince ſatisfied my ſelf, that if the Books of the* New Teſtament *are to be our Rule of Faith, they were extreamly miſtaken. Indeed, our* Unitarians *(as they call themſelves) ſeem to go another way to work; which is, by undermining the Authority of theſe Books, and ſo to introduce* Deiſm *among us; (of which I hope to give an Account in another Diſcourſe.) But my preſent buſineſs is to lay open the true ſtate of this Controverſie between us. In their Anſwer to my Sermon (which is here Reprinted) they ſay,* That the Unitarians never denied, as I fanſie, that Jeſus Chriſt made himſelf a voluntary Sacrifice for Expiation of the Sins of Mankind. *If this be true, I confeſs, I have miſtaken them; but if the contrary prove very true from their own Writings, what do theſe Men deſerve, for denying that which they know to be true? For it is hardly poſſible to ſuppoſe ſuch bold undertakers, as they are, ſhould be ignorant that* Socinus *abſolutely denied,* That Chriſt made himſelf a voluntary Sacrifice for Expiation of the Sins of Mankind. *For in his Anſwer to* Volanus, *he ſaith,* That he and moſt others are greatly miſtaken when they ſay, that Chriſt offered up himſelf to God, when his Blood was ſhed upon the Croſs: *And he poſitively affirms,* That the Sacrifice which Chriſt offered was not upon the Croſs, but in Heaven. *Theſe Paſſages gave great offence to one* Niemojevius, *a Friend of his, who in his firſt Epiſtle to him, calls it,* A horrid Para-

Conſiderations on the Explications of the Trinity in the Archbiſhop's Sermons, *&c.* p. 31.

Anſw. to Serm. p. 12.

Socin. Op. T. 1. p. 391.

Socin. Epiſt. p. 196. Ed. Racov.

Paradox, and directly contrary to Scripture, and wonders what he
meant to write ſo confidently againſt the plain Teſtimonies of Scripture.
Socinus *in anſwer to him, ſaith,* It is no more than himſelf had
p. 204. aſſerted ſome Years before, *in his Book* De Servatore; and others of
their Party before him. *And he lays down, as his Concluſion, which he*
deſires his Friend to bring his Arguments againſt, viz. That the Expiatory
Sacrifice of Chriſt for our Sins was not performed on the Croſs,
but in Heaven. Niemojevius *brings expreſs places of Scripture againſt*
p. 224. *this Opinion; and ſaith,* He could by no means excuſe ſuch plain Oppoſition
p. 226. to the words of Scripture. Socinus *in his Reply, perſiſts in ſaying,*
That there was no Expiatory Sacrifice for Sin in the Death of
p. 254. Chriſt; and that it ought to be conſidered as an Intervening Condition
p. 265. in order to the Expiation in Heaven, and not otherwiſe; *but he will*
by no means allow any Proof of any Sacrifice of the Expiation on the
Croſs. *And ſo the diſpute ended. With what face can they now ſay,* That
the Unitarians never denied this, *when* Socinus *not only doth it, but defends*
it, to the laſt, and ſaith, That others had done it before him:
Which ſhews, that it was no ſingular Opinion of his own, but that which
had been received among the Unitarians *before him.*

But they ſay, The *Unitarians* ever acknowledged that the Lord Chriſt
was an Expiatory Sacrifice for our Sins, as may be ſeen in the *Racovian*
Catechiſm. This is indeed a wonderful Proof, they ever acknowledged it,
as may be ſeen in the *Racovian Catechiſm: Were there no* Unitarians
before the Racovian Catechiſm? *And was that always the ſame? Suppoſe*
the Unitarians *before, were of another Opinion; ſuppoſe the* Racovian Catechiſm
it ſelf hath been altered in this matter: how can any man of Senſe
be ſatisfied with ſuch kind of Arguments as theſe? One would think, they
wrote only for ſuch as would take their Words; they joyn ſo much Confidence
with ſo very little appearance of Reaſon. All that know any thing of theſe
Matters, know very well, that the Racovian Catechiſm *was firſt framed by*
Smalcius, *a ſtrict Follower and Defender of* Socinus, *from whoſe Opinions*
he did not vary at all as to this matter, as will appear from all the old Editions
Catech. Racov. c. 8. q. 4. *of it. In which the Queſtion is put,* What is the Reaſon of the
Sufferings of Chriſt? *The Anſwer is two fold;* 1. To be an Example of
Patience. 2. To confirm the Truth of God's Promiſes. *And after theſe*
are explained, another Queſtion is asked, Is there no other Cauſe of the
Q. 12. Death of Chriſt? *The Anſwer is very ſhort,* Nulla prorſus, None at all.
And in the Concluſion of that Chapter a Queſtion is put about Sacrifices,
Q. 38. *and the Anſwer is,* That the Death of Chriſt was no Sacrifice, but only
a Preparation to it, and a kind of Introduction to it, for the Sacrifice
was offered in Heaven and not before. *Have we not now great Evidence*
to believe from the Racovian Catechiſm, *that* Jeſus Chriſt made
himſelf a voluntary Sacrifice for Expiation of the Sins of Mankind?
But beſides the Racovian Catechiſm, *they refer me to* Schlictingius *and*
Ruarus. *For what, I pray? For what the* Unitarians *always held? That*
is impoſſible, when there is ſuch evident Proof to the contrary. I ſuppoſe
their meaning is, That the Racovian Catechiſm, being reviewed by them
ſpeaks otherwiſe. *And is this a good Proof, that they were always of that*
mind, becauſe from hence it is evident they have changed it? And ſo it
Catech. Racov. Staurop. An. Dom. 1680. *will appear to any one that will compare the latter Editions with the former.*
In the laſt Edition I have ſeen, as it is review'd by Schlictingius,
Ruarus, *and others, there is a Preface, wherein they confeſs it is changed in*
ſeveral things from what it was, when it was firſt publiſhed by Moſcorovius,

vius, *A.D.*1609, *aad yet the* Unitarians *were ſtill of the ſame mind, although ſome more ſoftning Expreſſions were for meer ſhame thought fit to be inſerted. In this Correct Edition, the Queſtion is put,* Why was it neceſſary for Chriſt to ſuffer as he did? *And the Anſwer is two-fold*; 1. That Chriſt ſuffered for our Sins by God's appointment, and underwent a cruel Death as a Sacrifice of Expiation. *Who could imagine this to be the* Racovian Catechiſm *ſtill?* 2. Becauſe thoſe who are to be ſaved by him are ſubject to the like Suffering. *This is ſomewhat a dark Reaſon; but the former is that which we are to conſider.*

p. 141.

Chriſt, *ſay they*, ſuffer'd for the ſins of Mankind, and was a Sacrifice of Expiation by his Death. *What can we deſire more? ſhall we always maintain diſputes about Words, when we agree in Senſe? No, that is not the Caſe, but we may ſeem to agree in Words and differ in Senſe. That therefore muſt be more ſtrictly examined. But becauſe they ſometimes ſeem to be diſpleaſed that* we take their Opinion from foreign Writers, (*ſince they here ſet up for themſelves and are ſo able to expreſs their own Senſe*) *and becauſe they refer me* to their own late Prints in the Engliſh Tongue, *therefore I ſhall apply my ſelf to them, to find out what their true Senſe in this matter is. And they ſeem freely to tell us what* they deny *and what* they affirm.

Conſiderations on the Explications of the Trinity by Dr. *W.* &c. p. 32.
Anſwer to my Serm. p. 12.

1. They deny that this Sacrifice was by way of true and proper Satisfaction or full and adequate Payment to the Juſtice of God.

2. They affirm, that this Sacrifice was only an Oblation, or Application to the Mercy of God.

In another place they complain, that very few of their Adverſaries have really underſtood what they affirm or deny concerning the Cauſes or Effects of our Saviour's Death. *And they ſay,* the Queſtion is only this, Whether the Lord Chriſt offer'd himſelf as ſuch a Sacrifice, Oblation or Price as might be made to the Juſtice of God, by way of Equivalent for what we ſhould have ſuffer'd; or was an Oblation or Satisfaction as all former Sacrifices under the Law were, to the Mercy of God by way of Humble Suit and Deprecation? *So that they will no longer diſpute with us, about the Death of Chriſt being* an Expiatory Sacrifice for the Sins of Mankind; *and ſo this Point ſeems wholly gained. But we muſt have a care of being deceived by them. For the Scripture was too clear and full to be born down by the Authority or Evaſions of* Socinus; *and therefore they found it neceſſary to comply in Terms, as long as they could keep to their own Notions under them. But what is the true meaning of* an Expiatory Sacrifice to the Mercy of God? *If it be no more but as a* Condition intervening, Socinus *would not allow that to make an* Expiatory Sacrifice, *and therein he was in the Right.*

Anſwer to *Milb.* p. 58.

The main Point then between us ſeems to be whether the Death of Chriſt had Reſpect to the Juſtice or to the Mercy of God? *And here we muſt conſider what they underſtand by* the Juſtice of God.

Anſwer to *Milb.* p. 53.

1. They ſay, that Almighty God as King and Proprietor of all Perſons and Things, can forgive any Offence or all Offences, even without Repentance or Amendment, nor is it contrary to his Juſtice ſo to do.

2. That it is not the Juſtice of God, by which he is prompted to puniſh ſinners, but his Holineſs and Wiſdom, and that juſtice hath no other ſhare or intereſt in Puniſhment, but only to ſee that Puniſhment be not miſplaced, and that it do not exceed the Offence.

3. That God could not (juſtly or wiſely) ſubſtitute an innocent p. 54. and well deſerving Perſon to undergo Puniſhment, properly ſo called in the Place of the unrighteous and worthleſs, becauſe it is of the Nature of Juſtice not to miſplace Puniſhments.

4. That Chriſt could not offer himſelf freely for us to undergo the Puniſhment due to us, nor could God accept of it, or allow it: becauſe it is of the very Eſſence of Juſtice not to miſplace Puniſhment p. 55. and not to exceed the Deſert of the Offence, which they ſay are the two things that conſtitute the Nature of Punitive Juſtice.

Trinitarian Scheme of Relig. p. 18. *In another place, they ſay,* That Chriſt made himſelf an Oblation, an Expiatory Sacrifice on the Altar of the Croſs for our Sins. But his Sufferings were not (as Trinitarians teach) deſigned as a Puniſhment laid on him in our ſtead, becauſe Puniſhment is the evil of Suffering inflicted for the evil of Doing; but Chriſt having done no ſin; what he underwent was only labour and ſuffering and no Puniſhment. *And again they ſay,* the Oblation was not made to the Juſtice, but to the Mercy p. 19. of God. But the Sufferings of Chriſt being graciouſly accepted by God, as an Interceſſion on our behalf, God was ſatisfied with them, Anſwer to the Archbiſhop, p. 32. and this, *they ſay,* is the proper Notion of Satisfaction. *The ſame they repeat in other places. And if no more were to be regarded but meer words, this Controverſie were at an end; for they own Chriſt's Death to be* an Expiatory Sacrifice for the Sins of Mankind, *and that he made by his Sufferings* Satisfaction to God.

But I ſhall now make it appear, that whatever they pretend, they do really own no ſuch thing as the Death of Chriſt being an Expiatory Sacrifice for the Sins of Mankind. *However, we have this Advantage by theſe Conceſſions, that the Scriptures are yielded to be on our ſide, and that they are forced to ſpeak as we do, whatſoever their meaning be. But that they do not own any proper* Expiatory Sacrifice in the Death of Chriſt, *will beſt appear by an Account of the* Riſe *and* Progreſs *of this Controverſie, and of the true* State *of it.*

The firſt Riſe *of it was from the Multitudes of Places of Scripture, which Attribute all the proper Effects of an* Expiatory Sacrifice to the Death of Chriſt. *And that by thoſe who beſt underſtood for what End it was that Chriſt ſuffer'd, and had no Intention to deceive or to amuſe Mankind, I* Matt. 10. 28. *mean our Saviour and his Apoſtles. Our Bleſſed Saviour himſelf ſaith,* That Mark 10. 45. the Son of Man came to give his Life a Ranſom for many. A Ranſom *as to what? Surely not* as to the Mercy of God. *But Chriſt's Death was a* Ranſom *as it was an* Expiatory Sacrifice; *and if the one reſpects the* Mercy of God, *the other muſt do ſo too. They may ſay,* the Ranſom is from the Puniſhment of Sins, but this Ranſom might be made as to the Mercy of God, which delivers from it. *But a* Ranſom *is ſomething which is paid or laid down as a* Price *of* Redemption; *and was very well* Levit. 17. 11. *underſtood in that Senſe among the* Jews; *who all knew that by their Law,* the Blood of the Sacrifices was appointed to be a Ranſom for their Souls. For it is the Blood that maketh an Atonement for the Soul. Heb. 9 22. *To which the Apoſtle refers, when he ſaith,* That without ſhedding of Blood there is no Remiſſion. *So that hereby the* Jews *underſtood theſe things,* (1.) *That there was a Puniſhment due to their Sins, from which they could expect no Deliverance but by the Blood of Sacrifices as a Ranſom or Price of Redemption for them.* (2.) *That as the Puniſhment became due by the Law, and the execution of it was by the Juſtice of God, ſo the Ranſom or Price of Redemption muſt be by way of Satisfaction to the Law, in* *ſuch a manner as it had appointed.* (3.) *That they had no other Notion of an* Expiatory Sacrifice, *but the Offering* the Blood of the Sacrifice *for an* Atonement *in order to the Averting* the juſt Diſpleaſure of God *againſt them for their Sins*; *and this was that, which they underſtood by* Expiation *or* Remiſſion of Sins. (4.) *That* the Expiation *did not depend upon* the Sacrifice, *as an* intervening Condition *as to* the Party, *who thereby performed an Act of Obedience, but upon* the Nature of the Sacrifice *which was offer'd to* God. *For, whatever had been required,* the Obedience *had been the ſame*; *but here the great Force is laid on* the Blood being offer'd for Expiation. (5.) *That however* the Mercy of God *was ſeen both in* the Appointing *and* Accepting the Ranſom; *yet* the Expiatory Sacrifice *was never underſtood by them to Reſpect* the Mercy of God, *but his* Juſt Diſpleaſure *againſt* their Sins. *What ſtrange Language would it have been thought among* the Jews *to offer* an Expiatory Sacrifice to the Mercy of God? *But Men that bring in* New Doctrines, *muſt make a* New Senſe of Words and Phraſes; *or elſe they can never reconcile them to each other. And it is a mighty Advantage to our Cauſe, that we underſtand* the Expreſſions of the New Teſtament *with Reſpect to* theſe Matters, *no otherwiſe than* the Jews *underſtood them, among whom they were ſpoken*; *and who had their own Law to interpret them by. Our preſent* Unitarians *do not deny* that the Sacrifices *under* the Law *had an immediate* Reſpect to God; *but they ſay,* it was not by way of Satisfaction to the Juſtice of God, but by way of Application to the Mercy of God, by way of humble Suit and Deprecation.

But if there were ſuch a Sanction of the Law, whereby an Obligation to Puniſhment did follow the Offences forbidden by it; If the Juſtice of God were concerned to ſee the Puniſhment executed, if the Law were not ſatisfied; If the Sacrifice of Atonement or Expiation were deſigned for ſatisfaction of the Law; and God did accept it for that end, then it follows, that theſe Sacrifices were intended not merely as Rites of Interceſſion *and* Deprecation *to the Mercy of God; but by way of* Satisfaction *to his* Juſtice: *For was it not Juſtice in God to puniſh Offenders againſt his Law? Was it not Juſtice in God to require a Satisfaction to his Law when it was broken? Was it not Juſtice in God, when he had declared that he would accept a Sacrifice of Atonement, to require that inſtead of the Puniſhment of the Offenders, and to puniſh thoſe who wilfully neglected or deſpiſed it? How then, can they pretend* that theſe Sacrifices had no Reſpect to the Juſtice of God? *We never read in Scripture any Expreſſions, as to the Methods of Supplication like this,* That the Blood of the Sacrifices was to expiate for their Sins: and that it was given for an Atonement for the Soul. *Is it ever ſaid, that Prayer and Supplication was to make a Sacrifice of Atonement, and that it was appointed for that End? Prayer is a Natural and Neceſſary Duty and a Condition in order to Pardon, but the Life and Force of that lies in a Man's own Breaſt, in the inward and fervent Deſires of the Soul: but a Sacrifice of Atonement was a thing of another Nature, the Blood was to be ſhed and then offer'd up to God, as a Sacrifice of Atonement, which God himſelf had appointed for that End; and without which no Remiſſion of Sins was to be expected.* But was not this from the Mercy of God to appoint ſuch a Sacrifice of Atonement? *No doubt of it, and ſo it was that he would accept it for ſuch an End. But that is by no means the preſent Queſtion; for it is, Whether the Sacrifice, which God appointed for an Atonement, was only a Rite of* Supplication to the Mercy of God? *In one Senſe a Sacrifice of Atonement is a way of* Deprecation: *but then it* re-

relates to the Wrath and Diſpleaſure of God; *for it is that which God hath appointed as the Means of Averting his Wrath, and Preventing the Execution of his Juſtice. But the main Queſtion is, Whether the Sacrifice of Atonement as to God's juſt Wrath and Diſpleaſure, be not a Real* Satisfaction to his Juſtice? *For if he be juſtly diſpleaſed, and might juſtly puniſh, but doth accept a Sacrifice of Expiation in ſtead of it, although there be a Concurrence of Mercy, yet there is a Real Atonement to his Juſtice: unleſs they will ſay, the Juſtice of God is not concerned in preſerving the Honour of his Laws. But of this more afterwards. If an* Expiatory Sacrifice *under the Law were nothing elſe but a Solemn Rite of* Supplication to the Mercy of God *it would take away the Typical Nature of thoſe Sacrifices, and eſpecially thoſe on the Day of Expiation. For what doth a Rite of Supplication and Interceſſion repreſent* as a Figure of ſomething to come? Levit. 6. 10, 11. 14,15,19. *Why were* the Goat *and* the Bullock for the Sin-Offering to be preſented alive before the Lord; *then* their Blood to be ſhed, and to be ſprinkled before the Mercy-ſeat and upon the Altar? *Why was the* Scape-Goat *to have* the Sins of the People confeſſed over him and put upon v. 21. his head? *Why was* the Fleſh of the Bullock and Goat that was Sacri- 27. ficed burnt without the Camp? *Do theſe look like* Applications to the Mercy of God, by way of humble Suit and Deprecation? *But the A-* Heb. 9. 9, *poſtle to the* Hebrews *tells us*, *theſe things were a* Figure *repreſenting Chriſt* 11, 13, 14 offering himſelf up to God by his own Blood, who having obtain'd eternal Redemption for us enter'd into the Holy Place (*in Heaven*) *whoſe Blood was far more effectual for* the Purging away of Sin, *than* the Blood of Bulls and Goats *could be*; *and to anſwer to the burning of the* 13. 12. *Fleſh of the Sacrifices without the Camp*, that he might Sanctify the People with his own Blood, he ſuffer'd without the Gate. *Was all this nothing but* an Oblation to the Mercy of God by way of Prayer and Interceſſion? *Why all this Ceremony about an Oblation of Prayer, which depends on the hearty Devotion of him that makes it? Why did not the* High-Prieſt *enter* without Blood into the Holy of Holies, *if it were nothing but a Rite of Supplication? Why was* the Blood ſprinkled upon the Altar for Atonement, *after he came out from* the Mercy Seat? *Why was* the Fleſh burnt without the Camp? *Was that for* Interceſſion *too? But ſaith the Correct* Racovian Catechiſm, *all this doth not prove* that the whole Expiatory Sacrifice of Chriſt was performed on the Croſs, but only that it was begun there and perfected in Heaven. *This doth evidently prove*, that the Blood of Chriſt *was* ſhed *for* the Expiation of Sins, *and that as* the High-Prieſt *went into* the Holy of Holies *with* the Blood *of* the Sacrifice *of* Atonement *there to make* Interceſſion; *ſo Chriſt as our* High-Prieſt Heb. 7.25. *with his* Blood *ſhed enter'd into Heaven*, *where* he ever lives to make Interceſſion for us. *But ſay they*, the Sacrifices under the Law did not make any proper Satisfaction for Sin, therefore neither did Chriſt's Sacrifice. *So that at laſt they confeſs that Chriſt's death was no* proper Expiatory Sacrifice; *for whatſoever is ſo*, *muſt make* Satisfaction *to the Law and Juſtice of God*. *But ſay they*, the Sacrifices were not offer'd for Payment but for Remiſſion. *I ſay*, *they were* a Payment *in order to* Remiſſion. *I mean ſuch a* Payment *as the Law appointed and God accepted, and that is true and proper* Satisfaction. *But we muſt diſtinguiſh a* Legal Payment *and Satisfaction*, *from* Pecuniary Payment *to a Creditor*. *And all the Confuſion theſe Men have run into*, *hath been from want of diſtinguiſhing theſe*; *of which I have treated at large in the following Diſcourſe.*

Thus far it appears that they have by no means allow'd the Death and Sufferings of Chriſt to have been an Expiatory Sacrifice *in the Senſe of the* Jews, *as it was a* Ranſom or Price of Redemption.

But there is ſomething farther to be conſider'd in an Expiatory Sacrifice, *and that is a* Subſtitution in Place of the Offenders. *For that* the Jews *and others underſtood by a* Sacrifice *of* Expiation, *when the Puniſhment of one was laid upon another, in order to his deliverance. Not that the very ſame was to be undergone, as appears by the Sacrifice of* Atonement *on the Day of* Expiation; *which was not that which* the People of Iſrael *were to have ſuffer'd without it, but it was what God Appointed and Accepted inſtead of their* Puniſhment: *and therefore* the Scape-Goat *is ſaid* to
bear upon him all the Iniquities of the People, *which was ſuppoſed to be* Levit. 16.
ſo much charged with them, that he that let him go was to Purify himſelf 22.
before he could come into the Camp. *So in* the Sin-offering for the 26. 4. 15.
Congregation, the Elders were to lay their hands upon the head of
the Bullock before the Lord: *and in* other Sacrifices *the Rule among* the
Jews *was*, that none but the Owner was to lay on his Hands; *to ſhew* 1. 4.
on whoſe Account he was offer'd up as a Sacrifice of Atonement. *For here* the Right of Dominion *was ſufficient for* Subſtitution; *but in a Rational Agent,* Conſent *is neceſſary to make it* Juſt.

Having thus ſeen, what the true Nature of an Expiatory Sacrifice *was, we muſt now conſider, how far this can agree with* the Suffering *of* Chriſt *for* the Sins *of* Mankind. *And we have already found our* Saviour *himſelf declaring,* that he gave his Life a Ranſom for many. *But that is not all;*
for when he inſtituted *his* laſt Supper *for a* Commemoration *of his* Suffer-
ing, *he ſaid,* For this is my Blood of the New Teſtament, which is Matt. 26.
ſhed for many for the Remiſſion of Sins. *His Diſciples, to whom he* 28.
ſpake theſe Words, *muſt underſtand them as the* Jews *commonly did;*
when the Blood *of* a Sacrifice *was offer'd for an* Atonement *in order to the*
Remiſſion of Sins. *And one great end of his* Preaching *was to declare*
that he came into the World with that deſign; that it was the Will of God
he ſhould ſuffer, and that he came to do his Will. *And therefore ſpeaking* Heb. 10. 9, 10.
of laying down his Life, he ſaith, No man taketh it away from me but I John 10.
lay it down of my ſelf. I have power to lay it down and I have power 17, 18.
to take it again. This Commandment have I received of my Father.
So that here we have God's Appointment *of ſuch a* Sacrifice *of* Atonement
for Mankind; Chriſt's free and voluntary Conſent *for the undertaking it,*
and a Tranſlation of the Puniſhment *of our Sins upon him; which St.* Paul
calls God's making him to be ſin for us who knew no Sin; *which ſhews* 2 Cor. 5.
that the Sufferiugs of Chriſt were on the Account of our Sins, being laid upon 21.
him by his own Conſent as our Sin-offering; *or a* Sacrifice of Expiati-
on for our Sin. *And in another place ſaith,* that he hath re- Gal. 3. 10.
deemed us from the Curſe of the Law, being made a Curſe for
us. *How could he be made* a Curſe for us *in order to* the Redeming
us from the Curſe of the Law; *if his* Sufferings *were only a mere*
voluntary Condition in order to his Exaltation, *without bearing the Burden*
of our Sins? But St. Paul *adds,* that we have Redemption through his Eph. 1. 7.
Blood, the Forgiveneſs of Sins. *That,* God hath ſet him forth as a Coloſſ. 1. 14.
Propitiation through Faith in his Blood, to declare his Righteouſneſs Rom. 3.
for the Remiſſion of Sins. *That,* when we were enemies, we were re- 25.
conciled to God by the Death of his Son. *That* he hath given him- 5. 10. Eph. 5. 2.
ſelf for us, an Offering and Sacrifice to God. *That,* he appeared Heb. 9. 26.
to put away Sin by the Sacrifice of himſelf; and that he was once 28.

1 Tim. 2. 6. offer'd to bear the Sins of many. *That*, he gave himſelf a Ranſom for all.

Neither was it St. Paul *only who ſpeaks after this manner*; *but St.*
1 Pet. 2. 24. Peter *ſaith*, that his own ſelf bare our Sins in his own Body on the Tree.
3. 18. *That* Chriſt alſo hath once ſuffered for Sins, the Juſt for the Unjuſt.
1 John 1. 7. *And St.* John, That the Blood of Jeſus Chriſt his Son cleanſeth us from
2. 2. all Sin, and that God ſent his Son to be the Propitiation for our Sins.
4. 10. *So that Chriſt and his Apoſtles agree in the ſame manner of expreſſion*; *and great weight is laid upon Chriſt's being a* Propitiation *for us, and our Hopes of Remiſſion of Sins and the Favour of God depend upon it. What now is to be ſaid to all theſe places of* Scripture? *Were they deſigned only to humour and impoſe upon the Credulity of Mankind by telling them of ſuch an* Expiatory Sacrifice *in the Death of Chriſt, which never was nor could be, being Repugnant to the Juſtice of God? For Chriſt, ſay they*, being Innocent could not ſuffer the Puniſhment of our Sins, and God being Juſt could not accept of it, although he freely offer'd himſelf as a Sacrifice for our Sins. *Doth this agree with the Force and Deſign of all theſe Expreſſions? Had not Chriſt the Power and Will to offer up himſelf as a* Sacrifice *of Propitiation to God? And where lies the* Injuſtice *of accepting ſuch a* Sacrifice *which he freely offer'd?* But it could not be, *ſay they*, by way of Puniſhment for our Sins. *What then is the meaning of all thoſe places, wherein he is ſaid to* bear our Sins *and to ſuffer in our ſtead*, the juſt for the unjuſt? *What is this but to contradict the Tenour and Scope of* the New Teſtament *with reſpect to the Death of Chriſt*; *and to turn their Senſe quite another way from what they were thought to ſignifie at that time? Which is no reaſonable way of interpreting Scripture.*

Do they deny that Chriſt ſuffered, what we ſay he did? No; *that they dare not do. But they ſay*, What he underwent was only Labour and Suffering; but not the Puniſhment of our Iniquities. *Then, I ſay, it could be no* Expiatory Sacrifice, *which implies* a Subſtitution, *and the contrary appears by the many places of* Scripture *already mentioned, wherein our Sins and the Sufferings of Chriſt are joined together.*

Thus we ſee the true Riſe *of this Controverſie was from the many places of Scripture, which ſeem very plain and clear in this* matter; *and therefore I ſhall now give an account of the* Progreſs *of it.*

F. Socinus *ſeeing the bent of the Scripture ſo much againſt him, ſets himſelf to the finding out ways to avoid the force of them.*

Socin. de Serv. l. 2. c. 1. in fin. 1, *To thoſe which ſpeak of Chriſt's being* a Ranſom *or* Price of Redemption for us, *he anſwers*, That theſe Expreſſions are to be underſtood only Metaphorically, and Chriſt's Death being an Intervening Condition in order to our Deliverance; it is therefore called a Price of Redemption. *And to the ſame purpoſe, the Correct* Racovian Catechiſm; *only there it is added*, That God did accept of the Death of Chriſt as a moſt Acceptable Sacrifice. But not by way of Satisfaction or Payment of our Debts, becauſe he as a Sacrifice was given by God himſelf; but that he might give us the greater Aſſurance of Pardon and Eternal Life.

So that here we have the true State of this Matter *before us*; viz. *Whether* the Death of Chriſt, *when it is ſaid to be a Ranſom or Price of Redemption for us, is only to be looked on as a hard Condition on his ſide Intervening, or as a proper Sacrifice of* Atonement, *which God had appointed, for* the Expiation *of* Sins? *The Queſtion is not, Whether God appointed* *or accepted him, for that we have allowed in all* Sacrifices of Atonement, *by* the Law *of* Moſes; *but whether his Sufferings were not required in order to* the Satisfaction *of* Divine Juſtice *for the Sins of Mankind*; *not by way of* ſtrict Payment, *as in caſe of* Debts; *but by a* Legal Satisfaction to the Juſtice of God *as it is concerned in* the Honour of his Laws.

Our Unitarians *grant*, That Chriſt was a Ranſom and Price of Redemption for us; *but they deny*, That he was an Adequate Price, or a Sacrifice to the Juſtice of God. *But ſtill they run upon* the Notion *of* Debts *and* Payments, *as though there were no other* Notion *of* Juſtice *and* Satisfaction *but between* Creditors *and* Debtors; *or as if* their Notions of theſe things *were rather taken from* the Shops *than* the Schools. *And the* monſtrous Contradiction *they conclude the charge of* our Doctrine *with, is*, That God freely Pardons the whole Debt of Sin, and yet hath been infinitely over-paid for both in the Death and other Sufferings of the Lord Chriſt. Anſw. to Milb. p. 58.

But in the following Diſcourſe, *I have endeavoured to lay open* this Miſtake, *by ſhewing, That* Debts *and* Puniſhments *are of a different* Nature; *and therefore* the Satisfaction *in* one Caſe *is not to be meaſured by* the other. *But I ſhall not here* anticipate the Reader, *as to what* follows; *but I ſhall take notice of what they ſay, which ſeems to relate to* this Matter. Ch. I.

Almighty God, *ſay they*, as King and Proprietor of all Perſons and things, can forgive any Offence or all Offences even without Repentance or Amendment, nor is it contrary to his Juſtice ſo to do.

This is a very ſtrange Aſſertion. For then there is no Obligation *on* God's part *in point of* Juſtice *to puniſh* the moſt Impenitent *and* Incorrigible Offenders. *But there is a great deal of difference, between making* the Exerciſe of Punitive or Vindictive Juſtice *neceſſary upon every* Offence, *and ſaying that* the Juſtice of God *doth not require that any* Offences *ſhould be puniſhed.*

The former makes Juſtice *in* God *to proceed by a* natural Neceſſity, *which would leave no place for* Mercy, *nor any* Satisfaction by a Mediator, *for that muſt ſuppoſe* Liberty *and* Relaxation, *as to* the Executive Part of Juſtice. *And if God muſt puniſh Sinners as they deſerve, there can be no ſtop to the Execution of Juſtice ſhort of* Annihilation; *for our very Beings are* the Gift of God *which we have deſerved to be deprived of. But on the other ſide, to ſay*, that the Juſtice of God *doth not require* the Puniſhment *of any* Offences without Repentance or Amendment, *is to overthrow any ſuch thing as* Punitive Juſtice *in* God; *by which I do not mean*, the actual Execution of it, *and* the due Meaſures *which belong to it, but* the Will *to puniſh* Obſtinate *and* Impenitent Sinners. *And that reſults from his* Hatred *and* Abhorrency *of* Evil, *and his juſt* Government *of* the World. *For how can any Men, who believe that* God *is really diſpleaſed with the* Wickedneſs *of Men, and that he is a* Juſt *and* Righteous Governor, *ever think that it is not* Repugnant *to his* Juſtice *to forgive all* Offences *without* Repentance *or* Amendment? *How can his* Hatred of Sin *and* the Juſtice of his Government *be reconciled with the* Impunity *of the moſt* Obſtinate Offenders? *Is there no ſuch thing as* Juſtice *to himſelf and to his Laws; which lies in a juſt* Vindication *of his* Honour *and of his* Laws *from* Contempt? *And who can be guilty of greater* Contempt *of him, than thoſe who perſiſt in their* Wickedneſs, without Repentance or Amendment? *And after all*, Is it not contrary to his Juſtice to forgive ſuch as theſe, becauſe he is abſolute Lord and Proprietor of all Perſons and Things? *This might ſignifie ſomething, if we could imagine God to be nothing but* Almighty Power *without* Juſtice; *but if his* Juſtice *be as Eſſential an Attribute as his Omnipotency, we muſt not ſo much as ſuppoſe* the Exerciſe *of one without the other.*

Anſw. to Milb. p. 53. *But they do not deny,* That it is inconſiſtent with the Wiſdom and Holineſs of God to let the Incorrigible and Impenitent eſcape unpuniſhed, or to forgive Sin without Repentance or Amendment. *But if* the Wiſdom *and* Holineſs *of* God *will not permit* the Impunity of Impenitent Sinners, *is it not* juſt in God to puniſh them? *Not barely as to* the Degree *and* Deſert *of* Puniſhment; *but as to* the Will of Puniſhing *them according to* their Merits? *Whence doth* their Puniſhment *come? Is it not from* the Will of God? *Is* that Will *juſt or not? If* the Will *to puniſh be juſt, whence comes it to be ſo? From* the Wiſdom *and* Holineſs *of* God? *Then* Punitive Juſtice, *when it is agreeable to* God's Wiſdom *and* Holineſs, *is a proper* Divine Attribute *as well as they. And they muſt have ſtrange* Notions *of* Punitive Juſtice, *who would ſeparate it from them.*

But Juſtice, *they ſay,* hath no other ſhare or intereſt in the Puniſhment, but only to ſee that Puniſhment be not miſplac'd, and that it do not exceed the Offence. *We are far from denying theſe things to belong to* the Meaſures *in* the Exerciſe of Punitive Juſtice: *But whence comes* Punitive Juſtice *to belong to* God? *Is it not becauſe it is juſt in him to puniſh* Offenders *according thoſe Meaſures? And whence comes this, but from* that Univerſal Juſtice in God, *which is always joyned with his* Wiſdom *and* Holineſs: *and implies an* Univerſal Rectitude *in all he doth? And from thence it comes that all* the Meaſures of Juſtice *are obſerved by him in* the Puniſhment *of the greateſt* Offenders.

Now this Univerſal Juſtice *in* God *is that, whereby he not only puniſhes* Obſtinate *and* Impenitent Sinners, *but he takes care of preſerving the Honour of his Laws. And therefore, although* Almighty God *out of his great* Mercy *were willing that* Penitent Sinners *ſhould be forgiven; yet it was moſt agreeable thereto, that it ſhould be done in ſuch a manner as to diſcourage Mankind from the practice of Sin, by the ſame way by which he offers* Forgiveneſs; *and for this end, it pleaſed God in his Infinite* Wiſdom *and* Goodneſs *to ſend his* Son *to become a* Sacrifice *of* Propitiation *for the* Sins *of Mankind; which being freely undertaken by him, there was no breach in the* Meaſures of Punitive Juſtice *with reſpect to him; and ſo by his Death he offered up himſelf as* a full, perfect and ſufficient Sacrifice, Oblation and Satisfaction for the Sins of Mankind. *And this is* that Doctrine *of* the Satisfaction of Chriſt *which* we own *and* defend.

But theſe bold Aſſertions, That God as abſolute Lord may forgive all Offences without Repentance, *and* it is not contrary to his Juſtice ſo to do; that, it is not the Juſtice of God which prompts him to puniſh Sinners, *ariſe from too mean and narrow a Conception of* Divine Juſtice; *as though it lay only in the manner of the Execution of it. But that there is an* Eſſential Attribute *of* Juſtice *belonging to* the Divine Nature, *appears from hence, that there are ſome things which are ſo diſagreeable to* the Divine Nature, *that he cannot do them; he cannot break his Promiſes, nor deceive Mankind to their Deſtruction; he* cannot deny himſelf, *nor pervert that Order, or due Reſpects of things to each other, which he hath eſtabliſhed in the World. He cannot make it the Duty of Mankind to diſhonour their Maker, or to violate the Rules of Good and Evil, ſo as to make Evil Good and Good Evil; he cannot make Murder and Adultery to be Vertues, nor Impiety and*

Wickedneſs not to deſerve Puniſhment. But whence comes all this? Is it
that God *wants* Almighty Power *to do what he pleaſes? No doubt, he is*
ſupreme Lord over all, and hath all things under his Will. But there is
an Eſſential Juſtice in God, which is a ſupreme Rule of Righteouſneſs, according
to which he doth always exerciſe his Power and Will. And ſo Moſes
ſaith of him, All his ways are perfect, a God of Truth, and without Deut. 32. 4.
Iniquity, juſt and right *is he*; *and the* Pſalmiſt, The Lord is righteous Pſal. 145.
in all his ways and holy in all his works. *He not only is ſo, but he can* 17.
be no otherwiſe, for this Univerſal Righteouſneſs is as great a Perfection
and Attribute of God, as his Wiſdom, or Power. It is not one Name which
ſtands for all; but it is a real and diſtinct Attribute of it ſelf: It is as a
Rule and Meaſure to the Exerciſe of the reſt. And he particularly ſhews it in
all the Acts of Punitive Juſtice: So Nehemiah; Howbeit thou art juſt Neh. 9.33.
in all that is brought upon us, for thou haſt done right, but we have
done wickedly. *And* Daniel; Righteouſneſs belongeth unto thee, but Dan. 9. 7,
unto us confuſion of Face: For the Lord our God is righteous in all 14.
his Works which he doth, for we obey'd not his Voice. *And* Zephaniah;
The juſt Lord is in the midſt thereof, he will not do Iniquity. Zeph. 3.5.
From whence it appears that the Exerciſe of Punitive Juſtice is according
to the Eſſential Juſtice or Righteouſneſs of the Divine Nature. And ſo
Abraham *pleaded with God,* Shall not the Judge of all the Earth do Gen. 18.
right? *i. e. Will he not puniſh according to the Righteouſneſs of his Nature?* 25.
And ſo Abimelech *argues from the natural Notion he had of God's*
righteous Nature, Lord, wilt thou ſlay alſo a righteous Nation? 20. 4.

But here the main Difficulty which deſerves to be cleared is this, How far Punitive Juſtice *is founded on that* Univerſal Juſtice *which is an Eſſential Attribute of God. For the want of underſtanding this, hath been the great occaſion of ſo much Confuſion in the Diſcourſes about this matter. And for the clearing of it, theſe things muſt be conſidered;*

1. *That there is a difference between that Juſtice in God, whereby he*
hates Sin, and that whereby he puniſhes the Sinner. The hatred of Sin
doth neceſſarily follow the Perfection of his Nature. Therefore God is ſaid,
To hate the Wicked; and Evil to be an Abomination to him; to love Pſal. 11.5. Prov.6.16.
Righteouſneſs and to hate Wickedneſs. *But if the Puniſhment of the Offender* Pſal. 45.7.
were as neceſſarily conſequent as his Hatred of Sin, all Mankind muſt Zech. 8.
ſuffer as they offend, and there would be no place for Mercy in God, nor for 17.
Repentance in Men. But Sin in it ſelf is perfectly hateful to God, there being nothing like God in it; but Man was God's Creature and made after his Image and likeneſs; *and however God be diſpleaſed with Mankind on the account of Sin, yet the Workmanſhip of God ſtill remains; and we continually ſee that God doth not exerciſe his Punitive Juſtice according to the Meaſures of their Iniquities. And they who plead moſt for the neceſſity of Punitive Juſtice, are themſelves a Demonſtration to the contrary; for they cannot deny, that they are not puniſhed as their Iniquities have deſerved. And if Punitive Juſtice be neceſſary in it ſelf it muſt reach the Perſons that have deſerved to be puniſhed, if there be no Relaxation of the Severity of it.*

2. *That it is very agreeable to the* Divine Juſtice, *to exerciſe the Severity of Punitive Juſtice on obſtinate and incorrigible Offenders. And this is that whereon the Juſtice of the Puniſhments of Sinners in another World is founded; becauſe God hath been ſo merciful to them here, and uſed ſo many ways to reclaim them, and it is the Not exerciſing his Punitive Juſtice upon them in this World, which makes it ſo much more reaſonable in another. For thereby*

they have ſhewed their Contempt of God and his Laws, of his offers of Mercy and their willful obſtinacy in offending him. And the reaſonableneſs of the Puniſhment of ſuch Offenders is not denyed by any of our more Learned Adverſaries, as I have ſhewed in the following Diſcourſe from Socinus *and* Crellius, *and might do from ſeveral others. But I need not mention any more, ſince in the late Correct Edition of the* Racovian Catechiſm *there is this Note,* That they have always aſſerted, that the Wicked ſhall be raiſed up at the great Day to undergo the Puniſhment of their Sins, and to be caſt into the Fire prepared for the Devil and his Angels. *And for this, beſides their Publick Confeſſions, they quote* Crellius, Schlictingius, Volkelius, Wolzogenius, *&c. And* Schlictingius *ſaith,* The Doctrine of future Puniſhments was neceſſary to be preached, as being part of the Chriſtian Faith; and that God's Veracity is concerned in the Execution of his Threatnings. *Which is a part of Natural Juſtice. And thoſe Learned Men, who have been thought moſt favourable to the* Socinian *Opinions have declared themſelves very frankly as to the* Juſtice *of the Puniſhment of Impenitent Sinners.*

Ch. I. p. 20.

Catech. Racov. p. 179.

Schlictin. in Joh. 5. 29.

Curcellæus, *whom they often mention with reſpect, ſaith,* the Juſtice of God requires, that he ſhould inflict the Puniſhments he hath threatned on Contumacious Sinners. *And* Limborch (*whom they ſometimes appeal to*) *ſaith,* That the Juſtice of God doth not permit the Impunity of Refractary and Impenitent Contemners of his Grace. *Becauſe, ſaith he,* God by his declared Will hath tied himſelf up from the Exerciſe of his Abſolute Power; and his Laws would be trampled upon, and his Majeſty ſlighted; nor would God's hatred of Sin ever be fully diſcovered. *And therefore* the Day of Wrath *is calld by St.* Paul, The Revelation of the Righteous Judgment of God. Epiſcopius *ſaith, That although in ſuch Puniſhments, which depend only on the Will of the Lawmaker, he doth not think,* that God in Juſtice is obliged to make good his Threatnings; as he is to perform his Promiſes; (but that in ſuch Caſes God is not bound in Juſtice to execute all that the Law threatens; but when he thinks fit to puniſh, then his Juſtice requires him not to puniſh beyond the Commination) yet in the Caſe of obſtinate and incurable Offenders, *he doth not deny,* that the Juſtice of God requires the Rigour of the Law to be executed upon them. *And he adds,* That the Day of Judgment will fully manifeſt the Juſtice of God in the Threatnings he hath made to Impenitent Sinners. *Even* Vorſtius, *who was ſuppoſed to be too much inclined to the* Socinian *Doctrine, owns it to be* a part of God's Juſtice to puniſh wicked and impenitent Perſons; that his Patience and Goodneſs may not be always contemned with Impunity. *And afterwards, That* although God doth no Injury to the Offender, if he doth not execute his Threatnings; yet out of regard to the Juſtice of his Word, he doth not recede from what he hath declared: But all Threatnings under the Goſpel are Conditional; and none are damned by it, but ſuch as continue in Impenitency and Unbelief. *And in his Explication he ſaith,* That where God hath abſolutely declared his Will to puniſh in ſuch a manner, he cannot forgive without Injuſtice.

Curcel. Inſtit. l. 2. c. 13. §. 5.

Limborc. Theol. Chriſt. l. 2. c. 12. §. 35.

Rom. 2. 5.

Epiſcop. Inſt. Theol. l. 4. c. 29.

Vorſt. de Attrib. Diſp. 9. §. 38.

§. 47.

§. 50. Not. ad §. 46.

But our Unitarians *ſpeak without any Reſerve,* That it is not the Juſtice of God which prompts him to puniſh Sinners, and ſo it is not contrary to his Juſtice to forgive all Offences without Repentance or Amendment. *And thus the* Juſtice of God *is not concerned in the Puniſhments of the* great Day, *although the Apoſtle calls it,* The Revelation of the Righteous Judgment of God.

And by this the World may ſee how very far our Modern Unitarians are from handling this Subject more Carefully, Judiciouſly and Exactly than others; *However one of their own Party hath lately affirmed it; with as much Confidence and as little Ground as they have done other things.*

Vindic. of S. R. H. p. 128.

3. *That it is very agreeable to* Divine Juſtice *to accept of a* Satisfaction *on behalf of the Sins of Mankind, who do not perſiſt in their evil ways, ſo that their Sins ſhall be forgiven upon their Repentance and Amendment. For ſince the Exerciſe of Punitive Juſtice is not neceſſary on the Perſons of the Offenders, and ſince God in this Life abates ſo much of his juſt Severity againſt them; he thereby ſhews, that he doth not proceed with Mankind here according to the Rigour of his Juſtice; but yet, ſince God hath given to them very juſt and righteous Laws, ſince thoſe Laws have been broken and his authority contemned, it is very juſt for God to require a Sacrifice of Atonement for the Sins of the World, that Mankind may ſee that God was juſtly diſpleaſed at them, and that none take Incouragement to go on to commit them; but yet, that upon their hearty Repentance and ſincere Obedience, they may be aſſured of the Remiſſion of Sins and the Promiſe of Eternal Life. All the Difficulty now remaining is about* Chriſt's Suffering in our ſtead, *of which the Scripture ſpeaks ſo fully in the places already mention'd. But we muſt conſider what is Anſwered to them.*

II. *To thoſe places of Scripture which ſpeak of* Chriſt Suffering the Puniſhment of our Sins; *all that* Socinius *ſaith, comes to theſe two things.*

1. That Chriſt ſuffer'd on the occaſion of our Sins, and with a Deſign to take away our Sins.

2. That by his Sufferings he came to have a Power to Forgive Sins; and that this is the proper Expiation of Sin. But by no means that he ſuffer'd in our ſtead; *for he hath theſe Words;* Ut nihil aliud ſit Chriſtum pro nobis mortuum eſſe, quam vice ſeu loco noſtro mortem ſubiiſſe, id adeo à veritate abhorret ut nihil magis. *Which in plain Engliſh is,* that nothing is more falſe than that Chriſt ſuffer'd in our ſtead.

Socin. de Servat. Part. 2. c. 4, *&c.* C. 7.

The old Editions of the Racovian Catechiſm *follow* Socinus, *and there the Anſwer to the Places which ſpeak of* Chriſt's Dying for us, *is,* that they do not ſignifie in our ſtead; but for our good. *Which they are very careful to diſtinguiſh, becauſe they think that the latter implies no more than a Condition in order to the Expiation in Heaven; but the other makes him a true Propitiatory Sacrifice for our Sins. But if Chriſt did not* ſuffer in our ſtead; *how can they poſſibly Reconcile his undergoing this Condition with their own Meaſures of Divine Juſtice? All they pretend to ſay, is,* that it was labour and Suffering but not Puniſhment. *Which is to ſpeak againſt the Common Senſe of Mankind; and is a ridiculous piece of* Stoiciſm. *They ſay,* it was a meer Act of Dominion as to Chriſt and not of Juſtice. *But if there be ſuch an Eſſential Attribute as Juſtice in God, then the Exerciſe of Dominion muſt be regulated by it; eſpecially where there was nothing but perfect Innocency. The Caſe is very different as to the ſinful Race of Mankind, who having the Guilt of Sin upon them, God may juſtly exerciſe his Dominion over them as he ſees cauſe; but he always doth it juſtly, although the particular Reaſons may not be within our reach. But here is no Guilt of Sin conſidered, either of his own, or others; according to their Principles; and yet they make him to undergo as great Sufferings, as we do, who aſſert that he ſuffer'd for our ſakes* in our ſtead; *which alone gives a Reaſonable Account of it.*

But in the late Correct Edition of the Racovian Catechiſm *they ſay,* the Senſe of Chriſt's Sufferings for our Sins is two-fold, but both come to one at laſt, 1. That Chriſt ſuffered as a Sacrifice in our ſtead; tanquam victima pro nobis Succedanea. *How can* Socinus *and the* Racovian Catechiſm *agree?* 2. That he ſuffer'd for our good. *But they deny any* Commutation *which they ſay,* was not in the Expiatory Sacrifices among the Jews. *What doth a* Subſtitution *differ from a* Commutation *in this Caſe?*

But how do ſuffering in our ſtead and for our good come all to one at laſt? *Either it muſt be, that Chriſt did truly* ſuffer in our ſtead, *when he underwent the Puniſhment of our Sins in order to our Redemption and Expiation; and that is a very good and true Senſe; which we readily embrace, and are very well content that they ſhould* come all to one: *Or if the meaning be only, that Chriſt may be ſaid* to ſuffer in our ſtead, *becauſe we have* Benefit *by the* Conſequences of his Death; *then his dying is only conſider'd as a bare* Condition *and not as a* Sacrifice in our ſtead. *As to make it plain by an Inſtance*; *we all agree that* Joſeph's Suffering *in* Egypt *was deſign'd by the Wiſe Providence of God for the good of his Brethren, which they received after his Advancement, to which his Suffering was an Antecedent Condition. But can any Man ſay, that he ſuffer'd in ſtead of his Brethren? But now if* Joſeph's *Brethren had been ſold for Slaves in* Egypt, *and* Joſeph *had gone down thither and offer'd himſelf a Priſoner for their Deliverance*; *this had been truly Suffering* in their ſtead, *as well as* for their Advantage. *And ſuppoſe the King of* Egypt *had agreed with* Joſeph, *that if he would become Priſoner for his Brethren, he would advance him, and he ſhould himſelf deliver them by his own Power*; *this doth not at all hinder his* Suffering in their ſtead. *But if it had no Relation to their Deliverance by his being made Captive himſelf*; *but was only a ſtep to his Advancement*; *then it cannot be ſaid to be* in their ſtead, *although it might turn to their Advantage. And ſo much for the Senſe of the* Racovian Catechiſm.

But our Unitarians *fly higher, for they ſay*,

1. That God could not juſtly or wiſely ſubſtitute an Innocent Perſon to undergo Puniſhment in place of the Guilty.
2. That Chriſt could not freely offer himſelf as a Sacrifice in our ſtead, nor could God accept of it, or allow it.

So that here we have the true State *of this Controverſie between us*, viz. whether Chriſt were a Real Expiatory Sacrifice for the Sins of Mankind. *For, if he could not be* Subſtituted in our ſtead, nor God accept of his offering up himſelf for us; *all the other expreſſions are meer Words given out on purpoſe to Amuſe and Deceive us.*

And this is that which I have undertaken to make out in the following Diſcourſe, viz.

Chap. II. 1. *That the Scripture doth as plainly ſet forth* that Chriſt ſuffer'd the Puniſhment of our Sins and in our ſtead, *as it could do*; *and that no Expreſſions could be thought of to that purpoſe, but might be anſwered in the ſame way that they do theſe. And therefore it is in vain to contend with ſuch Men, who are reſolved that Words and Phraſes ſhall ſignifie no otherwiſe, than they would have them. And yet at laſt they cannot deny but a kind of* Subſtitution *is implied as a* Victima Succedanea; *but how? That he ſuffer'd* for our good and by the occaſion of our Sins, *but not the* Puniſhment *of them. Thus far then we have gained, that the Words of Scripture are for us*; *but ſay they*, Whatever the Words are, they cannot mean any real Puniſhment, becauſe he was an Innocent Perſon. *Therefore I have ſhewed*;

Chap. III. 2. *That there is no Repugnancy in Reaſon, nor to the Juſtice of God for an Innocent Perſon to ſuffer by his own Conſent and for ſo great an End, what the Scripture attributes to our Saviour. And I have fully anſwered the Arguments brought by our Adverſaries to prove* that God could not juſtly or wiſely ſubſtitute an Innocent Perſon to ſuffer for the Guilty.

Ch. IV. v. 4. 3. *That* Chriſt did offer himſelf, as an Expiatory Sacrifice to God in our ſtead; and that God did accept and allow of it. *Which is the Deſign of the three laſt Chapters. And till an Anſwer be given to what I have there diſcourſed at large, I ſhall refer the Reader to what is already ſaid*; *and ſhall ſuppoſe thoſe* Anſwers *to be ſufficient, till I ſee ſome better Reaſons for their Opinion in this matter, than I have yet met with, although I have been no ſtranger to their late Writings, as*, God willing, *they may ſee on another Occaſion.*

E W.

April 24. 1696.

A
DISCOURSE
CONCERNING
The Sufferings of Chriſt.

CHAP. I.

I. *Of the* Socinian *way of interpreting Scripture; and of the uncertainty it leaves us in as to the main Articles of Faith, manifeſted by an Expoſition of* Gen. 1. *ſuitable to that way.* II. *The State of the Controverſie in general concerning the Sufferings of Chriſt for us. He did not ſuffer the ſame we ſhould have done.* III. *The grand Miſtake in making Puniſhments of the nature of* Debts. IV. *The difference between them at large diſcovered, from the different reaſon and ends of them.* V. *The Right of Puniſhment in God proved againſt* Crellius, *not to ariſe from mere dominion.* VI. *The end of Puniſhment not bare Compenſation, as it is in Debts; what Puniſhment due to an injured Perſon by the right of Nature; proper Puniſhment a reſult of Laws.* VII. Crellius *his great Miſtake about the end of Puniſhments.* VIII. *Not deſigned for Satisfaction of Anger as it is a Deſire of Revenge.* Seneca *and* Lactantius *vindicated againſt* Crellius. IX. *The Magiſtrates Intereſt in Puniſhment diſtinct from that of private Perſons.* X. *Of the Nature of Anger in God, and the Satisfaction to be made to it.* Crellius *his great Arguments againſt Satisfaction depend on a falſe Notion of God's Anger.* XI. *Of the ends of Divine Puniſhments.* XII. *The different Nature of them in this and the future State.*

SIR,

ALthough the Letter I received from your hands contained in it ſo many miſtakes of my Meaning and Deſign, that it ſeemed to be the greateſt Civility to the Writer of it, to give no Anſwer at all to it; becauſe that could not be done, withour the diſcovery of far more Weakneſſes in him, than he pretends to find in my Diſcourſe: Yet the Weight and Importance of the Matter may require a farther account from me, concerning *the true reaſon of the Sufferings of Chriſt.* Wherein my Deſign was ſo far *from repreſenting Old Errors to the beſt Advantage, or to wreck my Wits to defend them,* as that Perſon ſeems to ſuggeſt; that I aimed at nothing more than to give a true Account of what upon a ſerious enquiry, I judged to be the moſt natural and genuine Meaning of the Chriſtian Doctrine contained in the Writings of the New Teſtament.

Of the Socinian way of interpreting Scripture.

I. For finding therein ſuch multitudes of Expreſſions, which to an unprejudiced Mind attribute all the the mighty effects of the Love of God to us, to the Obedience and Sufferings of Chriſt, I began to conſider what reaſon there was why the plain and eaſie ſenſe of thoſe places muſt be forſaken, and a remote and metaphorical meaning put upon them. Which I thought my ſelf the more obliged to do, becauſe I could not conceive if it had been the deſign of the Scripture, to have delivered the received Doctrine of the Chriſtian Church, concerning the reaſon of the Sufferings of Chriſt, that it could have been more clearly and fully expreſſed than it is already. So that ſuppoſing that to have been the true meaning of the ſeveral places of Scripture which we contend for; yet the ſame arts and ſubtilties might have been uſed to pervert it, which are imployed to perſwade Men that is not the true meaning of them. And what is equally ſerviceable to Truth and Falſhood, can of it ſelf, have no power on the Minds of Men to convince them it muſt be one, and not the other. Nay, if every unuſual and improper acception of words in the Scripture, ſhall be thought ſufficient to take away the natural and genuine Senſe, where the Matter is capable of it, I know ſcarce any Article of Faith can be long ſecure; and by theſe arts Men may declare that they believe the Scriptures, and yet believe nothing of the Chriſtian Faith. For if the improper, though unuſual acception of thoſe Expreſſions *of Chriſt's dying for us*, of *Redemption*, *Propitiation*, *Reconciliation by his Blood*, *of his bearing our Iniquities*, and *being made Sin and a Curſe for us*, ſhall be enough to invalidate all the Arguments taken from them to prove that which the proper Senſe of them both doth imply, why may not the improper uſe of the terms of Creation and Reſurrection, as well take away the natural Senſe of them in the great Articles of the Creation of the World, and Reſurrection after death? For if it be enough to prove that *Chriſt's dying for us*, doth not imply *dying in our ſtead*; becauſe ſometimes *dying for others* imports no more than dying for ſome advantage to come to them; if *Redemption* being ſometimes uſed for *mere deliverance*, ſhall make our *Redemption* by Chriſt, wholly *Metaphorical*; if the terms of *Propitiation*, *Reconciliation*, &c. ſhall looſe their force, becauſe they are ſometimes uſed where all things cannot be ſuppoſed parallel with the Senſe we contend for: Why ſhall I be bound to believe that the World was ever created in a proper Senſe, ſince thoſe Perſons againſt whom I argue, ſo earneſtly contend that in thoſe Places in which it ſeems as proper as any, it is to be underſtood only in a Metaphorical? If when *the World and all things are ſaid to be made by Chriſt*, we are not to underſtand the Production but the Reformation of the World and all things in it, although the natural Senſe of the Words be quite otherwiſe; what Argument can make it neceſſary for me not to underſtand the Creation of the World in a metaphorical Senſe, when *Moſes* delivers to us the Hiſtory of it? Why may not I underſtand *in the beginning*, Gen. 1. for the beginning of the *Moſaical* Diſpenſation, as well as *Socinus* doth *in the beginning*, John 1. for the beginning of the Evangelical? And that from the very ſame Argument uſed by him, *ziz.* That *in the beginning* is to be underſtood of the main Subject concerning which the Author intends to write, and that I am as ſure it was in *Moſes* concerning the *Law* given by him, as it was in St. *John*, concerning the *Goſpel* delivered by *Chriſt*. Why may not *the Creation of the Heavens and the Earth*, be no more than the erection of the Jewiſh Polity? ſince it is acknowledged,

John 1. 3, 10.

ged, that by *New Heavens and New Earth, wherein dwelleth Righteouſneſs*, no more is underſtood than a new State of things under the Goſpel? Why may not the *confuſed Chaos* import no more than the ſtate of Ignorance and Darkneſs, under which the World was before the Law of *Moſes?* Since it is confeſſed that it ſignifies in the New Teſtament ſuch a ſtate of the World before the Goſpel appeared? And conſequently, why may not *the Light which made the firſt Day* be the firſt tendencies to the Doctrine of *Moſes*, which being at firſt divided and ſcattered, was united afterwards in one great Body of Laws, which was called the *Sun*, becauſe it was the great Director of the *Jewiſh* Nation, and therefore ſaid *to rule the day*; as the leſs conſiderable Laws of other Nations are called the *Moon*, becauſe they were to govern thoſe who were yet under the *night* of Ignorance? Why may not the *Firmament being in the midſt of the Waters*, imply the erection of the Jewiſh State in the midſt of a great deal of trouble, ſince it is confeſſed, that *Waters* are often taken in Scripture in a Metaphorical Senſe for troubles and afflictions? And *the Earth appearing out of the Waters*, be no more but the ſettlement of that State after its troubles; and particularly with great Elegancy after their Paſſage through the Red Sea? And *the Production of Herbs and living Creatures*, be the great encreaſe of the People of all ſorts, as well thoſe of a meaner Rank (and therefore called Herbs) as thoſe of a higher, that were to live upon the other, and ſometimes trample upon them, and therefore by way of excellency called *the Living Creatures?* And when theſe were multiplied and brought into order, (which being done by ſteps and degrees, is ſaid to be finiſhed in ſeveral days) then the State and the Church flouriſhed and enjoyed a great deal of pleaſure, which was the production of Man and Woman, and their being placed in Paradiſe: (for *a perfect Man*, notes a high degree of Perfection, and *a Woman* is taken for the *Church* in the *Revelations*) but when they followed the Cuſtoms of other Nations which were *as a fobidden Tree* to them, then they loſt all their happineſs and pleaſure, and were expell'd out of their own Country, and lived in great ſlavery and miſery, which was the Curſe pronounced againſt them, for violating the Rules of Policy eſtabliſhed among them. Thus you ſee how ſmall a meaſure of Wit, by the advantage of thoſe ways of interpreting Scripture, which the ſubtileſt of our Adverſaries make uſe of, will ſerve to pervert the cleareſt Expreſſions of Scripture to quite another Senſe than was ever intended by the Writer of them. And I aſſure you, if that Rule of interpreting Scripture be once allowed; that if Words are ever uſed in a Metaphorical Senſe, there can be no neceſſity of underſtanding them any where in a proper; there is ſcarce any thing which you look on as the moſt neceſſary to be believed in Scripture, but it may be made appear not to be ſo upon thoſe terms. For by reaſon of the paucity, and therefore the ambiguity of the Original Words of the Hebrew Language, the ſtrange Idioms of it, the different Senſes of the ſame Word in ſeveral Conjugations, the want of ſeveral modes of Expreſſion which are uſed in other Languages, and above all the lofty and metaphorical way of ſpeaking uſed in all Eaſtern Countries, and the imitation of the Hebrew Idioms in the Greek Tranſlation of the Old Teſtament, and Original of the New, you can hardly affix a Senſe upon any Words uſed therein, but a Man who will be at the pains to ſearch all poſſible Significations and uſes of thoſe Words, will put you hard to it, to make good that which you took to be the proper meaning of them. Wherefore although I will not deny to our Adverſaries the praiſe of Subtility and Diligence; I cannot give them that (which is much more praiſe-worthy) of Diſcretion and ſound Judgment. For while they uſe their utmoſt Induſtry to ſearch all the moſt remote and metaphorical Senſes of Words, with a deſign to take off the genuine and proper Meaning of them, they do not attend to the ill Conſequence that may be made of this to the overthrowing thoſe things, the belief of which themſelves make neceſſary to Salvation. For by this way the whole Goſpel may be made an Allegory, and the Reſurrection of Chriſt be thought as metaphorical as the Redemption by his Death, and the force of all the Precepts of the Goſpel avoided by ſome unuſual ſignification of the Words wherein they are delivered. So that nothing can be more unreaſonable than ſuch a method of proceeding, unleſs it be firſt ſufficiently proved that the Matter is not capable of the proper Senſe, and therefore of neceſſity the improper only is to be alowed. And this is that which *Socinus* ſeems after all his pains to pervert the meaning of the Places in controverſie, to rely on moſt; viz. *That the Doctrine of ſatisfaction doth imply an impoſſibility in the thing it ſelf, and therefore muſt needs be falſe; nay,* he ſaith, *the infallibility of the Revealer had not been enough in this Caſe, ſuppoſing that Chriſt had ſaid it, and riſen from the dead, to declare his own Veracity; unleſs he had delivered it by its proper Cauſes and Effects, and ſo ſhewed the poſſibility of the thing it ſelf. And the reaſon,* he ſaith, *why they believe their Doctrine true, is not barely becauſe God hath ſaid it, but they believe certainly that God hath ſaid it, becauſe they know it to be true*; by knowing the contrary Doctrine to be impoſſible. The Controverſie then, concerning the meaning of the Places in diſpute is to be reſolved from the nature and reaſonableneſs of the matter contained in them? For if *Socinus* his reaſon be anſwerable to his confidence, if the account we give of the Sufferings of Chriſt, be repugnant not only to the Juſtice, Goodneſs and Grace of God, but to the nature of the thing; if it appear impoſſible that Mankind ſhould be redeemed in a proper Senſe, or that God ſhould be propitiated by the Death of his Son as a Sacrifice for Sin; if it enervate all the Precepts of Obedience, and tend rather to juſtifie Sins than thoſe who do repent of them; I ſhall then agree, that no induſtry can be too great in ſearching Authors, comparing Places, examining Verſions, to find out ſuch a Senſe as may be agreeable to the nature of things, the Attributes of God, and the deſign of Chriſtian Religion. But if on the contrary, the Scripture doth plainly aſſert thoſe things, from whence our Doctrine follows, and without which no reaſonable account can be given either of the Expreſſions uſed therein, or of the Sufferings of Chriſt; if Chriſt's Death did immediately reſpect God as a Sacrifice, and was paid as a Price for our Redemption; if ſuch a deſign of his death be ſo far from being repugnant to the nature of God, that it highly manifeſts his Wiſdom, Juſtice and Mercy; if it aſſert nothing but what is ſo far from being impoſſible, that it is very reconcileable to the common Principles of Reaſon, as well as the Free-Grace of God in the pardon of Sin; if, being truly underſtood, it is ſo far from enervating, that it advances highly all the purpoſes of Chriſtian Religion. then it can be no leſs than a betraying one of the grand Truths of the Chriſtian Doctrine, not to believe ours to be the true Senſe of the Places in Controverſy. And this is that which I now take upon me to maintain.

Socin. de Servat. Part. 2. Cap. 4.

II. For

The ſtate of the Controverſie in general.

II. For our clearer proceeding herein, nothing will be more neceſſary, than to underſtand the true *State of the Controverſie*; which hath been rendred more obſcure by the miſtakes of ſome, who have managed it with greater Zeal than Judgment; who have aſſerted more than they needed to have done, and made our Adverſaries aſſert much leſs than they do: And by this means have ſhot over their Adverſaries Heads, and laid their own more open to Aſſaults. It is eaſie to obſerve, that moſt of *Socinus* his Arguments are levelled againſt an Opinion, which few who have conſidered theſe things do maintain, and none need to think themſelves obliged to do it; which is, That Chriſt paid a proper and rigid Satisfaction for the Sins of Men, conſidered under the notion of Debts, and that he paid the very ſame, which we ought to have done; which in the Senſe of the Law, is never called Satisfaction, but ſtrict Payment. Againſt this *Socinus* diſputes from the impoſſibility of Chriſt's paying the very ſame that we were to have paid; becauſe our penalty was eternal Death, and that as the conſequent of inherent guilt, which Chriſt neither did nor could undergo. Neither is it enough to ſay, *That Chriſt had undergone eternal Death, unleſs he had been able to free himſelf from it*; for the admiſſion of one to pay for another, who could diſcharge the Debt in much leſs time than the Offenders could, was not the ſame which the Law required. For that takes no notice of any other than the Perſons who had ſinned; and if a *Mediator* could have paid the ſame, the Original Law muſt have been disjunctive; *viz.* That either the Offender muſt ſuffer, or another for him; but then the Goſpel had not been the bringing in of a better *Covenant*, but a performance of the old. But if there be a relaxation or diſpenſation of the firſt Law; then it neceſſarily follows, that what Chriſt paid, was not the very ſame which the firſt Law required: For what need of that, when the very ſame was paid that was in the Obligation? But if it be ſaid, *That the dignity of the Perſon makes up, what wanted in the kind or degree of puniſhment*; this is a plain Confeſſion that it is not the ſame, but ſomething equivalent, which anſwers the ends of the Sanction, as much as the ſame would have done, which is the thing we contend for. Beſides, if the very ſame had been paid in the ſtrict Senſe, there would have followed a Deliverance *ipſo facto*; for the Releaſe immediately follows the Payment of the ſame; and it had been injuſtice to have required any thing further, in order to the diſcharge of the Offender, when ſtrict and full Payment had been made of what was in the Obligation. But we ſee that Faith and Repentance, and the Conſequences of thoſe two, are made Conditions on our Parts, in order to the enjoying the benefit of what Chriſt hath procured; So that the Releaſe is not immediate upon the Payment, but depends on a new Contract, made in conſideration of what Chriſt hath done and ſuffered for us. If it be ſaid, *That by Chriſt's Payment, we become his, and he requires theſe Conditions of us*; beſides the contrariety of it to the Scriptures, which make the Conditions to be required by him to whom the Payment was made; we are to conſider, that theſe very Perſons aſſert, that Chriſt paid all for us, and in our name and ſtead; ſo that the Payment by Chriſt was by a Subſtitution in our room; and if he paid the ſame which the Law required, the benefit muſt immediately accrue to thoſe, in whoſe Name the Debt was paid. For what was done in the Name of another, is all one to the Creditor, as if it had been done by the Debtor himſelf. But above all things, it is impoſſible to reconcile the freeneſs of Remiſſion,

miſſion, with the full payment of the very ſame which was in the obligation. Neither will it ſerve to ſay, *That though it was not free to Chriſt, yet it was to us.* For the ſatisfaction and remiſſion muſt reſpect the ſame perſon; for Chriſt did not pay for himſelf, but for us, neither could the remiſſion be to him. Chriſt therefore is not conſider'd in his own name, but as acting in our ſtead; ſo that what was free to him, muſt be to us; what was exactly paid by him, it is all one as if it had been done by us: ſo that it is impoſſible the ſame debt ſhould by fully paid and freely forgiven. Much leſs will it avoid the difficulty in this caſe to ſay, *That it was a refuſable payment:* For it being ſuppoſed to be the very ſame, it was not in juſtice refuſable; and however not in equity, if it anſwer the intention of the Law, as much as the ſuffering of the offenders had done; and the more it doth that, the leſs refuſable it is. And although *God himſelf found out the way*, that doth not make the pardon free, but the deſignation of the perſon who was to pay the debt. Thus when our Adverſaries diſpute againſt this opinion, no wonder if they do it ſucceſsfully; but this whole opinion is built upon a miſtake, that ſatisfaction muſt be the payment of the very ſame; which while they contend for, they give our Adverſaries too great an advantage, and make them think they triumph over the Faith of the Church, when they do it only over the miſtake of ſome particular perſons. But the foundation of this miſtake, lies in the conſideration of puniſhment, under the notion of *debts*, and that ſatisfaction therefore muſt be by ſtrict payment in rigour of Law; but how great that miſtake is, will appear in the ſubſequent diſcourſe. But it cannot but be wondred at, that the very ſame perſons who conſider ſins, as debts which muſt be ſtrictly ſatisfied for, do withal contend for the abſolute neceſſity of this ſatisfaction: whereas *Socinus* his Arguments would hold good, *if ſins were only conſidered as debts, and God as the mere Creditor of puniſhment; he might as freely part with his own right without ſatisfaction, as any Creditor may forgive what ſumm he pleaſes to a perſon indebted to him*; and no reaſon can be brought to the contrary, from that notion of ſins, why he may not do it. But if they be conſidered with a reſpect to God's Government of the world, and the honour of his Laws, then ſome further acccount may be given, why it may not be conſiſtent with that, to paſs by the ſins of men, without ſatisfaction made to them.

Of the difference of debts and puniſhments.

III. And becauſe the miſtake in this matter, hath been the foundation of moſt of the ſubſequent miſtakes on both ſides, and the diſcovery of the cauſe of errors, doth far more to the cure of them, than any Arguments brought againſt them; and withal, the true underſtanding of the whole Doctrine of ſatisfaction depends upon it, I ſhall endeavour to make clear the notion under which our ſins are conſidered; for upon that depends the nature of the ſatisfaction which is to be made for them. For while our Adverſaries ſuppoſe, that ſins are to be looked on under the notion of debts in this debate, they aſſert it to be wholly free for God to remit them, without any ſatisfaction. They make the right of puniſhment merely to depend on God's abſolute Dominion; and that all ſatisfaction muſt be conſidered under the notion of compenſation, for the Injuries done to him, to whom it is to be made. But if we can clearly ſhew a conſiderable difference between the notion of debts and puniſhments, if the right puniſhment doth not depend upon mere Dominion, and that ſatisfaction by way of puniſhment, is not primarily intended for compenſation, but for other ends, we ſhall make not only the ſtate of the Controverſie much clearer, but offer ſomething conſiderable towards the reſolution of it. The way I ſhall take for the proof the difference between debts and puniſhments, ſhall be uſing the other for the Arguments for it. For beſides, that thoſe things are juſt in matter of debts, which are not ſo in the caſe of puniſhments; as, that it is lawful for a man to forgive all the debts which are owing him by all perſons, though they never ſo contumaciouſly refuſe payment, but our Adverſaries will not ſay ſo in the caſe of Sins; for although they aſſert, That the juſtice of God doth never require puniſhment in caſe of repentance, yet withall they aſſert, That *in caſe of impenitency, it is not only agreeable, but due to the nature and decrees; and therefore to the rectitude and equity of God not to give pardon.* But if this be true, then there is an apparent difference between the notion of *debts* and *puniſhments*; for the Impenitency doth but add to the greatneſs of the debt: And will they ſay, it is only in Gods Power to remit ſmall debts, but he muſt puniſh the greateſt? what becomes then of God's abſolute liberty to part with his own right? will not this ſhew more of his kindneſs to pardon the greater, rather than leſſer offenders? But if there be ſomething in the nature of the thing, which makes it not only juſt, but neceſſary for impenitent ſinners to be puniſhed, as *Crellius* after *Socinus* frequently acknowledges, then it is plain, that ſins are not to be conſidered merely as debts, for that obſtinacy and impenitency is only puniſhed as a greater degree of ſin, and therefore as a greater debt. And withal, thoſe things are lawful in the remiſſion of debts, which are unjuſt in the matter of puniſhments; as it is lawful for a Creditor, when two perſons are conſidered in equal circumſtances, to remit one, and not the other; nay to remit the greater debt, without any ſatisfaction, and to exact the leſſer to the greateſt extremity; but it is unjuſt in matter of Puniſhments, where the reaſon and circumſtances are the ſame, for a perſon who hath committed a crime of very dangerous conſequence, to eſcape unpuniſhed, and another who hath been guilty of far leſs to be ſeverely executed. Beſides theſe conſiderations, I ſay, I ſhall now prove the difference of debts and puniſhments, from thoſe two things whereby things are beſt differenced from each other; *viz.* The different Reaſon, and the different end of them.

Non reſipiſcentibus veniam non conſidere, id demum naturæ divinæ, & decretis ejus & propterea rectitudini & æquitati debitum eſt ac conſentaneum. Socin. de Servat. l. 1. c. 1. *Non reſipiſcentes pœnâ non liberare tum per ſe æquitati eſt admodum conſentaneum, & poſitis quibuſdam finibus quos Deus ſibi in regendis hominibus præfixit facto neceſſarium.* Crell. c. Grot. c. 2. Sect. 29.

The reaſon of humane puniſhment is the publick intereſt.

IV. (1.) *The different Reaſon of debts and puniſhments:* The reaſon of debts is dominion and property, and the obligation of them, depends upon voluntary contracts between parties; but the reaſon of puniſhments is Juſtice and Government, and depends not upon mere contracts, but the relation the perſon ſtands in to that Authority to which he is accountable for his actions. For if the obligation to puniſhment, did depend upon mere contract, then none could juſtly be puniſhed, but ſuch who have conſented to it by an antecedent contract: If it be ſaid, *That a contract is implied, by their being in ſociety with others*; that is as much as I deſire to make the difference appear, for in caſe of debts, the obligation depends upon the voluntary contract of the perſon; but in caſe of puniſhments, the very relation to Government, and living under Laws doth imply it. And the right of puniſhment depends upon the obligation of Laws, where the reaſon of them holds, without any expreſs contract, or ſuperiority of one over another; as in the caſe of violation of the Laws of Nations, that gives right to another Nation to puniſh the infringers of it. Otherwiſe Wars could never be lawful between two Nations, and none could be warrantable, but thoſe of a Prince againſt his rebellious ſubjects, who have broken the Laws themſelves conſented expreſly to. Beſides, in caſe of debts every man is bound to pay, whether he be call'd upon or no; but in caſe of puniſhments, no man is bound to betray or accuſe himſelf. For the obligation to payment in caſe of debt ariſeth from the injury ſuſtained by that particular perſon, if another detains what is his own from him; but the obligation to puniſhment, ariſes from the injury, the Publick ſuſtains by the impunity of crimes, of which the Magiſtrates are to take Care; who by the diſpenſing of puniſhments, do ſhew that to be true which *Grotius* aſſerts, that if there be any Creditor to be aſſigned in puniſhment, it is the publick good: Which appears by this, that all puniſhments are proportioned, according to the influence the offences have upon the publick intereſt; for the reaſon of puniſhment is not becauſe a Law is broken, but becauſe the breach of a Law tends to diſſolve the community, by infringing the Authority of the Laws, and the honour of thoſe who are to take care of them. For if we conſider it, the meaſure of puniſhments is in a well ordered State, taking from the influence which crimes have upon the peace and intereſt of the community. No man queſtions, but that Malice, Pride and Avarice, are things really as bad as many faults, that are ſeverely puniſhed by humane Laws, but the reaſon theſe are not puniſhed is, becauſe they do not ſo much injury to the publick intereſt, as Theft and Robbery do. Beſides, in thoſe things wherein the Laws of a Nation are concerned, the utmoſt rigour is not uſed in the preventing of crimes, or the execution of them when committed, if ſuch an execution may endanger the publick more than the impunity of the offenders may do. And there are ſome things which are thought fit to be forbidden, where the utmoſt means are not uſed to prevent them; as Merchants are forbidden to ſteal cuſtoms, but they are not put under an Oath not to do it. And when penalties have been deſerved, the execution of them hath been deferred, till it may be moſt for the advantage of the publick: as *Joab*'s puniſhment till *Solomon*'s Reign, though he deſerved it as much in *David*'s. So that the rule commonly talked of, *Fiat juſtitia & pereat mundus*, is a piece of Pedantry, rather than true Wiſdom; for whatever penalty inflicted brings a far greater detriment to the publick, than the forbearance of it, is no piece of Juſtice to the State, but the contrary; the greateſt Law, being the ſafety and preſervation of the whole Body. By which it appears, that in humane Laws, the reaſon of puniſhment is not, that ſuch an action is done, but becauſe the impunity in doing it, may have a bad influence on the publick intereſt; but in debts, the right of Reſtitution depends upon the injury received by a particular perſon, who looks at no more than the reparation of his loſs by it.

The right of Divine puniſhment not mere Dominion. Crell. Reſponſ. ad Grot. cap. 2. ſect. 1. &c.

V. We are now to conſider, how far theſe things will hold in Divine Laws, and what right of puniſhment doth reſult from them. For *Crellius*, the ſubtilleſt of our Adverſaries, knowing of how great conſequence the reſolution of this is, in the whole Controverſie of Satiſfaction,

faction, vehemently contends, *That the right of puniſhment doth reſult from God's abſolute Dominion, and therefore he is to be conſidered as the offended party, and not as Governour in the right of inflicting puniſhment*; for which his firſt Argument is, *That our obedience is due to God's* p. 144. *Law, on the account of his Dominion; but when that is not performed, the penalty ſucceeds in its room, and therefore that doth belong to God on the ſame account:* His other arguments are, *from the compenſation of injuries due to the offended party, and from God's anger againſt ſin, in which he is to be conſider'd as the offended party:* Theſe two latter will be anſwered under the next head; the firſt I am to examine here. He therefore tells us, that the right of puniſhment belongs to God's Dominion, becauſe the reaſon of his Government of mankind is; becauſe he is the Lord of them. But, for our better underſtanding this, we are to conſider, although the original right of Government doth reſult from God's Dominion; for theefore our obedience is due, becauſe of his Sovereignty over us; yet when God takes upon him the notion of a Governour, he enters into a new relation with his Creatures, diſtinct from the firſt as mere Lord. For he is equally Lord of all to whom he gives a being, but he doth not require obedience upon equal terms, nor governs them by the ſame Laws: Dominion is properly ſhewed in the exerciſe of power; but when God gives Laws according to which he will reward and puniſh, he ſo far reſtrains the exerciſe of his Dominion to a ſubſerviency to the ends of Government. If we ſhould ſuppoſe, that God governs the world merely by his Dominion, we muſt take away all rewards and puniſhments; for then the actions of men, would be the mere effects of irreſiſtible power, and ſo not capable of rewards and puniſhments; for there could be neither of theſe, where mens actions are capable of the differences of good and evil, and that they cannot be, if they be the acts of God's Dominion, and not of their own. But if God doth not exerciſe his full Dominion over rational Creatures, it is apparent that he doth govern them under another notion than as mere Lord, and the reaſon of puniſhment is not to be taken from an abſolute right which God doth not make uſe of, but from the ends and deſigns of Government, which are his own Honour, the Authority of his Laws, and the good of thoſe whom he doth govern. And *Crellius* is greatly miſtaken, when he makes *puniſhment to ſucceed in the place of the right of obedience*; for it is only the deſert of puniſhment, which follows upon the violation of that right; and as we aſſert, that the right of obedience is derived from God's Sovereignty, ſo we deny not, but the deſert of puniſhment is from the violation of it; but withal we ſay, that the obligation to puniſhment depends upon the Laws, and God's right to inflict puniſhment (Laws being ſuppoſed) is immediately from that Government which he hath over mankind: For otherwiſe, if the whole right of puniſhment did ſtill depend upon God's Dominion, and the firſt right of Sovereignty, then all ſins muſt have equal puniſhments, becauſe they are all equal violations of the fundamental right of obedience; then it were at liberty for God to puniſh a greater Sin, with a leſs puniſhment; and a leſſer Sin, with a greater: And laſtly, this would make the puniſhment of Sin, a mere Arbitrary thing in God; for there would be no reaſon of puniſhment, but what depended upon God's mere will; whereas the reaſon of puniſhment in Scripture is drawn from repugnancy of ſin to the divine purity and holineſs, and not merely from God's power or will to puniſh;

niſh; but if that were all the reaſon of it, there would be no repugnancy in the nature of the thing for the moſt vitious perſon to be rewarded, and the moſt pious to be made everlaſtingly miſerable. But who ever yet durſt ſay or think ſo? From whence it appears that the relation between ſin and puniſhment is no reſult of God's arbitrary will; but it is founded in the nature of the things; ſo that as it is juſt for God to puniſh offenders, ſo it would be unjuſt to puniſh the moſt innocent perſon without any reſpect to ſin. But if the right of puniſhment depends merely on God's Dominion, I cannot underſtand why God may not puniſh when and whom, and in what manner he pleaſeth; without any impeachment of his Juſtice, and therefore it is to be wonder'd at, that the ſame perſons who aſſert the right of puniſhment to be merely in God's Dominion, ſhould yet cry out of the injuſtice of one perſon being puniſhed for anothers faults; for why may not God exerciſe his Dominion in this caſe? yes, ſay they, *he may his dominion, but he cannot puniſh, becauſe puniſhment ſuppoſes guilt, and cannot be juſt without it*; how far that reaches, will be examined afterwards; at preſent, we take notice of the contradiction to themſelves which our Adverſaries are guilty of, that they may ſerve their own *Hypotheſis*, for when we diſpute with them, againſt abſolute remiſſion without ſatisfaction, then they contend that the right of puniſhment is a mere act of Dominion, and God may part with his right, if he pleaſe; but when they diſpute with us againſt the tranſlation of puniſhment from one to another, then they no longer ſay that the right of puniſhment is an act of Dominion, but that it is a neceſſary conſequent of inherent guilt, and cannot be removed from one to another. And then they utterly deny that puniſhment is of the nature of debts, for *one man's money*, they ſay, *may become anothers, but one man's puniſhment cannot become anothers:* Thus they give and take, deny and grant, as it ſerves for their preſent purpoſes.

Soc. de Servat. l. 3. c. 3. Prælect. c. 18.

2. The end of puniſhments not bare compenſation as it is in debts.

VI. (2.) The *different ends of debts and puniſhments*, make it appear that there is a difference in the nature of them; for the intention of the obligation to payment in caſe of debt, is the compenſation of the damage which the Creditor ſuſtains; but the intention of puniſhment, is not bare compenſation, but it is deſigned for greater and further ends. For which we are to conſider the different nature of puniſhments, as they are inflicted by way of reparation of ſome injury done to private perſons, and as they do reſpect the publick good. I grant, that private perſons in caſe of injuries, ſeek for compenſation of the damage they ſuſtain, and ſo far they bear the nature of debts; but if we conſider them as inflicted by thoſe who have a care of the publick, though they are to ſee that no private perſon ſuffers injury by another; yet the reaſon of that is not merely that he might enjoy his own, but becauſe the doing injuries to others tends to the ſubverſion of the ends of Government. Therefore, I can by no means admit that Poſition of *Crellius, that a Magiſtrate only puniſhes as he aſſumes the perſon of the particular men who have received injuries from others*; for he aims at other ends than merely the compenſation of thoſe injured perſons. Their great end is according to the old Roman *Formula, nè quid Reſp. detrimenti capiat:* the reaſon of exacting penalties upon private men is ſtill with a regard to the publick ſafety. Suppoſing men in a ſtate of nature no puniſhment is due to the injured perſon, but reſtitution of damage, and compenſation of the loſs that accrues to him by the inju-

Crell. c. Grot. cap. 2. Sect. 2. p. 147. Sect. 17. p. 162.

ry ſuſtained; and whatever goes beyond this, is the effect of Government, which conſtitutes penalties for preſervation of the Society which is under Laws. But herein *Crellius* is our adverſary, but with no advantage at all to his Cauſe; for he offers to prove againſt *Grotius*, *That ſomething more is due by an injury beyond bare compenſation for what the other is ſuppoſed to loſe by the right of nature*; for ſaith he, *in every injury there is not only the real damage which the perſon ſuſtains, but there is a contempt of the perſon implyed in it for which as well as the former, he ought to have compenſation.* To which I anſwer, 1. That this doth not prove what he deſigns, *viz.* that puniſhment doth belong to the injured perſon in a ſtate of Nature beyond bare reſtitution, but that it is neceſſary, that men ſhould not continue in ſuch a ſtate, that ſo they may be vindicated from that contempt, and others compelled to reſtitution. Both which, as they are puniſhments, are not in the power of the offended party as ſuch, but ſhew that it is very reaſonable there ſhould be Laws and Governours, that private perſons may be preſerved in their juſt rights, and offenders puniſhed for the vindication not only of their honour, but of the Laws too. And Laws being eſtabliſhed, the injured perſon hath right to no more, than the compenſation of his loſs; for that being forced upon the offending party, is a ſufficient vindication of his honour. 2. If the contempt of a private perſon makes a compenſation neceſſary, how much more will this hold in a publick Magiſtrate; whoſe contempt by diſobedience is of far worſe conſequence than that of a private perſon. And by this argument *Crellius* overthrows his main *Hypotheſis*, viz. that God may pardon ſin without ſatisfaction; for if it be not only neceſſary, that the loſs be compenſated but the diſhonour too; then ſo much greater as the diſhonour is, ſo much higher as the perſon is, ſo much more beneficial to the world as his Laws are, ſo much more neceſſary is it that in order to pardon there muſt be a ſatisfaction made to him, for the affronts he hath received from men. And if the greatneſs of the injury *Crell. c. Grot. cap. 2. p. 174.* be to be meaſured as *Crellius* aſſerts, *from the worth and value of the thing, from the dignity and honour of the perſon, from the diſplicency of the fact to him*, which he makes the meaſure of puniſhment; this makes it ſtill far more reaſonable, that God ſhould have ſatisfaction for the ſins of men, than that men ſhould have for the injuries done them by one another; eſpecially conſidering what the ſame Author doth aſſert afterwards, *Sect. 29. p. 198.* *that it is ſometime repugnant to juſtice, for one to part with his own right in caſe of injuries, and that either from the nature and circumſtances of the things themſelves or a decree or determination to the contrary:* for the firſt he inſtanceth in caſe of *notorious defamation*; in which he ſaith, *it is a diſhoneſt and unlawful thing for a man, not to make uſe of his own right for his vindication:* and for the other, *in caſe of great obſtinacy and malice.* By both which, it is moſt apparent, that *Crellius* puts a mighty difference between the nature of debts, and puniſhments, ſince in all caſes he allows it lawful for a perſon free, to remit his debts; but in ſome caſes he makes it utterly unlawful for a perſon not to make uſe of his right for puniſhment. And withal if a private perſon may not part with his own right in ſuch caſes, how unreaſonable is it not to aſſert the ſame of the great Governour of the World? and that there may be a neceſſity for him upon ſuppoſition of the contempt of himſelf and his Laws, to vindicate himſelf and his honour to the world, by ſome remarkable teſtimony of his ſeverity againſt ſin.

Of *Crellius* his great miſtake about the end of puniſhments

Crell. cap. 2. *ſect.* 2. *ſect.* 28.

VII. But *Crellius* yet urgeth another end of puniſhment, which though the moſt unreaſonable of all others, yet ſufficiently proves from himſelf the difference of debts and puniſhments, which is, *the delight which the injured perſon takes in ſeeing the offender puniſhed.* This he ſo much inſiſts upon, as though he made it the moſt natural end of puniſhment; for ſaith he, *among the Puniſhments which a Prince or any other free Perſon can inflict, revenge is in the firſt place, and the more there is of that in any thing, the more properly it is called a puuiſhment*; and he tells us what he means by this *ultio*; viz. *ſolatium ex alieno dolore, the contentment taken in anothers pain.* But ſaith he, *no man muſt object, that this is a thing evil in it ſelf; for although it be forbidden us under the New Teſtament, yet in it ſelf it is not unlawful for one that hath ſuffered pain from another to ſeek for the eaſe of his own pain, by the miſeries of him that injured him: and for this purpoſe,* ſaith he, *we have the Paſſion of Anger in us, which being a deſire of returning injuries, is then ſatisfied when it apprehends it done.* But how abſurd and unreaſonable this Doctrine is, will be eaſily diſcovered, for this would make the primary intendment of puniſhment to be the evil of him that ſuffers it. Where the right of puniſhment is derived from an injury received, and therefore that which gives that right, is ſome damage ſuſtained, the reparation of which is the firſt thing deſigned by the offended party: Though it take not up the whole nature of puniſhment. And on this account no man can juſtly propoſe any end to himſelf in anothers evil, but what comes under the notion of reſtitution. For the evil of another is only intended in puniſhment as it reſpects the good of him for whoſe ſake that evil is undergone. When that good may be obtained without anothers evil, the deſire of it is unjuſt and unreaſonable: and therefore all that contentment that any one takes in the evil another undergoes, as it is evil to him, is a thing repugnant to humane nature, and which all perſons condemn in others when they allow themſelves in it. It will be hard for *Crellius* to make any difference between this end of puniſhment which he aſſigns, and the greateſt cruelty; for what can that be worſe than taking delight in making others miſerable, and ſeeing them ſo when he hath made them. If it be replyed, *that cruelty is without any cauſe; but here a juſt cauſe is ſuppoſed:* I anſwer, a juſt cauſe is only ſuppoſed for the puniſhment, but there can be no juſt cauſe for any to delight in the miſeries of others, and to comfort themſelves by inflicting or beholding them. For the evil of another is never intended, but when it is the only means left for compenſation; and he muſt be guilty of great inhumanity, who deſires anothers evil any further than that tends to his own good, *i. e.* the reparation of the damage ſuſtained; which if it may be had without anothers evil, then that comes not by the right of nature within the reaſon of puniſhment; and conſequently where it doth not ſerve for that end, the comfort that men take in it is no part of juſtice, but cruelty. For there can be no reaſon at all aſſigned for it; for that *lenimentum doloris* which *Crellius* inſiſts on is merely imaginary, and no other than the Dog hath in gnawing the ſtone that is thrown at him; and for all that I know, that propenſion in nature to the retribution of evil for evil any further than it tends to our ſecurity, and the preſervation for the future, is one of the moſt unreaſonable Paſſions in humane Nature.

p. 191.

Of the nature of anger and revenge in men, and whether puniſhments are deſigned to ſatisfie them.

VIII. And if we examine the nature of *Anger*, either conſidered Naturally or Morally, the intention of it is, not the returning evil to another, for the evil received, but the ſecurity and preſervation of our ſelves; which we ſhould not have ſo great a care of, unleſs we had a quick ſenſe of injuries, and our blood were apt to be heated at the apprehenſion of them. But when this paſſion vents it ſelf, in doing others injury to alleviate its own grief, it is a violent and unreaſonable perturbation; but being governed by reaſon, it aims at no more, than the great end of our beings; *viz.* Self-Preſervation. But when that cannot be obtained without anothers evil, ſo far the intendment of it is lawful, but no further. And I cannot therefore think thoſe Philoſophers, who have defined Anger to be ὄρεξις ἀντιλυπήσεως, by whoſe Authority *Crellius* defends himſelf, when he makes anger to be *a deſire of revenge*, did throughly conſider what was juſt and reaſonable in it, but barely what was natural, and would be the effect of that paſſion, if not governed by reaſon. For otherwiſe *Jul. Scaliger*'s definition is much more true and juſtifiable, that it is *appetitus depulſionis*; *viz.* that whereby we are ſtirred up to drive away from us, any thing that is injurious to us. But becauſe *Crellius* alledgeth a ſaying of *Seneca*, that would make *vindicta* of the nature of puniſhment, *duabus de cauſis punire princeps ſolet, ſi aut ſe vindicet aut alium:* We ſhall oppoſe to this the ſenſe of the ſame Author in this matter, which may ſufficiently clear the other paſſage: For, ſaith he, *Inhumanum verbum eſt, & quidem pro juſto receptum, ultio, & à contumelia non differt niſi ordine: qui dolorem regerit, tantum excuſatius peccat.* And no man ſpeaks with greater vehemency againſt the delight in others puniſhments than he doth; for he always aſſerts, the only reaſon of puniſhment, to be ſome advantage which is to come by it, and not meerly to ſatisfie anger, or to allay their own griefs, by ſeeing anothers: For, ſaith he, the puniſhment is inflicted, *Non quia delectetur ullius pœna (procul eſt enim à ſapiente tam inhumana feritas) ſed ut documentum omnium ſint:* So that it is only the uſefulneſs of puniſhment according to him, which makes it become any wiſe man; and ſo far from a ſatisfaction of his grief by anothers puniſhment, that he makes that a piece of inhumanity, not incident to any who pretend to wiſdom. Nay, he denies, that a juſt puniſhment doth flow from *Anger*; for he that inflicts that, doth it *non ipſius pœnæ avidus, ſed quia oportet*, not as deſiring the puniſhment, but becauſe there are great reaſons for it: And elſewhere, *Exſequar quia oportet, non quia dolet:* he is far enough then from approving, that imaginary compenſation of one mans grief by anothers. And he ſhews at large that the weakeſt natures, and the leaſt guided by reaſon, are the moſt ſubject to this anger and revenge. And although other things be pretended, the general cauſe of it is, a great infirmity of humane nature; and thence it is, that children and old men, and ſick perſons, are the moſt ſubject to it; and the better any are, the more they are freed from it:

Crell. c. 1. ſect. 22. p. 177.
Exerc. 313.
Seneca de Clem. l. 1. c. 20.
De Irâ, l. 2. c. 32.
De Irâ, l. 1. c. 6.
De Irâ, l. 1. c. 9.
Cap. 12.
Cap. 13.

——*quippe minuti*
Semper & infirmi eſt animi, exiguique voluptas
Ultio——

He makes *Cruelty* to be nothing elſe, *but the intemperance of the mind in exacting puniſhment*; and the difference between a Prince and a Tyrant

De Clem. l. 2. c. 4.

rant to lie in this, *The one delights in puniſhing, the other never does it but in caſe of neceſſity*, when the publick good requires it. And this throughout his diſcourſe, he makes the meaſure of puniſhment. Who then could imagine, that he ſhould ſpeak ſo contradictory to himſelf, as to allow puniſhment for meer revenge, or the eaſing ones own griefs, by the pains of another? In the places cited by *Crellius* (if taken in his ſenſe) he ſpeaks what commonly is, not what ought to be in the world; for he diſputes againſt it in that very place, therefore that cannot be the meaning which he contends for. *The common deſign of puniſhments by a Prince*, ſaith he, *is either to vindicate himſelf or others.* I ſo render his words, becauſe *vindicare*, when it is joyned with the perſon injured, as here, *vindicare ſe aut alium*, doth properly relate to the end of puniſhment, which is aſſerting the right of the injured perſon; but when it is joyned with the perſons who have done the injury, or the crimes whereby they did it, then it properly ſignifies to puniſh. Thus *Salluſt* uſeth, *Vindicatum in eos*; and *Cicero*, *In milites noſtros vehementer vindicatum*, and for the fact very frequently in him, *maleficia vindicare:* But when it relates to the injured perſon, as here it doth, it cannot ſignifie meerly to puniſh; for then *ſe vindicare* would be to puniſh ones ſelf, but to aſſert his own right in caſe of injury, though it be with the puniſhment of another: For *Vindicatio*, as *Cicero* defines it, *eſt per quam vis & injuria & omnino quod obfuturum eſt defendendo aut ulciſcendo propulſatur.* So that the ſecurity of our ſelves in caſe of force or injury, is that which is called *Vindication*; which ſometimes may be done by defence, and other times by puniſhment. And that *Seneca* doth mean no more here, is apparent by what follows; for in caſe of private injuries, he ſaith, *pœnam ſi tutò poterit donet*, he would have the Prince forgive the puniſhment, if it may be done with ſafety; ſo that he would not have any one puniſhed, to ſatisfie anothers deſire of revenge, but to preſerve his own ſafety: And afterwards he ſaith, *It is much beneath a Princes condition, to need that ſatisfaction which ariſes from anothers ſufferings:* But for the puniſhments of others, he ſaith, *The Law hath eſtabliſhed three ends, the amendment of the perſons, or making others better by their puniſhments, or the publick ſecurity, by taking away ſuch evil members out of the body:* So that in publick puniſhments, he never ſo much as ſuppoſes, that contentment which revenge fanſies in others puniſhments, but makes them wholly deſigned for the publick advantage. For *the Laws in puniſhment do not look backward but forward*; for as * *Plato* ſaith, *No wiſe man ever puniſhed, meerly becauſe men had offended, but leſt they ſhould: For paſt things cannot be recalled, but future are therefore forbidden, that they may be prevented.* So to the ſame purpoſe is the ſaying of *Lactantius*, produced by *Grotius*, *Surgimus ad vindictam, non quia læſi ſumus, ſed ut diſciplina ſervetur, mores corrigantur, licentia comprimatur: hæc eſt Ira juſta.* To which *Crellius* anſwers, *That this ſignifies nothing, unleſs it can be proved, that no man may juſtly puniſh another, meerly becauſe he is wronged.* If he means of the right to puniſh, we deny not that to be, becauſe the perſon is wronged; but if he underſtands it of the deſign and end of puniſhment, then we deny, that it is an allowable end of puniſhments, any further than it can come under the notion of reſtitution, of which we have ſpoken already. *When a Maſter* (which is the inſtance he produceth) *puniſheth his ſervants becauſe they have diſobeyed him:* The reaſon of that puniſhment, is not the bare diſobedience, but the injury

De Clem. l. 1. *c.* 11, 12.

Salluſt. in Catalin. Cicero. 7. v.

Cicero de Invent. 2.

De Irâ, l. 1. *c.* 21.

* *Non præterita ſed futura intuebitur; nam ut* Plato *ait, nemo prudens punit quia peccatum eſt, ſed ne peccetur* Sen. de Ira. l. 1. c. 16.

Lact. de ira Dei. c. 17.

Cap. 2. *ſect.* 13.

jury which comes to him by it; the reparation of which he ſeeks by puniſhment, either as to his authority, ſecurity or profit. But he adds, That *where puniſhment is deſigned, for preſervation of diſcipline, and amendment of manners, and keeping perſons in order,* (which are the ends mentioned by *Lactantius*) *it is where the intereſt of the perſons lies, in the preſervation of theſe, and is therefore offended at the neglect of them.* To which I anſwer, That the intereſt of ſuch a one, is not barely the intereſt of an offended party, as ſuch, but the intereſt of a Governour; and no body denies, but ſuch a one may be an offended party: but the queſtion is, Whether the deſign of puniſhment be meerly to ſatisfie him as the offended party, or to anſwer the ends of Government? For *Crellius* hath already told us, what it is to ſatisfie one as an offended party, that is, to eaſe himſelf by the puniſhment of others; but what ever is deſigned for the great ends of Government, is not to be conſidered under that notion, although the Governour may be juſtly offended at the neglect of them. And there is this conſiderable difference between the puniſhment made to an offended party, as ſuch, and that which is for the ends of Government; that the former is a ſatisfaction to *Anger*, and the latter to Laws and the publick intereſt. For *Crellius* diſputes much for the right of Anger in exacting puniſhments; *the ſatisfaction of which, in caſe of real injury, he never makes unlawful, but in caſe that it be prohibited us by one, whoſe power is above our own: Nay he makes it otherwiſe the primary end of puniſhment.* So that *anger* is the main thing upon theſe terms to be reſpected in puniſhment: But where it is deſigned for the ends before-mentioned, there is no neceſſity of any ſuch paſſion as anger to be ſatisfied, the ends of puniſhment may be attained wholly without it: And publick puniſhment, according to *Seneca non ira ſed ratio eſt*, is no effect of anger, but reaſon; for, ſaith he, *nihil minus quam iraſci punientem decet:* nothing leſs becomes one that puniſheth, than *anger* doth; for all puniſhments being conſidered as Medicines, no man ought to give Phyſick in anger, or to let himſelf blood in a fury: *A Magiſtrate*, ſaith he, *when he goes to puniſh, ought to appear only vultu legis quæ non iraſcitur, ſed conſtituit*, with the countenance of the Law, which appoints puniſhments without paſſion: The reaſon of which is, becauſe the Law aims not primarily at the evil of the man that ſuffers puniſhment, but at the good which comes to the publick by ſuch ſufferings. For the firſt deſign of the Law was to prevent any evil being done, and puniſhment coming in by way of Sanction to the force of the Law, muſt have the ſame primary end which the Law it ſelf had; which is not to ſatisfie barely the offended party for the breach, any further than that ſatisfaction tends to the ſecurity of the Law, and preventing the violation of it for the future. The ſubſtance of what I have ſaid upon this ſubject, may be thus briefly comprized, That antecedently to Laws, the offended party hath right to no more than bare reparation of the damage ſuſtained by the injury; that the proper notion of puniſhment is conſequent to Laws, and the inflicting of it is an act of Government, which is not deſigned for meer ſatisfaction of the anger of injured perſon, but for the publick good, which lies in preſerving the authority of the Laws, the preventing all injuries by the ſecurity of mens juſt rights, and the vindication of the dignity and honour of him, who is to take care of the publick good. For theſe *Crellius* himſelf acknowledgeth, to be *the juſt ends of puniſhments*, only he would have the ſatiſfaction a man takes in ano-

Cap. 2. *ſect.* 1. *p.* 143. *Sect.* 13. *p.* 161.

Sen. de ira, *l.* 1. *c.* 14, *&* 15.

Chap. 16.

Quibus (ſc. ſolatio & ſecuritati) addi poſſint honoris ac dignitatis, per injuriam violatæ, & aliqua ratione imminutæ vindiciæ, aſſertioque juris noſtri. Crel. cap. 2. ſect. 28. p. 191.

anothers evil, to come in the firſt place; wherein how much he is miſtaken, I hope we have already manifeſted. Becauſe the proper nature of puniſhment depending upon Laws, the Laws do not primarily deſign the benefit of private perſons (ſuppoſing that were ſo) but the advantage of that community which they are made for.

The Intereſt of the Magiſtrate in puniſhment diſtinct from that of private perſons.

IX. And in thoſe caſes wherein the Magiſtrate doth right to particular perſons in the puniſhment of thoſe who have injured them, he doth it not as taking their perſon upon him, for he aims at other things than they do; they look at a bare compenſation for the injury received; but the Magiſtrate at the ill conſequence the impunity of injuries may be of to the publick: they, it may be at the ſatisfaction of their diſpleaſure; but he at the ſatisfaction of their Laws; they at their own private damage; he at the violation of the publick peace. And from hence among thoſe Nations who valued all crimes at a certain rate, in matters of injury between man and man, the injured perſon was not only to receive compenſation for his wrong; but a conſiderable fine was to be paid to the Exchequer for the violation of the publick peace. Thus *Tacitus* obſerves among the old *Germans*, *Grotius* of the old *Gothick Laws*, and from them (as moſt of our modern Laws and Cuſtoms are derived) *Lindenbrogius* of the *Salick*, *Alemannick*, *Lombardick*, *Spelman* of the *Saxon*, who tells us in caſe of murder there are three payments, one to the Kindred, which was called *Megbote*; the ſecond to the Lord, called *Manbote*, the third to the *King*, called *Freda*, from the *German Frid*, which ſignifies *Peace*, it being the conſideration paid to the King for the breach of the publick Peace. *And this*, ſaith he, *in all actions*, *was anciently paid to the King*, *becauſe the peace was ſuppoſed to be broken*, *not by meer force*, *but by any injuries*; *and if the action was unjuſt*, *the Plaintiff paid it*; *if juſt*, *the defendant*. And the meaſure of it, ſaith *Bignonius*, was the tenth part of the value of the thing as eſtimated by Law which by the Cuſtoms of the ancient *Romans* was depoſited at the commencing of a ſuit by both, and only taken up again by him who overcame; and was by them called *Sacramentum*, as *Varro* tells us. And the ſame cuſtom was obſerved among the Greeks too, as appears by *Julius Pollux*, who tells us it was called παρακαταβολὴ among them, and in publick actions was the fifth part, in private the tenth. But that which was paid to the publick in caſe of murder, was among the Greeks called ποινὴ, the ſame with *pœna*, for *Heſychius* tells us that is ἀντέκτισις ἢ ὑπὲρ φόνου διδομένη, and to the ſame purpoſe the Scholiaſt on *Homer* on thoſe words, *Iliad.* 1. εἵνεκα ποινῆς Ἀνδρὸς ἀποφθιμένου, by which the Original of the name *pœna*, comes from a payment made to the publick, according to that known rule, *intereſt reip. delicta puniri*, that perſons may ſee how much the publick ſafety is concerned, that crimes be puniſhed. From which and many other things which might be inſiſted on, *Crellius* his Hypotheſis will be made appear to be falſe, *viz. that when the Magiſtrate doth judge in the affairs of particular men, he doth it only as aſſuming the perſon of thoſe men*; whereas it appears from the reaſon of the thing, and the Cuſtom of Nations, that the intereſt of the Magiſtrate is conſidered as diſtinct from that of private perſons, when he doth moſt appear in vindication of injuries. But all this is managed with a reſpect to the grand Hypotheſis, *viz.* that the right of puniſhing doth belong only to the offended party as ſuch, that the puniſhment is of the nature of debts, and the ſatisfaction by com-

De morib. German. c. 12.
Grot. de leg. Goth. in Proleg. ad hiſt. Goth. p. 67.
Lindenbrog. Gloſſ. ad Cod. Leg. Antiq. v. Freda.
Spelman. Gloſſ. v. Freda.

Bignon. not. in Macculphi form. cap. 20.
Varro de L.L. lib. 4.
Jul. Pollux, l. 8.

penſation to the anger of him who is offended. The falſity of which this diſcourſe was deſigned to diſcover.

Having thus conſidered the nature of puniſhments among men, we come more cloſely to our matter, by examining how far this will hold in the puniſhments which God inflicts on the account of ſin. For which two things muſt be enquired into, 1. In what ſenſe we attribute anger to God. 2. What are the great ends of thoſe puniſhments God inflicts on men on the account of ſin.

Of the nature of Anger in God; the ſatisfaction to be made to it.

X. For the firſt, though our Adverſaries are very unwilling to allow the term of *punitive juſtice*, yet they contend for a *punitive anger* in God, and that in the worſt ſenſe as it is *appetitus vindictæ:* For after *Crellius* hath contended that this is the proper notion of anger in general; *neither ought any one to ſay*, he adds, *that anger as other paſſions is attributed improperly to God; for ſetting aſide the imperfections, which thoſe paſſions are ſubject to in us, all the reſt is to be attributed to him, taking away then that perturbation, and pain, and grief we find in our ſelves in anger, to which the abhorrency of ſin anſwers in God, all the reſt doth agree to him.* I would he had a little more plainly told us what he means by *all the reſt*, but we are to gueſs at his meaning by what went before, where he allows of *Cicero*, and *Ariſtotle*'s definition of *Anger*, whereof the one is, that it is *libido*, or (as *Crellius* would rather have it,) *cupiditas puniendi*, the other ὄρεξις μετὰ λύπης τιμωρίας, &c. and himſelf calls it *pœnæ appetitio*, and in another place, that it may be as properly defined *cupiditas vindictæ*, as *cupiditas pœnæ* or *affectus vindicandi*, as well as *puniendi:* In all which places, he doth aſſert ſuch an anger in God as ſuppoſes ſuch a motion, or deſire, or inclination to puniſh ſin when it is committed, as there is in us when an injury is done us, only the perturbation and pain excluded. But he hath not thought fit to explain how ſuch new motions or inclinations in the divine nature every time ſin is committed, are conſiſtent with the immutability and perfection of it; nor what ſuch a kind of deſire to puniſh in God imports, whether a meer inclination without the effect, or an inclination with the effect following: If *without the effect*, then either becauſe the ſin was not great enough, or God's honour was not concerned to do it, and in this caſe the ſame reaſons which make the effect not to follow, make the deſire of it inconſiſtent with the divine wiſdom and perfection: Or elſe becauſe the effect is hindred by the repentance of the perſon, or ſome other way which may make it not neceſſary to do it; then upon the ſame reaſon the effect is ſuſpended, the inclination to do it ſhould be ſo too; for that muſt be ſuppoſed to be governed by an eternal reaſon and counſel as well as his actions; unleſs ſome natural paſſions in *God* be ſuppoſed antecedent to his own wiſdom and counſel, which is derogatory to the infinite perfection of God, ſince thoſe are judged imperfections in our ſelves: If it be taken only *with the effect* following it, then God can never be ſaid to be angry but when he doth puniſh, whereas his *wrath is ſaid to be kindled* in Scripture, where the effect hath not followed; which if it implies any more than the high provocation of God to puniſh (as I ſuppoſe it doth not) then this inclination to puniſh is to be conceived diſtinct from the effect following it. But that conception of *anger in God* ſeems moſt agreeable to the divine nature, as well as to the *Scriptures*, which makes it either *the puniſhment it ſelf*, as *Crellius* elſewhere acknowledges it is often taken ſo; or *God's declaration of his will to puniſh*, which is

Crell. cap. ſect. 1. p. 145. p. 177.

Cicer. Tuſcul. 4. *Ariſt. Rhet. l.* 2. *c.* 2.

Crell. c. 2. *ſect.* 22. *p.* 177.

Crell. de verâ Relig. l. 1. *c.* 30.

called *the revelation of the wrath of God againſt all unrighteouſneſs of men*, God thereby diſcovering the juſt diſpleaſure he hath againſt ſin; or *the great provocation of God to puniſh*, by the ſins of men; as when *his wrath* is ſaid, *to be kindled*, &c. By this ſenſe we may eaſily reconcile all that the Scripture ſaith concerning the *wrath of God*; we make it agreeable to infinite perfection, we make no ſuch alterations in God, as the appeaſing of his anger muſt imply, if that imply any kind of commotion in him. And thus the grand difficulty of *Crellius* appears to be none at all, againſt all thoſe paſſages of Scripture which ſpeak of *appeaſing God*, of *atonement*, and *reconciliation*, viz. *that if they prove ſatisfaction, they muſt prove that God be actually angry with mankind before the ſufferings of his Son, he muſt be preſently appeaſed upon his undergoing them.* For no more need to be ſaid, than that God being juſtly provoked to puniſh the ſins of mankind, was pleaſed to accept of the ſufferings of his Son, as a ſufficient ſacrifice of Atonement for the ſins of the world, on conſiderationof which he was pleaſed to offer thoſe terms of pardon, which upon mens performance of the conditions required on their part, ſhall be ſufficient to diſcharge them from that obligation to puniſhment which they were under by their ſins. And what abſurdity, or incongruity there is in this to any principle of reaſon I cannot imagine. But our Adverſaries firſt make opinions for us, and then ſhew they are unreaſonable. They firſt ſuppoſe that anger in God is to be conſidered as a paſſion, and that paſſion a deſire of revenge for ſatisfaction of it; and then tell us, that if we do not prove, that this deſire of revenge can be ſatisfied by the ſufferings of Chriſt, then we can never prove the doctrine of ſatisfaction to be true; whereas we do not mean by God's anger any ſuch paſſion, but the juſt declaration of God's will to puniſh upon our provocation of him by our ſins; we do not make the deſign of ſatisfaction to be, that God may pleaſe himſelf in the revenging the ſins of the guilty upon the moſt innocent perſon; becauſe we make the deſign of puniſhment, not to be the ſatisfaction of anger as a deſire of revenge, but to be the vindication of the honour and rights of the injured perſon, by ſuch a way as himſelf ſhall judge moſt ſatisfactory to the ends of his Government.

Crell. cap. 7. *ſect.* 3. *p.* 350.

Of the ends of divine puniſhments. *Crell. c.* 2. *ſect.* 29. *p.* 129. *p.* 195.

XI. (2.) Which is the next thing we are to clear: For which end we ſhall make uſe of the Conceſſion of *Crellius*, *That God hath prefixed ſome ends to himſelf in the Government of mankind; which being ſuppoſed, it is neceſſary, that impenitent ſinners ſhould be puniſhed.* What theſe ends of God are, he before tells us, when he enquires into the ends of divine puniſhments, which he makes to be, *ſecurity for the future, by mens avoiding ſins, and a kind* εὐδοκία, *or pleaſure which God takes in the deſtruction of his implacable enemies, and the aſſerting and vindicating his own right by puniſhing, and ſhewing men thereby, with what care and fear they ought to ſerve him; and ſo attains the ends of puniſhment propoſed by* Lactantius, *and manifeſtation of the Divine Honour and Majeſty, which hath been violated by the ſins of men.* All theſe we accept of, with this caution, That the delight which God takes in the puniſhing his implacable enemies, be not underſtood of any pleaſure in their miſery, as ſuch, by way of meer revenge; but as it tends to the vindication of his Right, and Honour, and Majeſty; which is an end ſuitable to the Divine Nature: but the other cannot in it ſelf have the notion of an end doth ſuppoſe ſomething deſirable for it ſelf, which ſurely the miſeries of others cannot have to us, much leſs to the Divine Nature. And that place which *Crellius* inſiſts on to prove the contrary, *Deut.* 28. 63. *The Lord will rejoyce over you, to deſtroy you*; imports no more, than the ſatisfaction God takes in the execution of his Juſtice, when it makes moſt for his honour, as certainly it doth in the puniſhment of his greateſt enemies. And this is to be underſtood in a ſenſe agreeable to thoſe other places, where God is ſaid *not to delight in the death of ſinners*; which doth not (as *Crellius* would have it meerly expreſs *God's benignity and mercy*, but ſuch an agreeableneſs of the exerciſe of thoſe attributes to God's nature, that he neither doth nor can delight in the miſeries of his creatures in themſelves, but as they are ſubſervient to the ends of his Government, and yet ſuch is his kindneſs in that reſpect too, that he uſeth all means agreeable thereto, to make them avoid being miſerable, to advance his own glory. And I cannot but wonder that *Grotius*, who had aſſerted the contrary in his Book of *Satisfaction*, ſhould in his Books *De Jure belli ac pacis*, aſſert, *That when God puniſheth wicked men, he doth it for no other end but that he might puniſh them:* For which he makes uſe of no other arguments, than thoſe which *Crellius* had objected againſt him; *viz. The delight God takes in puniſhing, and the judgments of the life to come, when no amendment can be expected*; the former hath been already anſwered, the latter is objected by *Crellius* againſt him, when he makes the ends of puniſhment, merely to reſpect the community, *which cannot be aſſerted of the puniſhments of another life*, which muſt chiefly reſpect the vindication of God's Glory, in the puniſhment of unreclaimable ſinners. And this we do not deny to be a juſt puniſhment, ſince our Adverſaries themſelves, as well as we, make it neceſſary. But we are not to underſtand, that the end of Divine puniſhments doth ſo reſpect the community, as though God himſelf were to be excluded out of it; for we are ſo to underſtand it, as made up of God as the Governour, and mankind as the perſons governed, whatever then tends to the vindication of the rights of God's Honour and Sovereignty, tends to the good of the whole, becauſe the manifeſtation of that end is ſo great an end of the whole.

Ezek. 18. v. 23, 32. c. 33. 11.

Grot de ſatisfact. c. 2. p. 43. Ed. 1617.

Grot.. de jure belli, &c. *l.* 2. *c.* 20. *ſect.* 4.

The ends of Divine puniſhments different in this and the future ſtate.

XII. But withal, though we aſſert in the life to come, the ends of puniſhment not to be the reclaiming of ſinners, who had never undergone them, unleſs they had been unreclaimable; yet a vaſt difference muſt be made between the ends of puniſhments in that, and in this preſent ſtate. For the other is the *Reſerve*, when nothing elſe will do, and therefore was not primarily intended; but the proper ends of puniſhment, as a part of Government, are to be taken from the deſign of them in this life. And here we aſſert, that God's end in puniſhing, is the advancing his Honour, not by the meer miſeries of his creatures, but that men by beholding his ſeverity againſt ſin, ſhould break off the practice of it, that they may eſcape the puniſhments of the future ſtate. So that the ends of puniſhment here, are quite of another kind, from thoſe of another life; for thoſe are inflicted, becauſe perſons have been unreclaimable by either the mercies or puniſhments of this life; but theſe are intended, that men ſhould ſo far take notice of this ſeverity of God, as to avoid the ſins which will expoſe them to the wrath to come. And from hence it follows, That whatſoever ſufferings do anſwer all theſe ends of Divine Puniſhments, and are inflicted on the account of ſin, have the proper notion of puniſhments in them, and God may accept of the undergoing them as a full *ſatis-*

faction to his Law, if they be ſuch as tend to break men off from ſin, and aſſert God's right, and vindicate his Honour to the world; which are the ends aſſigned by *Crellius*, and will be of great conſequence to us in the following Diſcourſe.

CHAP. II.

I. *The particular ſtate of the Controverſie, concerning the Sufferings of Chriſt. The Conceſſion of our Adverſaries.* II. *The debate reduced to two heads: The firſt concerning Chriſt's Sufferings, being a puniſhment for ſin, entred upon. In what ſenſe* Crellius *acknowledgeth the ſins of men, to have been the impulſive cauſe of the death of Chriſt.* III. *The ſufferings of Chriſt proved to be a puniſhment, from Scripture. The importance of the phraſe of bearing ſins.* IV. *Of the Scape-Goats bearing the ſins of the people into the Wilderneſs.* V. Grotius *his ſenſe of* 1 Pet. 2. 24. *vindicated againſt* Crellius *and himſelf.* 'Αναφέρειν *never uſed for the taking away a thing by the deſtruction of it.* VI. Crellius *his ſenſe examined.* VII. Iſa. 53. 11. *vindicated. The argument from* Matt. 8. 17. *anſwered.* Grotius *conſtant to himſelf in his notes on that place.* VIII. Iſa. 53. 5, 6, 7. *cleared.* IX. *Whether Chriſt's death be a proper* παράδειγμα, *and whether that doth imply, that it was a puniſhment of ſin? How far the puniſhments of Children for their Fathers faults, are exemplary among men. The diſtinction of calamities and puniſhments, holds not here.* X. *That God's hatred of ſin could not be ſeen in the ſufferings of Chriſt, unleſs they were a puniſhment of ſin, proved againſt* Crellius. XI. Grotius *his Arguments from Chriſt's being made in ſin and a curſe for us, defended. The liberty our Adverſaris take in changing the ſenſe of Words.* XII. *The particles* διά, περὶ, ὑπὲρ, *being joyned to ſins and relating to ſufferings do imply thoſe ſufferings to be a puniſhment for ſin. According to their way of interpreting Scripture, it had been impoſſible for our doctrine to be clearly expreſſed therein.*

The particular ſtate of the controverſie concerning the ſufferings of Chriſt for us.

I. THESE things being thus far cleared concerning the nature and ends of puniſhments, and how far they are of the nature of debts, and conſequently what kind of ſatisfaction is due for them, the reſolution of the grand Queſtion concerning the ſufferings of Chriſt will appear much more eaſie; but that we may proceed with all poſſible clearneſs in a debate of this conſequence, we muſt yet a little more narrowly examine the difference between our Adverſaries and us in this matter; for their conceſſions are in terms ſometimes ſo far, as though the difference were meerly about words without any conſiderable difference in the thing it ſelf. If we charge them with denying ſatisfaction, *Crellius* anſwers in the name of them, *that we do it unjuſtly; for they do acknowledge a ſatisfaction worthy of God, and agreeable to the Scriptures.* If we charge them with denying that our ſalvation is obtained by the death of Chriſt, they *aſſert the contrary*, as appears by the ſame Author. Nay, *Ruarus* attributes *merit to the death of Chriſt too.* They acknowledge, *that Chriſt died for us*, nay, *that there was a commutation between Chriſt and us, both of one perſon for another, and of a price for a perſon*; and *that the death*

Crell. præf. p. 7.
Ruarus in Epiſtol.
Crell. cap. 9. *ſect.* 2.
Cap. 10. *ſect.* 10.
Cap. 7, 8, &c.
Cap. 1. *ſect.* 57.

of Chriſt may be ſaid to move God to redeem us; they acknowledge *reconciliation, and expiation of ſins to be by the death of Chriſt.* Nay, they aſſert, *that Chriſt's death was by reaſon of our ſins, and that God deſigned by that to ſhew his ſeverity againſt ſin.* And what could we deſire more, if they meant the ſame thing by theſe words, which we do? They aſſert a *ſatisfaction*, but it is ſuch a one as is *meerly fulfilling the deſire of another:* in which ſenſe all that obey God may be ſaid to ſatisfie him. They attribute our ſalvation to the death of Chriſt, but only *as a condition intervening*, upon the performance of which the Covenant was confirmed, and himſelf into Glory, that he might free men from the puniſhment of their ſins. They attribute *merit* to Chriſt's death but in the ſame ſenſe that *we may merit* too, when we do what is pleaſing to God. They acknowledge, *that Chriſt died for us*, but *not in our ſtead*, but *for our advantage*; that there was a *commutation*; but not ſuch a one, as that the Son of God did lay down his blood as a *proper price* in order to our redemption as the *purchaſe* of it; when they ſpeak of a *moving cauſe*, they tell us, they mean no more than *the performance of any condition* may be ſaid *to move*, or as our prayers and repentance do. The *reconciliation* they ſpeak of, doth not all reſpect God but *us*; they aſſert *an expiation of ſins* conſequent upon the death of Chriſt, but not depending upon it any otherwiſe, than as a *condition* neceſſary for his admiſſion to the office of a High-Prieſt in Heaven, there to expiate our ſins by his power, and not by his blood; but they utterly deny, that the death of Chriſt is to be conſidered as a *proper expiatory ſacrifice for ſin*; or that it hath any further influence upon it, than as it is conſidered as a means of the confirmation of the truth of his Doctrine, and particularly the promiſe of remiſſion of ſins, on which, and not on the death of Chriſt they ſay our remiſſion depends; but ſo far as the death of Chriſt may be an argument to us to believe his Doctrine, and that faith may incline us to obedience, and that obedience being the condition in order to pardon, at ſo many removes they make the death of Chriſt to have influence on the remiſſion of our ſins. They aſſert, *that God took occaſion by the ſins of men to exerciſe an act of dominion upon Chriſt in his ſufferings, and that the ſufferings of Chriſt were intended for the taking away the ſins of men*; but they utterly deny, *that the ſufferings of Chriſt were to be conſidered as a puniſhment for ſin; or that Chriſt did ſuffer in our place and ſtead*; nay, they contend with great vehemency, *that it is wholly conſiſtent with the juſtice of God to make one mans ſins the meritorious cauſe of anothers puniſhment; eſpecially one wholly innocent, and ſo that the guilty ſhall be freed on the account of his ſufferings.* Thus I have endeavoured to give the true ſtate of the controverſie with all clearneſs and brevity. And the ſubſtance of it will be reduced to theſe two debates.

1. Whether the ſufferings of Chriſt in general are to be conſidered *as a puniſhment of ſin*, or as *a meer act of dominion?*

2. Whether the death of Chriſt in particular were *a proper expiatory ſacrifice for ſin*, or only *an antecedent condition to his exerciſe of the Office of Prieſthood in Heaven?*

Whether the ſufferings of Chriſt are to be conſidered a puniſhment of ſin.

II. (1.) Whether the ſufferings of Chriſt in general are to be conſidered as a puniſhment of ſin, or as a meer act of dominion? for that it muſt be one or the other of theſe two, cannot be denied by our Adverſaries; for the inflicting thoſe ſufferings upon Chriſt, muſt either proceed from an antecedent meritorious cauſe, or not. If they do, they are then puniſhments; if not, they are meer exerciſes of power and dominion; whatever ends they are intended for, and whatever recompence be made for them. So *Crellius* aſſerts, *that God as abſolute Lord of all, had a right of abſolute dominion upon the life and body of Chriſt, and therefore might juſtly deliver him up to death, and give his body to the Croſs; and although Chriſt by the ordinary force of the Law of* Moſes, *had a right to eſcape ſo painful and accurſed a death, yet God by the right of dominion had the power of diſpoſal of him, becauſe he intended to compenſate his torments with a reward infinitely greater than they were: But becauſe*, he ſaith, *for great ends the conſent of Chriſt was neceſſary, therefore God did not uſe his utmoſt dominion in delivering him up by force as he might have done, but he dealt with him by way of command, and rewards propoſed for obedience, and in this ſenſe he did act as a righteous Governour, and indulgent Father, who encouraged his Son to undergo hard, but great things.* In which we ſee that he makes the ſufferings of Chriſt an act of *meer dominion* in God without any *antecedent cauſe* as the *reaſon* of them; only he qualifies this act of dominion with the propoſal of a reward for it. But we muſt yet further enquire into their meaning, for though here *Crellius* attributes the ſufferings of Chriſt meerly to God's *dominion*, without any reſpect to ſin, yet elſewhere he will allow a reſpect that was had to ſin antecedently to the ſufferings of Chriſt, and that the ſins of men were *the impulſive cauſe* of them. And although *Socinus* in one place utterly denies *any lawful antecedent cauſe of the death of Chriſt, beſides the will of God and Chriſt*, yet *Crellius* in his Vindication ſaith, *by lawful cauſe* he meant *meritorious*, or ſuch upon ſuppoſition of which *he ought to die*; for elſewhere he makes *Chriſt to die for the cauſe, or by the occaſion of our ſins*; which is the ſame that *Crellius* means by an *impulſive*, or *procatartick cauſe*. Which he thus explains, *we are now to ſuppoſe a decree of God not only to give ſalvation to Mankind, but to give us a firm hope of it in this preſent ſtate, now our ſins by deſerving eternal puniſhment, do hinder the effect of that decree upon us, and therefore they were an impulſive cauſe of the death of Chriſt, by which it was effected, that this decree ſhould obtain notwithſtanding our ſins. But we are not to underſtand as though this were done by and expiation of the guilt of ſin by the death of Chriſt; but this effect is hindred by three things, by taking away their ſins, by aſſuring men that their former ſins, and preſent infirmities upon their ſincere obedience ſhall not be imputed to them, and that the effect of that decree ſhall obtain, all which*, ſaith he, *is effected* morte Chriſti interveniente, *the death of Chriſt intervening, but not as the procuring cauſe.* So that after all theſe words he means no more by making our ſins *an impulſive cauſe of the death of Chriſt*, but that the death of Chriſt was an argument to confirm to us the truth of his Doctrine, which doctrine of his doth give us aſſurance of theſe things: and that our ſins when they are ſaid to be *the impulſive cauſe*, are not to be conſidered with a reſpect to *their guilt*, but to that *diſtruſt of God* which our ſins do raiſe in us; which diſtruſt is in truth according to this ſenſe of *Crellius the impulſive cauſe*, and not the *ſins* which were the cauſe or occaſion of it. For that was it which the doctrine was deſigned to remove, and our ſins only as the cauſes of that. But if it be ſaid, *that he ſpeaks not only of the diſtruſt, but of the puniſhment of ſin as an impediment which muſt be removed too, and therefore may be called an impulſive cauſe*, we are to conſider that the removal of this is not attributed to the death of Chriſt,

but

Crell. cap. 2. *ſect.* 1. *p.* 142.

Crell. cap. 1. *ſect.* 7. &c. Socin. *de Chriſto ſervat. l.* 3. *c.* 10.

Crell. cap. 1. *ſect.* 16. Socin. *l.* 2. *c.* 7.

Crell. c. 1. *ſect.* 11.

but to the leaving of our ſins by the belief of his Doctrine; therefore the puniſhment of our ſins cannot, unleſs in a very remote ſenſe, be ſaid to be an *impulſive cauſe* of that, which for all that we can obſerve by *Crellius*, might as well have been done without it; if any other way could be thought ſufficient to confirm his Doctrine, and Chriſt, without dying, might have had power to ſave all them that obey him. But we underſtand not an impulſive cauſe in ſo remote a ſenſe, as though our ſins were a *meer occaſion of Chriſts dying*, becauſe the death of Chriſt was one argument among many others to believe his Doctrine, the belief of which would make men leave their ſins; but we contend for a nearer and moſt proper ſenſe, *viz.* that the death of Chriſt was primarily intended for the *expiation of our ſins*, with a reſpect to *God* and not to us, and therefore our ſins as an *impulſive cauſe* are to be conſidered as they are ſo diſpleaſing to God, that it was neceſſary for the Vindication of God's Honour, and the deterring the world from ſin, that no leſs a Sacrifice of Atonement ſhould be offered, than the blood of the Son of God. So that we underſtand an *impulſive cauſe* here in the ſenſe, that the ſins of the people were, under the Law, the cauſe of the offering up thoſe Sacrifices, which were appointed for the expiation of them. And as in thoſe Sacrifices there were two things to be conſidered, *viz.* the mactation, and the oblation of them, the former as a *puniſhment* by a ſubſtitution of them in place of the perſons who had offended; the latter as the proper Sacrifice of Atonement, although the mactation it ſelf, conſidered with the deſign of it, was a Sacrificial act too; So we conſider the ſufferings of Chriſt with a two-fold reſpect, either as *to our ſins*, as the impulſive cauſe of them, ſo they are to be conſidered as a *puniſhment*, or as *to God*, with a deſign to expiate the guilt of them, ſo they are a *Sacrifice of Atonement*. The firſt conſideration is that we are now upon, and upon which the preſent debate depends, for if the ſufferings of Chriſt be to be taken under the notion of *puniſhment*, then our Adverſaries grant, that our ſins muſt be an impulſive cauſe of them in another ſenſe than they underſtand it. For the clearing of this, I ſhall prove theſe two things.

1. That no other ſenſe ought to be admitted of the places of *Scripture* which ſpeak of the ſufferings of Chriſt with a reſpect to ſin, but this.

2. That this *Account* of the ſufferings of Chriſt, is is no ways repugnant to the *Juſtice* of God.

The ſufferings of Chriſt proved to be a puniſhment from Scripture.

III. That no other ſenſe ought to be admitted of the places of Scripture, which ſpeak of the ſufferings of Chriſt with a reſpect to our ſins, but that they are to be conſidered as a puniſhment for them. Such are thoſe which ſpeak of *Chriſt bearing our ſins, of our iniquities being laid upon him, of his making himſelf an offering for ſin, and being made ſin and a curſe for us, and of his dying for our ſins.* All which I ſhall ſo far conſider, as to vindicate them from all the exceptions which *Socinus* and *Crellius* have offered againſt them.

1 Pet. 2. 24. Iſa. 53. 4, 5, 6, 7, 10. 11. 2 Cor. 5. 21. Gal. 3. 13. Rom. 4. 25.

1. Thoſe which ſpeak of *Chriſt's bearing our ſins.* As to which we ſhall conſider, Firſt, The importance of the phraſe in general of bearing ſin, and then the circumſtances of the particular places in diſpute. For the importance of the phraſe, *Socinus* acknowledges, *that it generally ſignifies bearing the puniſhment of ſin in Scripture: but that ſometimes it ſignifies taking away.* The ſame is confeſſed by *Crellius*, but he ſaith,

Soc. de ſervat. l. 2. *cap.* 4. *Crell. cap.* 1. *Sect.* 32.

ſaith, *it doth not always ſignifie bearing proper puniſhment, but it is enough* (ſays he) *that one bears ſomething burdenſome on the occaſion of others ſins: and ſo Chriſt by undergoing his ſufferings by occaſion of ſins, may be ſaid to bear our ſins.* And for this ſenſe he quotes Numb. 14. 33. *And your Children ſhall wander in the Wilderneſs forty years, and bear your whoredoms, until your carcaſſes be waſted in the Wilderneſs. Whereby*, ſaith he, *it is not meant that God would puniſh the Children of the* Iſraelites *but that by the occaſion of their parents ſins, they ſhould undergo that trouble, in wandring in the Wilderneſs, and being deprived of the poſſeſſion of the promiſed Land.* But could *Crellius* think that any thing elſe could have been imagined, (ſetting aſide a total deſtruction) a greater inſtance of God's ſeverity, than that was to the Children of *Iſrael* all their circumſtances being conſidered? Is it not ſaid, that *God did ſwear in his wrath they ſhould not enter into his reſt?* Surely then the debarring them ſo long of that reſt, was an inſtance of God's wrath, and ſo according to his own principles muſt have ſomething of *Vindicta* in it, and therefore be a proper puniſhment. The truth is, our Adverſaries allow themſelves in ſpeaking things moſt repugnant to Humane Nature in this matter of puniſhments, that they may juſtifie their own *Hypotheſis.* For a whole Nation to be for forty years debarred from the greateſt bleſſings were ever promiſed them; and inſtead of enjoying them, to endure the miſeries and hardſhips of forty years travels in a barren wilderneſs, muſt not be thought a puniſhment, and only becauſe occaſioned by their Parents ſins. But whatever is inflicted on the account of ſin, and with a deſign to ſhew God's ſeverity againſt it, and thereby to deter others from the practice of it, hath the proper notion of puniſhment in it; and all theſe things did concurr in this inſtance, beſides the general ſenſe of mankind in the matter of their puniſhment, which was ſuch, that ſuppoſing them preſerved in their liberty, could not have been imagined greater. And therefore *Vatablus*, whom *Socinus* and *Crellius* highly commend, thus renders thoſe words, *dabunt pœnas pro fornicationibus veſtris quibus defeciſtis à Deo veſtro:* They ſhall ſuffer the puniſhment of your fornications. And that bearing the ſins of Parents doth imply properly bearing the puniſhment of them, methinks they ſhould not ſo earneſtly deny, who contend that to be the meaning of the words in *Ezekiel*, *The Son ſhall not bear the iniquity of the Father*; viz. *that he ſhall not bear the puniſhment of his Fathers ſins.* Where in bearing iniquity with a reſpect to their Parents ſins, by their own confeſſion, muſt be taken for the proper puniſhment; for otherwiſe they do not deny, but Children, notwithſtanding that ſentence, may undergo much affliction on the occaſion of their Parents ſins.

Pſal. 95. 11. Heb. 3. 11.

Doctiſſimè & elegantiſſimè Vatablus ut ferè ſolet. Soc. de ſerv. l. 1. *c.* 8. *Crell. cap.* 1. *Sect.* 31. Ezek. 18. 20.

Crell. cap. 4. *ſect.* 15.

Of the Scape-Goats bearing away the ſins of the people. *Soci.* 2. *c.* 4. Lev. 16. 22. *Grot. de ſat cap.* 1.

IV. But *Socinus* further objects, *that bearing ſins doth not imply the puniſhment of them, becauſe the Scape-Goat under the Law, is ſaid to bear upon him the iniquities of the people, and yet could not be ſaid to be puniſhed for them.* To which *Grotius* anſwers, *that* Socinus *takes it for granted without reaſon, that the Scape-Goat could not be ſaid to be puniſhed for the ſins of the people; for puniſhment in general, may fall upon beaſts for the ſins of men*, Gen. 9. 5. Exod. 21. 28. Lev. 20. 15. Gen. 8. 21. *and* Socinus *hath no cauſe to ſay, that the Scape-Goat was not ſlain; for the Jewiſh Interpreters do all agree that he was, and however the ſending him into the Wilderneſs was intended as a puniſhment, and moſt probably by an unnatural death.* To which *Crellius* replies, *That in the gene-*

Crell. cap. 1. *ſect.* 56.

general, he denies not but puniſhment may fall upon beaſts as well as men; but (that he might ſhew himſelf true to his principle, that one cannot be puniſhed for anothers faults,) he falls into a very pleaſant diſcourſe, *That the Beaſts are not ſaid to be puniſhed for mens ſins, but for their own, and therefore when it is ſaid, before the flood, that all fleſh had corrupted his way*; Gen. 6.12. *he will by no means have it underſtood only of men, but that the ſins of the beaſts at that time, were greater than ordinary, as well as mens.* But he hath not told us what they were, whether by eating ſome forbidden herbs; or entring into conſpiracies againſt mankind their lawful Sovereigns, or unlawful mixtures; and therefore we have yet reaſon to believe, that when God ſaith, *the ground was curſed for man's ſake*, Gen. 8.21. that the beaſts were puniſhed for mans ſin. And if *all fleſh*, muſt comprehend *beaſts* in this place, why ſhall not *all fleſh ſeeing the glory of the Lord*, Iſa. 40. 5. take in the beaſts there too? For *Vatablus* parallels this place with the other. *But if*, ſaith *Crellius*, *any ſhall contend that ſome beaſts at leaſt were innocent, then*, he ſaith, *that thoſe though they were deſtroyed by the flood, yet did not ſuffer puniſhment, but only a calamity by occaſion of the ſins of men.* I wonder he did not rather ſay, that the innocent beaſts were taken into the Ark, for the propagation of a better kind afterwards. But by this ſolemn diſtinction of *Calamities* and *Puniſhments*, there is nothing ſo miſerable, that either men or beaſts can undergo, but when it ſerves their turn, it ſhall be only a calamity and no puniſhment, though it be ſaid to be on purpoſe to ſhew God's ſeverity againſt the ſins of the world. And this excellent notion of the *beaſts being puniſhed for their own ſins*, is improved by him to the vindication of the *Scape-Goat* from being *puniſhed*, *becauſe then*, ſaith he, *the moſt wicked and corrupt Goat ſhould have been made choice of.* As though all the deſign of that great day of expiation had been only to call the Children of *Iſrael* together with great ſolemnity, to let them ſee, how a poor Goat muſt be puniſhed for breaking the Laws which we do not know were ever made for them. I had thought our Adverſaries had maintained that the Sacrifices (on the day of expiation at leaſt) had repreſented and typified the Sacrifice which was to be offered up by Chriſt; and ſo *Socinus* and *Crellius* elſewhere contend: He needed not therefore have troubled himſelf concerning the ſins of the Goat, when it is expreſly ſaid, *That the ſins of the people were put on the head of the Goat*; Lev. 16, 21. Whatever then the puniſhment were, it was on the account of the ſins of the people, and not his own. But *Crellius* urgeth againſt *Grotius*, *that if the Scape-Goat had been puniſhed for the expiation of the ſins of the people, that ſhould have been particularly expreſſed in Scripture, whereas nothing is ſaid there at all of it, and that the throwing down the Scape-Goat from the top of the rock, was no part of the Primitive Inſtitution, but one of the ſuperſtitions taken up by the Jews in after-times, becauſe of the Ominouſneſs of the return of it; and although we ſhould ſuppoſe (which is not probable) that it ſhould die by famine in the Wilderneſs, yet this was not the death for expiation, which was to be by the ſhedding of blood.* To this therefore I anſwer, 1. I do not inſiſt on the cuſtoms of the later Jews to prove from thence any puniſhment deſigned by the primitive inſtitution. For I ſhall eaſily yield, that many ſuperſtitions obtained among them afterwards about the Scape-Goat; as the ſtories of the red liſt turning white upon the head of it, the booths and the cauſey made on purpoſe, and ſeveral other things mentioned in the Rabbinical Writers do manifeſt. But yet it *Cod. Joma tit. 6.*

ſeems very probable from the Text it ſelf, that the Scape-Goat was not carried into the Wilderneſs at large, but to a ſteep mountain there. For although we have commonly render'd *Azazel* by the *Scape-Goat*, yet according to the beſt of the Jewiſh writers, as *P. Fagius* tells us, עזאזל doth not come from עז a Goat, and אזל *abiit*; but is the name of a Mountain very ſteep and rocky near Mount *Sinai*, and therefore probably called by the latter Jews, צור, the name of a *Rock*: And to this purpoſe, it is obſervable that where we render it, *and let him go for a Scape-*
Lev. 16. 12. *Goat into the Wilderneſs*, in the *Hebrew* it is, לשלח אתו לעזאזל תפיברה *to ſend him to* Azazel *in the Wilderneſs*: As the joyning the prepoſition ל doth import, and the *Arabick* Verſion whereever *Azazel* is mentioned, renders it by Mount *Azaz*: and the *Chaldee* and *Syriack to Azazel*; ſo that from hence, a carrying the *Scape-Goat* to a certain place may be inferred; but I ſee no foundation in the Text for the throwing it down from the rock when it was there; and therefore I cannot think, but that if the puniſhment intended did lie in that, it would have been expreſly mentioned in the ſolemnities of that day, which had ſo great an influence on the expiation of the ſins of the people. 2. I anſwer, that the *Scape-Goat* was to denote rather the effect of the expiation, than the manner of obtaining it. For the proper ex-
Heb. 9. 22. piation was *by the ſhedding of blood*, as the *Apoſtle* tells us; and thence the live Goat was not to have the ſins of the people *to bear away into*
Lev. 16. 20. *the deſart, till the High-Prieſt had made an end of reconciling the Holy Place, and the Tabernacle of the Congregation, and the Altar*; *and by the ſprinkling of the blood of the other Goat which was the ſin-offering for the*
V. 15. *people*; which being done, *he was to bring the live Goat, and to lay his hands upon the head of it, and confeſs over it all the iniquities of the*
V. 21. *Children of* Iſrael, *and all their tranſgreſſions in all their ſins, putting them upon the head of the Goat, and ſhall ſend him away by the hand of*
V. 22. *a fit man into the Wilderneſs*; *and ſo the Goat ſhall bear upon him all their iniquities unto a land not inhabited, and he ſhall let go the Goat in the Wilderneſs.* So that the former Goat noted the way of expiation by the ſhedding of blood, and the latter the effect of it, *viz.* that the ſins of the people were declared to be expiated by the ſending the Goat charged with their ſins into a deſart place; and that their ſins would not appear in the preſence of God againſt them, any more than they expected, that the Goat which was ſent into the Wilderneſs ſhould return among them. Which was the reaſon that afterwards they took ſo much care that it ſhould not, by cauſing it to be thrown off from a ſteep rock; which was no ſooner done, but notice was given of it very ſuddenly by the ſounding of horns all over the Land. But the force of *Socinus* his argument from the Scape-Goat's bearing the ſins of the people, that therefore that phraſe doth not always imply the bearing
Crell. c. 1. *ſect.* 56. of puniſhment, is taken off by *Crellius* himſelf, who tells us, *that the Scape-Goat is not ſaid to bear the ſins of the people in the Wilderneſs*; *but only that it carried the ſins of the people into the Wilderneſs*, which is a phraſe of another importance from that we are now diſcourſing of. As will now further appear from the places where it is ſpoken of concerning our Saviour, which we now come particularly to examine.

Grotius his ſenſe of 1 *Pet.* 2. 24. vindicated. *Crell. c.* 1. *ſect.* 35.

V. The firſt place inſiſted on by *Grotius* with a reſpect to Chriſt, is 1 *Pet.* 2. 24 *Who his own ſelf bare our ſins, in his own body on the tree, which,* ſaith Crellius, *is ſo far from proving that Chriſt did bear the puniſhment of our ſins, that it doth not imply any ſufferings that he underwent on the occaſion*

ſion of them. He grants *that* ἀναφέρειν *doth ſignifie to carry up, but withall* (he ſaith) *it ſignifies to take away; becauſe that which is taken up, is taken away from the place where it was.* Beſides, he obſerves, *that* ἀναφέρειν *doth anſwer to the Hebrew* העלה, *he hath made to aſcend, which is frequently rendred by it in the LXX. and ſometime by* ἀνάγειν; *but that Hebrew word doth often ſignifie to take away, where it is rendred in the Greek by one of thoſe two words,* 2 *Sam.* 21. 13. *Joſh.* 24. 32. *Pſal.* 102. 25. *Ezra* 1. 11. To which I anſwer, 1. That the ſignification of ἀναφέρειν in this place, muſt not be taken from every ſenſe the word is ever uſed for, but in that which the words out of which theſe are taken do imply; and in *Iſa.* 53. 11. it doth not anſwer העלה but to סבל, a word which by the confeſſion of all is never properly uſed for taking away, but for bearing of a burden, and is uſed with a reſpect to the puniſhment of ſin, *Lament.* 5. 7. *Our fathers have ſinned, and are not, and we have born their iniquities,* where the ſame word is uſed; ſo that the ſignification of the word ἀναφέρειν here, muſt depend upon that in *Iſaiah*, of which more afterward. 2. Granting that ἀναφέρειν doth anſwer ſometimes to the *Hebrew* העלה, yet it makes nothing to *Crellius* his purpoſe, unleſs he can prove that ἀναφέρειν doth ever ſignifie the taking away a thing by the deſtruction of it; for where it anſwers to that word, it is either for the offering up of a Sacrifice, in which ſenſe ἀναφέρειν is very frequently uſed, as is confeſſed by *Crellius*; and in that ſenſe it is no prejudice at all to our cauſe; for then it muſt be granted, that Chriſt upon the Croſs is to be conſidered as a *ſacrifice* for the ſins of men; and ſo our ſins were laid upon him as they were ſuppoſed to be on the Sacrifices under the Law, in order to the expiation of them, by the ſhedding their blood; and if our Adverſaries would acknowledge this, the difference would not be ſo great between us; or elſe it is uſed for the removal of a thing from one place to another, the thing it ſelf ſtill remaining in being, as 2 Sam. 21. 13. *And he made* Saul's *bones to aſcend,* ἀνήνεγκαν ἐκεῖθεν τὰ ὀστᾶ, *he took them away,* ſaith *Crellius*; true, but it is ſuch a taking away, as is a bare removal, the thing ſtill remaining; the ſame is to be ſaid of *Joſeph*'s bones, *Joſh.* 24. 32. which are all the places where ἀναφέρειν is uſed; and although ἀνάγειν may be ſometimes taken in another ſenſe, as *Pſal.* 102. 25. yet nothing can be more unreaſonable than ſuch a way of arguing as this is; ἀναφέρειν, ſaith *Crellius*, ſignifies *taking away*; we demand his proof of it; is it that the word ſignifies ſo much of it ſelf? *No*; that he grants it doth not. Is it that it is frequently uſed in the *Greek Verſion* to render a word that properly doth ſignifie ſo? *No*; nor that neither. But how is it then? *Crellius* tells us, that it ſometimes anſwers to a word that ſignifies to make to aſcend: well, but doth that word ſignifie *taking away?* *No*; not conſtantly, for it is frequently uſed for a *ſacrifice:* But doth it at any time ſignifie ſo? *Yes*; it ſignifies the removal of a thing from one place to another. Is that the ſenſe then he contends for here? *No*; but how then? why ἀναφέρειν is uſed to render the ſame word that ἀνάγειν doth, and ἀνάγειν, though it ſignifies too a bare removal, as *Ezra* 1. 11. yet *Pſal.* 102. 25. it is uſed for cutting off, μὴ ἀναγάγῃς με, the Hebr. is, *make me not to aſcend in the midſt of my days.* But doth it here ſignifie utter deſtruction? I ſuppoſe not; but grant it, what is this to ἀναφέρειν, when the LXX uſeth not that word here, which for all that we know was purpoſely altered; ſo that at laſt ἀναφέρειν is far enough from any ſuch ſignification as *Crellius* would fix upon it, unleſs he will aſſert, that Chriſt taking away our ſins, was only a removal of them from Earth to Heaven. But here *Grotius* comes in to the relief of *Crellius* againſt himſelf; for in his Notes upon this place, though he had before ſaid, that the word was never uſed in the New Teſtament in that ſenſe, yet he there ſaith, ἀνήνεγκεν is *abſtulit*, for which he referrs us to *Heb.* 9. 28. where he proceeds altogether as ſubtilly as *Crellius* had done before him, for he tells us ἀναφέρειν is put for φέρειν, נשא, *Numb.* 14. 33. *Deut.* 14. 24. *Iſa.* 53. 12. but φέρειν, i. e. נשא is put for ἀφαιρεῖν, *Lev.* 10. 17. *Numb.* 14. 18. A moſt excellent way of interpreting Scripture? conſidering the various ſignifications of the Hebrew words, and above all of that נשא which is here mentioned. For according to this way of arguing, ἀφαιρεῖν ſhall ſignifie the ſame with λαμβάνειν, ὑπέχειν, and βαστάζειν, for נשא ſignifies all theſe, and is rendred by them in the *Greek Verſion*, ſo that by the ſame way that *Grotius* proves that ἀναφέρειν ſignifies ἀφαιρεῖν, we can prove that ἀφαιρεῖν doth not ſignifie *to take away*, but *to bear puniſhment*; nay, נשא ſignifies *the bearing puniſhment* in the ſtricteſt ſenſe, *Ezek.* 16. 52, 54. and *bearing ſin* in that ſenſe, *Ezek.* 16. 58. *Thou haſt born thy lewdneſs, and thy abominations*, נשאתים. So that when נשא is more frequently uſed in this than in the other ſenſe, why ſhall its ſignifying ἀφαιρεῖν at any time make ἀναφέρειν be taken in the ſame ſenſe with that? Nay, I do not remember in any place where נשא is joyned with ſin, but it ſignifies the puniſhment of it, ſo ἁμαρτίαν λαμβάνειν, Lev. 19. 8. *to bear his iniquity*, Lev. 20. 17. ἁμαρτίαν κομιοῦνται, *bearing their iniquity*, in one verſe, is explained by *being cut off from among their people*, in the next. And in the places cited by *Grotius*, that *Numb.* 14. 33. hath been already ſhewed to ſignifie bearing the puniſhment of ſin, and that *Deut.* 14. 24. is plainly underſtood of a Sacrifice, the other, *Iſa.* 53. 12. will be afterwards made appear by other places in the ſame Chapter to ſignifie nothing to this purpoſe. So that for all we can yet ſee, ἀναφέρειν muſt be taken either for *bearing our ſins* as a *ſacrifice* did under the Law, or the *puniſhment* of them; in either ſenſe it ſerves our purpoſe, but is far enough from our Adverſaries meaning.

Crell. his ſenſe examined.

VI. But ſuppoſing we ſhould grant them, that ἀναφέρειν may ſignifie *to take away*, let us ſee what excellent ſenſe they make of theſe words of St. *Peter*. Do they then ſay, that Chriſt did take away our ſins upon the Croſs? *No*; they have a great care of that, for that would make the expiation of ſins to have been performed there; which they utterly deny, and ſay, that Chriſt only took the Croſs in his way to his Aſcenſion to Heaven, that there he might expiate ſins. But doth not St. *Peter* ſay, that what was done by him here, was *in his body on the tree:* and they will not ſay, he carried that with him to Heaven too. Well, but what then was the taking away of ſin which belonged to Chriſt upon the Croſs? is it only to perſwade men to live vertuouſly, and leave off their ſins? This *Socinus* would have, and *Crellius* is

Soc. de ſerv. l. 2. *cap* 6. *Crell. cap.* 1. *Sect.* 39.

“ contented that it ſhould be underſtood barely of taking away ſins,
“ and not of the puniſhment of them, but only by way of acceſſion
“ and conſequence: but if it be taken (*which he inclines more to*) for
“ the puniſhment, then (*he ſaith*) it is to be underſtood not of the
“ vertue and efficacy of the death of Chriſt, but of the effect: *and yet*
“ *a little after he ſaith*, thoſe words of Chriſt bearing our ſins, are to
“ be underſtood of the force and efficacy of Chriſts death to do it, not
“ including the effect of it in us; not as though Chriſt did deliver us

" from ſins by his death, but that he did that by dying, upon which " the taking away of ſin would follow, or which had a great power for " the doing it. So uncertain are our Adverſaries, in affixing any ſenſe upon theſe words, which may attribute any effect at all, to the death of Chriſt upon the Croſs. For if they be underſtood of taking away ſins, then they are only to be meant of the power that was in the death of Chriſt, to perſwade men to leave their ſins; which we muſt have a care of underſtanding ſo, as to attribute any effect to the death of Chriſt in order to it; but only that the death of Chriſt was an argument for us to believe what he ſaid, and the believing what he ſaid would incline us to obey him, and if we obey him, we ſhall leave off our ſins whether Chriſt had died or no: ſuppoſing his miracles had the ſame effect on us, which thoſe of *Moſes* had upon the *Jews*, which were ſufficient to perſwade them to believe and obey without his death. But if this be all that was meant by Chriſt's *bearing our ſins in his body on the tree*; why might not St. *Peter* himſelf be ſaid to bear them upon his Croſs too? for his death was an excellent example of patience, and a great argument to perſwade men he ſpake truth, and that doctrine which he preached, was repentance and remiſſion of ſins: So that by this ſenſe there is nothing peculiar attributed to the *death of Chriſt*. But taking the other ſenſe for the *taking away the puniſhment of ſins*, we muſt ſee how this belongs to the death of Chriſt: Do they then attribute our delivery from the puniſhment of ſin, to the death of Chriſt on the *Croſs?* yes, juſt as we may attribute *Cæſar*'s ſubduing *Rome*, to his paſſing over *Rubicon*, becauſe he took that in his way to the doing of it: ſo they make the death of Chriſt only as a paſſage, in order to expiation of ſins, by taking away the puniſhment of them. For that ſhall not be actually perfected, they ſay, till his full deliverance of all thoſe that obey him, from hell and the grave, which will not be till his ſecond coming. So that if we only take *the body* of Chriſt for his *ſecond coming*, and the *Croſs* of Chriſt, or the *tree*, for his *Throne of Glory*, then they will acknowledge, that Chriſt may very well be ſaid *to take away ſins in his own body on the tree:* but if you take it in any ſenſe that doth imply any peculiar efficacy to the death of Chriſt, for all the plainneſs of St. *Peter*'s words, they by no means will admit of it.

Iſa. 53 11. vindicated. *Crell.* c. 1. *ſect.* 35.

VII. But becauſe *Crellius* urgeth *Grotius* with the ſenſe of that place, *Iſa.* 53. 11. out of which he contends theſe words are taken, and *Crellius* conceives he can prove there, *that bearing is the ſame with taking away ſin:* We now come to conſider, what force he can find from thence, for the juſtifying of his aſſertion, *That the bearing of ſins, when attributed to Chriſt, doth not imply the puniſhment of them, but the taking them away.* The words are, *for he ſhall bear their iniquities.* As to which *Grotius* obſerves, *That the word* עון *which ſignifies iniquity, is ſometimes taken for the puniſhment of ſin,* 2 King 7. 9. *and the verb* כבל *is to bear, and whenever it is joyned with ſin or iniquity, in all languages, and eſpecially the* Hebrew, *it ſignifies to ſuffer puniſhment; for although* נשא *may ſometimes ſignifie to take away,* כבל *never does: ſo that this phraſe can receive no other interpretation.* Notwithſtanding all which *Crellius* attempts to prove, *That* סבל *here, muſt be taken in a ſenſe contrary to the natural and perpetual uſe of the word;* for which his firſt argument is very infirm, *viz. becauſe it is mentioned after the death of Chriſt, and is therefore to be conſidered as the reward of the other.* Whereas it appears: 1. By the *Prophets* diſcourſe, that he doth not

Crell. c. 1. *Sect.* 44.

not inſiſt on an exact methodical order, but dilates and amplifies things as he ſees occaſion: for *Verſe* 9. he ſaith, *He made his grave with the wicked, and with the rich in his death*; and *Verſe* 10. he ſaid, *Yet it pleaſed the Lord to bruiſe him, he hath put him to grief:* Will *Crellius* therefore ſay, that this muſt be conſequent to his death and burial? 2. The particle ו may be here taken cauſally, as we render it, very agreeably to the ſenſe; and ſo it gives an account of the foregoing clauſe, *By his knowledge, ſhall my righteous ſervant juſtifie many, for he ſhall bear their iniquities.* And that this is no unuſual acception of that particle, might be eaſily cleared from many places of *Scripture* if it were neceſſary; and from this very *Prophet*, as *Iſa.* 39. 1. where וישמע is the ſame with כי שמע 2 *Kings* 20. 12. and *Iſa.* 64. 5. *Thou art wroth, for we have ſinned*, ונחטא, what where the ſame particle is made the caſual of what went before. But we need not inſiſt upon this to anſwer *Crellius*, Crell. c. 9. ſect. 7. p. 463. who elſewhere makes uſe of it himſelf, and ſays, *They muſt be very ignorant of the Hebrew Tongue, who do not know that the conjunction copulative is often taken caſually*; Soc. Præl. c. 14. ſect. 6 and ſo much is confeſſed by *Socinus* alſo, where he explains that particle in one ſenſe in the beginning, and caſually in the middle of the verſe: 2 Sam. 24. 1. *and the Lord's anger was kindled againſt Iſrael*, ויסת, *for he moved*, &c. but if this will not do, he attempts to prove, *That* סבל *in this very Chapter, hath the ſignification of taking away*, v. 4. *For he hath born our griefs, and carried our ſorrows*, which is applied by St. *Matth.* 8. 17. *to bodily diſeaſes, which our Saviour did not bear, but took away, as it is ſaid in the foregoing Verſe; he healed all that were ſick, on which thoſe words come in, That it might be fulfilled which was ſpoken by Iſaias*, &c. To which I anſwer: 1. It is granted by our Adverſaries, that St. *Matthew* in thoſe words, doth not give the full ſenſe of the *Prophet*, but only applies that by way of accommodation, to bodily diſeaſes, which was chiefly intended for the ſins of men. And in a way of accommodation it is not unuſual to ſtrain words beyond their genuine and natural ſignification, or what was intended primarily by the perſon who ſpake them. Would it be reaſonable for any to ſay that לקח ſignifies *to give*, becauſe that place, *Pſal.* 68. 18. where the word by all is acknowledged to ſignifie *to receive*, is rendred *to give*, *Eph.* 4. 8. ſo that admitting another ſenſe of the word here, as applied to the cure of bodily diſeaſes, it doth not from thence follow, that this ſhould be the meaning of the word in the primary ſenſe intended by the *Prophet*. 2. The word as uſed by St. *Matthew*, is very capable of the primary and natural ſenſe; for St. *Matthew* retains words of the ſame ſignification, with that which we contend for, ἀνέλαβε and ἐβάστασε, neither of which doth ſignifie taking away, by cauſing a thing not to be. So that all that is implied hereby, is the *pains* and *trouble* which our Saviour *took* in healing of the ſick. For to that end, as *Grotius* well obſerves upon that place, the Circumſtances are mentioned, Mat. 8.16. *That it was at even, and multitudes were brought to him, in St.* Matthew; that *after Sun ſet all that were diſeaſed were brought, and all the City was gathered together at the door, in St.* Mark; Mar. 1. 32, 33. Luke 4. 42. *That he departed not till it was day, in St.* Luke; that he might the better underſtand how our Saviour did *bear our griefs*, becauſe the pains he took in healing them were ſo great. And here I cannot but obſerve, that *Grotius* in his Notes on that place, continued ſtill in the ſame mind he was in, when he writ againſt *Socinus*, for he ſaith, "Thoſe words may either refer to the diſeaſes of the body, and ſo they note the pains

“ he took in the cure of them; or to our ſins, and ſo they were fulfilled when Chriſt by ſuffering upon the Croſs, did obtain remiſſion “ of ſins for us, as St. *Peter* ſaith, 1 *Pet.* 2. 24. But upon what reaſon the *Annotations* on that place come to be ſo different from his ſenſe expreſſed here, long after *Crellius* his anſwer, I do not underſtand. But we are ſure he declared his mind, as to the main of that Controverſie, to be the ſame, that it was when he writ his Book which *Crellius* anſwered; as appears by two Letters of his to *Voſſius*, not long ſince publiſhed; and he utterly diſowns the charge of *Socinianiſm*, as a calumny in his *diſcuſſion*, the laſt Book he ever writ. *Epiſt. Eccl. p.* 747, 748. *Diſcuſſ. p.* 16, 17.

VIII. But we are no further obliged to vindicate *Grotius*, than he did the *truth*; which we are ſure he did in the vindication of the 53 of *Iſaiah*, from *Socinus* his interpretations, notwithſtanding what *Crellius* hath objected againſt him. *Iſa.* 53. 5, 6, 7. vindicated. We therefore proceed to other Verſes in the ſame Chapter inſiſted on by *Grotius*, to prove; *that Chriſt did bear the puniſhments of our ſins*, v. 6, 7. *The Lord hath laid on him the iniquities of us all: It is required, and he was afflicted*, as *Grotius* renders thoſe words. *Socinus* makes a twofold ſenſe of the former clauſe; the firſt is, *That God by or with Chriſt did meet with our iniquities*; the latter, *That God did make our iniquities to meet with Chriſt*. *De Servat. l.* 2. *c.* 5. The words ſaith *Grotius*, will not bear the former interpretation; *for the verb* הִפְגִּיעַ *being in Hiphil, muſt import a double action, and ſo it muſt not be, That God by him did meet with our ſins, but that God did make our ſins to meet upon him.* To which *Crellius* replies, *That words in Hiphil are ſometimes uſed intranſitively*; *Crell. c.* 1. *ſect.* 52. but can he produce any inſtance in Scripture, where this word joyned with ב and את is ſo taken? for in the laſt verſe of the Chapter, the conſtruction is different: And what an uncertain way of interpreting *Scripture* will this be, if every Anomalous ſignification, and rare uſe of a word, ſhall be made uſe of to take away ſuch a ſenſe as is moſt agreeable to the deſign of the place. For that ſenſe we contend for, is not only forced upon the moſt natural importance of theſe words, but upon the agreeableneſs of them with ſo many other expreſſions of this Chapter, that *Chriſt did bear our iniquities*, and *was wounded for our tranſgreſſions*, and that *his ſoul was made an offering for ſin*: To which it is very ſuitable, that as the iniquities of the people were (as it were) laid upon the head of the Sacrifice; ſo it ſhould be ſaid of Chriſt, who was to offer up himſelf for the ſins of the world. And the *Jews* themſelves by this phraſe do underſtand the puniſhment either for the ſins of the people, which *Joſias* underwent, or which the people themſelves ſuffered, by thoſe who interpret this prophecy of them. To which purpoſe, *Aben Ezra* obſerves, that *iniquity is here put for the puniſhment of it*, as 1 *Sam.* 28. 10. and *Lam.* 4. 6. But *Socinus* miſtruſting the incongruity of this Interpretation, flies to another; *viz. That God did make our iniquities to meet with Chriſt*: And this we are willing to admit of, if by that they mean, That Chriſt underwent the puniſhment of them; as that phraſe muſt naturally imports, for what otherwiſe can *our iniquities meeting with him* ſignifie? For the word פגע taken properly (as *Socinus* acknowledgeth it ought to be, when he rejects *Pagnin*'s Interpretation of making Chriſt to interceed for our iniquities) ſignifies, either to meet with one by chance, or out of kindneſs, or elſe for an encounter, with an intention to deſtroy that which it meets with. So *Judg.* 8. 21. *Riſe thou* ופגע בנו, ἀπάντησον ἡμῖν, LXX. *irrue in nos, fall upon us*; *i. e.*

run upon us with thy ſword, and kill us. *Judg.* 15. 12. *Swear unto me, that ye will not fall upon me your ſelves*; where the ſame word is uſed, and they explain the meaning of it in the next words, *v.* 13. *We will not kill thee*, Amos 5. 19. *as if a man did flee from a Lyon, and a Bear met him*, ופגעו, i. e. *with a deſign to kill him.* Now I ſuppoſe they will not ſay that our ſins met with Chriſt by Chance, ſince it is ſaid, that *God laid on him*, &c. not out of kindneſs; it muſt be therefore out of enmity, and with a deſign to deſtroy him; and ſo our ſins cannot be underſtood as *Socinus* and *Crellius* would have them, as the meer occaſions of Chriſt's death: but as the proper impulſive cauſe of it. Whether the following word נגש be taken with a reſpect to ſin, and ſo it properly ſignifies, *it is required*, or with a reſpect to the perſon, and ſo it may ſignifie *he was oppreſſed*, is not a matter of that conſequence, which we ought to contend about; if it be proved that Chriſt's oppreſſion had only a reſpect to ſin, as the puniſhment of it. Which will yet further appear from another expreſſion in the ſame Chapter, v. 5. *The chaſtiſement of our peace was upon him, and by his ſtripes we are healed.* In which *Grotius* ſaith "the word מוסר doth not "ſignifie any kind of affliction, but ſuch as hath the nature of puniſh-"ment, either for example or inſtruction; but ſince the latter cannot "be intended in Chriſt, the former muſt. *Crellius* thinks to eſcape from this, by acknowledging, *that the ſufferings of Chriſt have ſome reſpect to ſin*; but if it be ſuch a reſpect to ſin, which makes what Chriſt underwent a puniſhment (which is only proper in this caſe) it is as much as we contend for. This therefore he is loth to abide by; and ſaith *that chaſtiſement imports no more than bare affliction without any reſpect to ſin*, which he thinks to prove from St. *Paul*'s words, 2 Cor. 6. 9. *We are chaſtiſed, but not given over to death*; but how far this is from proving his purpoſe will eaſily appear, 1. Becauſe thoſe by whom they were ſaid *to be chaſtned*, did not think they did it without any reſpect to a fault; but they ſuppoſed them to be juſtly puniſhed; and this is that we plead for, that the chaſtiſement conſidered with a reſpect to him that inflicts it, doth ſuppoſe ſome fault as reaſon of the inflicting it. 2. This is far from the preſent purpoſe, for the *chaſtiſement* there mentioned is oppoſed to death, *as chaſtned, but not killed*; whereas *Grotius* expreſly ſpeaks of ſuch *chaſtiſements as include death*, that theſe cannot be ſuppoſed to be meerly deſigned for inſtruction, and therefore muſt be conceived under the notion of puniſhment. The other place, *Pſal.* 73. 14. is yet more remote from the buſineſs; for though the *Pſalmiſt* accounts himſelf innocent in reſpect of the great enormities of others; yet he could not account himſelf ſo innocent with a reſpect to God, as not to deſerve chaſtiſement from him.

Crell. c. 1. *ſect.* 57.

Whether Chriſt's death be a proper παράδειγμα, and whether that doth imply that it was a puniſhment of ſin.

IX. But *Crellius* offers further to prove that Chriſt's death muſt be conſidered as a bare affliction, and not as a παράδειγμα, or exemplary puniſhment, becauſe "in ſuch a puniſhment the guilty themſelves are "to be puniſhed, and the benefit comes to thoſe who were not guilty, "but in Chriſt's ſufferings it was quite contrary, for the innocent was "puniſhed, and the guilty have the benefit of it: and yet (*he ſaith*) "if we ſhould grant that Chriſt's ſufferings were a παράδειγμα, that "will not prove that his death was a proper puniſhment. To which I anſwer, That whatever anſwers to the ends of an *exemplary puniſhment*, may properly be called ſo: but ſuppoſing that Chriſt ſuffered the puniſhment of our ſins, thoſe ſufferings will anſwer to all the ends of an exemplary puniſhment. For the ends of ſuch a puniſhment aſſigned by *Crellius* himſelf, are, "That others obſerving ſuch a puniſhment, "may abſtain from thoſe ſins which have brought it upon the perſon "who ſuffers. Now the queſtion is, whether ſuppoſing Chriſt did ſuffer on the account of our ſins, theſe ſufferings of his may deter us from the practice of ſin or no? And therefore in oppoſition to *Crellius*, I ſhall prove theſe two things: 1. That ſuppoſing Chriſt ſuffered for our ſins, there was a ſufficient argument to deter us from the practice of ſin. 2. Suppoſing that his ſufferings had no reſpect to our ſins, they could not have that force to deter men from the practice of it: for he after aſſerts, *That Chriſt's ſufferings might be a παράδειγμα to us, though they were no puniſhment of ſin.* 1. That the death of Chriſt conſidered as a puniſhment of ſin, is a proper παράδειγμα, or hath a great force to deter men from the practice of ſin: and that becauſe the ſame reaſon of puniſhment is ſuppoſed in Chriſt and in our ſelves, and becauſe the example is much more conſiderable, than if we had ſuffered our ſelves. 1. The ſame reaſon of puniſhment is ſuppoſed. For why are men deterred from ſin, by ſeeing others puniſhed; but becauſe they look upon the ſin as the reaſon of the puniſhment; and therefore where the ſame reaſon holds, the ſame ends may be as properly obtained. If we ſaid that Chriſt ſuffered death meerly as an innocent perſon out of God's dominion over his life; what imaginable force could this have to deter men from ſin, which is aſſerted to have no relation to it as the cauſe of it? But when we ſay, that *God laid our iniquities upon him*, that he ſuffered not upon his own account but ours, that the ſins we commit againſt God were the cauſe of all thoſe bitter Agonies which the Son of God underwent, what argument can be more proper to deter men from ſin than this is? For hereby they ſee the great abhorrency of ſin which is in God, that he will not pardon the ſins of men without a compenſation made to his Honour, and a demonſtration to the world of his hatred of it. Hereby they ſee what a value God hath for his Laws, which he will not relax as to the puniſhment of offenders, without ſo valuable a conſideration as the blood of his own Son. Hereby they ſee, that the puniſhment of ſin is no meer arbitrary thing depending barely upon the will of God; but that there is ſuch a connexion between ſin and puniſhment as to the ends of Government, that unleſs the Honour and Majeſty of God, as to his Laws and Government may be preſerved, the violation of his Laws muſt expect *a juſt recompence of reward.* Hereby they ſee what thoſe are to expect who neglect or deſpiſe theſe ſufferings of the Son of God for them; for nothing can then remain, but *a certain fearful looking for of judgment and fiery indignation which ſhall devour the Adverſaries.* So that, here all the weighty arguments concur which may be moſt apt to prevail upon men to deter them from their ſins. *For if God did thus by the green tree, what will he do by the dry?* If he who was ſo innocent in himſelf, ſo perfectly holy, ſuffered ſo much on the account of our ſins; what then may thoſe expect to ſuffer, who have no innocency at all to plead, and add wilfulneſs and impenitency to their ſins? But if it be replied by *Crellius, that it is otherwiſe among men:* I anſwer, that we do not pretend in all things to parallel the ſufferings of Chriſt for us, with any ſufferings of men for one another. But yet we add, that even among men the puniſhments inflicted on thoſe who were themſelves innocent as to the cauſe of them, may be as exemplary as any other.

ther. And the greater appearance of ſeverity there is in them, the greater terror they ſtrike into all offenders. As Children's loſing their eſtates and honours, or being baniſhed for their Parents treaſons in which they had no part themſelves. Which is a proper puniſhment on them of their Father's faults, whether they be guilty or no? and if this may be juſt in men, why not in God? If any ſay, *that the Parents are only puniſhed in the Children*, he ſpeaks that which is contradictory to the common ſenſe of mankind; for puniſhment doth ſuppoſe ſenſe or feeling of it; and in this caſe the Parents are ſaid to be puniſhed, who are ſuppoſed to be dead and paſt feeling of it; and the Children who undergo the ſmart of it muſt not be ſaid to be puniſhed; though all things are ſo like it, that no perſon can imagine himſelf in that condition, but would think himſelf puniſhed, and ſeverely too. If it be ſaid, *that theſe are calamities indeed, but they are no proper puniſhments*, it may eaſily be ſhewed that diſtinction will not hold here. Becauſe theſe puniſhments were within the deſign of the Law, and were intended for all the ends of puniſhments, and therefore muſt have the nature of them. For therefore the Children are involved in the Father's puniſhment on purpoſe to deter others from the like Actions. There are ſome things indeed that Children may fall into by occaſion of their Father's guilt, which may be only *calamities* to them, becauſe they are neceſſary conſequents in the nature of the thing, and not purpoſely deſign'd as a puniſhment to them. Thus, being deprived of the comfort and aſſiſtance of their Parents, when the Law hath taken them off by the hand of juſtice: this was deſigned by the Law as a puniſhment to the Parents, and as to the Children it is only a neceſſary conſequent of their puniſhment. For otherwiſe the Parents would have been puniſhed for the Childrens faults, and not the Children only involved in that which unavoidably follows upon the Parents puniſhment. So that *Crellius* is very much miſtaken either in the preſent caſe of our Saviour's puniſhment, or in the general reaſon of exemplary puniſhments, as among men. But the caſe of our Saviour is more exemplary, when we conſider the excellency of his perſon, though appearing in our nature, when no meaner ſufferings would ſatisfie, than of ſo tranſcendent a nature as he underwent, though he were the Eternal Son of God, this muſt make puniſhment much more exemplary, than if he were conſidered only as our Adverſaries do, as *a mere man*. So that the dignity of his perſon under all his ſufferings may juſtly add a greater conſideration to deter us from the practice of ſin, which was ſo ſeverely puniſhed in him, when he was pleaſed to be a Sacrifice for our ſins. From whence we ſee that the ends of a *παράδειγμα* are very agreeable with the ſufferings of Chriſt conſidered as a puniſhment of ſin.

God's hatred of ſin could not be ſeen in the ſufferings of Chriſt, if they were no puniſhment of ſin.
Crell. c. 1. *p.* 69.

X. We now conſider whether as *Crellius* aſſerts, ſuppoſing Chriſt's death were no puniſhment, it could have theſe effects upon mens minds or no? *Yes*, he ſaith, *it might, becauſe by his ſufferings we might ſee how ſeverely God would puniſh wicked and obſtinate perſons.* Which being a ſtrange riddle at the firſt hearing it, *viz.* that by the ſufferings of an innocent perſon without any reſpect to ſin as the cauſe of them: we ſhould diſcern God's ſeverity againſt thoſe who are obſtinate in ſin; we ought the more diligently to attend to what is ſaid for the clearing of it. " *Firſt*, ſaith he, If God ſpared not his own moſt inno-
" cent and holy and only Son, than whom nothing was more dear to
" him

“ him in Heaven or Earth, but expoſed him to ſo cruel and ignomi-“ nious a death; how great and ſevere ſufferings may we think God “ will inflict on wicked men, who are at open defiance with him? I confeſs my ſelf not ſubtle enough to apprehend the force of this argument, *viz.* If God dealt ſo ſeverely with him who had no ſin either of his own or others to anſwer for; therefore he will deal much more ſeverely with thoſe that have. For God's ſeverity conſidered without any reſpect to ſin, gives rather encouragement to ſinners, than any argument to deter them from it. For the natural conſequence of it is, that God doth act arbitrarily, without any regard to the good or evil of mens actions; and therefore it is to no purpoſe to be ſollicitous about them. For upon the ſame account that the moſt innocent perſon ſuffers moſt ſeverely from him, for all that we know, the more we ſtrive to be innocent, the more ſeverely we may be dealt with, and let men ſin, they can be but dealt ſeverely with; all the difference then is, one ſhall be called *puniſhments*, and the other calamities, but the ſeverity may be the ſame in both. And who would leave off his ſins meerly to change the name of *puniſhments* into that of *Calamities?* And from hence it will follow, that the differences of good and evil, and the reſpects of them to puniſhment and reward, are but airy and empty things; but that God really in the diſpenſiation of things to men, hath no regard to what men are or do, but acts therein according to his own Dominion, whereby he may diſpoſe of men how or which way he pleaſes. If a Prince had many of his Subjects in open rebellion againſt him, and he ſhould at that time make his moſt obedient and beloved Son to be publickly expoſed to all manner of indignities, and be diſhonoured and put to death by the hands of thoſe rebels; could any one imagine that this was deſigned as an exemplary puniſhment to all Rebels, to let them ſee the danger of Rebellion? *No*, but would it not rather make them think him a cruel Prince, one that would puniſh innocency as much as Rebellion; and that it was rather better to ſtand at defiance, and become deſperate, for it was more dangerous to be beloved than hated by him, to be his Son than his declared Enemy? ſo that inſiſting on the death of Chriſt as it is conſidered as a παράδειγμα, (for of that we ſpeak now) there is no compariſon between our Adverſaries *hypotheſis* and *ours*; *but*, ſaith *Crellius*, *the conſequence is not good on our ſide, if Chriſt ſuffered the puniſhment of our ſins, therefore they ſhall ſuffer much more, who continue in ſin, for Chriſt ſuffered for the ſins of the whole world; but they ſuffer only for their own, and what they have deſerved themſelves.* To which I anſwer, that the argument is of very good force upon our *hypotheſis*, though it would not be upon theirs. For if we ſuppoſe him to be *a meer man* that ſuffered, then there could be no argument drawn from his ſufferings to ours, but according to the exact proportion of ſins and puniſhments: but ſuppoſing that he had a *divine* as well as *humane nature*, there may not be ſo great a proportion of the ſins of the world to the ſufferings of Chriſt, as of the ſins of a particular perſon to his own ſufferings; and therefore the argument from one to the other doth ſtill hold. For the meaſure of puniſhments muſt be taken with a proportion to the dignity of the perſon who ſuffers them. And *Crellius* himſelf confeſſeth elſewhere, *that the dignity of the perſon is to be conſidered in exemplary puniſhment, and that a leſſer puniſhment of one that is very great, may do much more to deter men from ſin, than a greater puniſhment of one much leſs.* But he

Crell. c. 8. ſect. 43.

Crell. c. 1. ſect. 57, 70.

yet further urgeth, *that the ſeverity of God againſt ſinners may be diſcovered in the ſufferings of Chriſt, becauſe God's hatred againſt ſin is diſcovered therein.* But if we ask how God's hatred againſt ſin is ſeen in the ſuffering of one perfectly innocent and free from ſin, and not rather his hatred of innocency, if no reſpect to ſin were had therein: he anſwers, *That God's hatred againſt ſin was manifeſted, in that he would not ſpare his only Son to draw men off from ſin.* For anſwer to which, we are to conſider the ſufferings of Chriſt as an innocent perſon, deſigned as an exemplary cauſe to draw men off from ſin; and let any one tell me, what hatred of ſin can poſſibly be diſcovered, in propoſing the ſufferings of a moſt innocent perſon to them without any conſideration of ſin as the cauſe of thoſe ſufferings? If it be ſaid, *That the Doctrine of Chriſt was deſigned to draw men off from ſin; and that God ſuffered his Son to die to confirm this Doctrine, and thereby ſhewed his hatred to ſin.* I anſwer, 1. This is carrying the diſpute off from the preſent buſineſs, for we are not now arguing about the deſign of Chriſt's Doctrine, nor the death of Chriſt as a means to confirm that, but as a παράδειγμα, and what power that hath without reſpect to our ſins as the cauſe of them, to draw us from ſin, by diſcovering God's hatred to it. 2. The Doctrine of Chriſt according to their *hypotheſis*, diſcovers much leſs of God's hatred to ſin than ours doth. For if God may pardon ſin without any compenſation made to his Laws or Honour, if Repentance be in its own nature a ſufficient ſatisfaction for all the ſins paſt of our Lives; if there be no ſuch Juſtice in God which requires puniſhment of ſin committed; if the puniſhment of ſin depend barely upon God's will; and the moſt innocent perſon may ſuffer as much from God without reſpect to ſin as the cauſe of ſuffering, as the moſt guilty; let any rational man judge whether this Doctrine diſcovers as much God's abhorrency of ſin, as aſſerting the neceſſity of vindicating God's Honour to the World, upon the breach of his Laws, if not by the ſuffering of the offenders themſelves, yet of the Son of God as a ſacrifice for the expiation of ſin, by undergoing the puniſhment of our iniquities, ſo as upon conſideration of his ſufferings, he is pleaſed to accept of Repentance and ſincere Obedience, as the conditions upon which he will grant remiſſion of Sins, and eternal life. So that if the diſcovery of God's hatred to ſin be the means to reclaim men from it, we aſſert upon the former reaſons, that much more is done upon our Doctrine concerning the ſufferings of Chriſt, than can be upon theirs. So much ſhall ſuffice to manifeſt in what ſenſe Chriſt's death may be a παράδειγμα, and that this doth imply, that his ſufferings are to be conſidered as a puniſhment of ſin.

Grotius his arguments from Chriſt's being made ſin and a curſe for us defended againſt *Crellius.*

XI. The next Series of places which makes Chriſt's ſufferings to be a puniſhment for ſin, are thoſe which aſſert Chriſt to be made *ſin and a curſe for us*, which we now deſign to make clear, ought to be underſtood in no other ſenſe, for as *Grotius* ſaith, “As the *Jews* ſometimes uſe ſin, for the puniſhment of ſin; as appears, beſides other places, by *Zach.* 14. 19. *Gen.* 4. 13. ſo they call him that ſuffers the puniſhment of ſin; by the name of ſin as the Latins uſe the word *Piaculum*, both for the fault, and for him that ſuffers for it. Thence under the Law, an expiatory Sacrifice for ſin, was called ſin, *Lev.* 4. 3. 29.— 5, 6. *Pſal.* 40. 7. Which way of ſpeaking *Eſaias* followed, ſpeaking of Chriſt, *Iſa.* 53. 10. תישם אשם נפשו he made his ſoul ſin, *i. e.* liable to the puniſhment of it. To the ſame purpoſe St. *Paul*, 2 *Cor.* “5. 21.

“ 5. 21. He made him to be ſin for us, who knew no ſin, that we
“ might be made the righteouſneſs of God in him. To which Crellius
“ replies, That there is no neceſſity, that by the name of ſin,
“ when applied to ſufferings, any more ſhould be implied, than that
“ thoſe ſufferings were occaſioned by ſin, no more is there when it is
“ applied to the perſon; nay, much leſs, for he ſaith, No more is
“ required to this, but that he ſhould be handled as ſinners uſe to be,
“ and undergo the matter of puniſhment, without any reſpect to ſin,
“ either as the cauſe or occaſion of it. So he ſaith, The name *Sinner*
“ is uſed, 1 *King.* 1. 21. and in St. *Paul*, the name of ſin in the firſt
“ clauſe is to be underſtood, as of righteouſneſs in the latter; and as
“ we are ſaid to be righteouſneſs in him, when God deals with us as
“ with righteous perſons, ſo Chriſt was ſaid to be ſin for us, when
“ he was dealt with as a ſinner. And the Sacrifices for ſin under the
“ Law were ſo called, not with a reſpect to the puniſhment of ſin, but
“ becauſe they were offered upon the account of ſin, and were uſed
“ for taking away the guilt of it, or becauſe men were bound to
“ offer them, ſo that they ſinned if they neglected it. So that all that
“ is meant by *Eſaias* and St. *Paul* is, That Chriſt was made an expiatory
“ Sacrifice, or that he expoſed himſelf for thoſe afflictions which
“ ſinners only by right undergo. But let *Crellius* or any others of them tell me, if the *Scripture* had intended to expreſs, that the ſufferings of Chriſt were a puniſhment of our ſins, how was it poſſible to do it more emphatically than it is done by theſe Expreſſions (the cuſtom of the *Hebrew* Language being conſidered) not only by ſaying, that *Chriſt did bear our ſins*, but, *that himſelf was made ſin for us?* thoſe phraſes being ſo commonly uſed for the puniſhment of ſin. Let them produce any one inſtance in Scripture, where thoſe expreſſions are applied to any without the conſideration of ſin: that place, 1 *King* 1. 21. is very far from it, for in all probability, the deſign of *Bathſheba* in making *Solomon King* was already diſcovered, which was the reaſon that *Adonijah* his elder Brother declaring himſelf *King*, invited not him with the reſt of the *King's* Sons: All that ſhe had for *Solomon*'s Succeſſion, was a ſecret promiſe and oath of *David*; and therefore ſhe urgeth him now to *declare the Succeſſion*, v. 20. *Otherwiſe*, ſhe ſaith, *when David ſhould die, I and my ſon Solomon ſhall be accounted offenders*; i. e. ſaith *Crellius*, *we ſhall be handled as offenders, we ſhall be deſtroyed:* But ſurely not without the ſuppoſition of a fault; by them which ſhould inflict that puniſhment upon them: The plain meaning is, they ſhould be accuſed of Treaſon, and then puniſhed accordingly. But we are to conſider, that ſtill with a reſpect to them, who were the inflicters, a fault or ſin is ſuppoſed as the reaſon of their puniſhment, either of their own or others. But of our Saviour it is not ſaid, *That he ſhould be counted as an offender by the Jews*; for although that doth not take away his innocency, yet it ſuppoſeth an accuſation of ſomething, which in it ſelf deſerves puniſhment. But in *Eſai.* 53. 10. it is ſaid, *He made his ſoul ſin*; and 2 Cor. 5. 21. *That God made him ſin for us*, which muſt therefore imply, not being dealt with by men only as a ſinner, but that with a reſpect to him who inflicted the puniſhment, there was a conſideration of ſin as the reaſon of it. We do not deny but God's ſuffering him to be dealt with as a ſinner by men, is implied in it, for that was the method of his puniſhment deſigned; but we ſay further, that the reaſon of that permiſſion in God, doth ſuppoſe ſome antecedent

Crell. c. 1. *ſect.* 60.

tecedent cauſe of it: For God would never have ſuffered his only Son, to be ſo dealt with by the hands of cruel men, unleſs he had made himſelf *an offering for ſin*; being willing to undergo thoſe ſufferings, that he might be an expiatory Sacrifice for the ſins of the world. And although *Socinus* will not yield, *That by being made ſin for us ſhould be underſtood Chriſt's being an expiatory Sacrifice for ſin*; yet *Crellius* is contented *it ſhould be ſo taken in both places:* Which if he will grant, ſo as by vertue of that Sacrifice, the guilt of ſin is expiated, we ſhall not contend with him about the reaſons, why thoſe Sacrifices were called *ſins*, although the moſt proper and genuine muſt needs be that, which is aſſigned by the Law, that the ſins of the people were ſuppoſed to be laid upon them, and therefore they were intended for the expiation of them: But it is very unreaſonable to ſay, *That expiatory Sacrifices were called ſins, becauſe it would have been a ſin to neglect them:* For on the ſame account, all the other Sacrifices muſt have been called ſo too; for it was a ſin to neglect any where God required them, and ſo there had been no difference between Sacrifices for ſin and others. To that reaſon of *Crellius*, *from our being made righteous, becauſe dealt with as ſuch, to Chriſt's being made ſin only, becauſe dealt with as a ſinner*, we need no more than what this parallel will afford us; For as *Crellius* would never ſay, that any are dealt with as righteous perſons, who are not antecedently ſuppoſed to be ſo by his own Argument, Chriſt being dealt with *as a ſinner*, muſt ſuppoſe guilt antecedent to it; and ſince the Apoſtle declares it was not his own, in thoſe words, *Who knew no ſin*, it follows that it muſt be the conſideration of ours, which muſt make him be dealt with as a ſinner by him, who made him to be ſin for us. But to ſuppoſe that Chriſt ſhould be ſaid to be *made ſin*, without any reſpect *to ſin*, is as much as if the *Latins* ſhould call any one *Scelus*, and mean thereby a very honeſt man; or a *Piaculum*, without any ſuppoſition of his own or others guilt. But we are to conſider, that the ſufferings of Chriſt, ſeeming at firſt ſo inconſiſtent with that relation to God as his only Son, which the Apoſtles aſſert concerning him, they were obliged to vindicate his innocency, as to men, and yet withal to ſhew, that with a reſpect to God, there was ſufficient reaſon for his permiſſion of his undergoing theſe ſufferings. That *he knew no ſin*, was enough to clear his innocency as to men; but then the queſtion will be asked, If he were ſo innocent, why did God ſuffer all thoſe things to come upon him? Did not *Abraham* plead of old with God, *That he would not ſlay the righteous with the wicked*, becauſe it was repugnant to the righteouſneſs of his nature to do ſo; *That be far from thee to do after this manner, to ſlay the righteous with the wicked, and that the righteous ſhould be as the wicked, that be far from thee; ſhall not the Judge of all the Earth do right?* How then comes God to ſuffer the moſt perfect innocency to be dealt with ſo, as the greateſt ſins could not have deſerved worſe from men? Was not his righteouſneſs the ſame ſtill? And *Abraham* did not think the diſtinction of *calamities* and *puniſhments*, enough to vindicate God's proceedings, if the righteous ſhould have been dealt withal as the wicked. And if that would hold for ſuch a meaſure of righteouſneſs as might be ſuppoſed in ſuch who were not guilty of the great Abominations of thoſe places, that it ſhould be enough, not only to deliver themſelves, but the wicked too; how comes it that the moſt perfect obedience of the Son of God, is not ſufficient to excuſe him from the greateſt ſufferings of Malefactors?

Soc. l. 1. *c.* 8.

Gen. 18. 25.

But if his ſufferings had been meerly from men, God had been accountable only for the bare permiſſion; but it is ſaid, that *he fore-ordained and determined theſe things to be*, that Chriſt himſelf complained, that *God had forſaken him*; and here, *that he made him ſin for us:* and can we imagine all this to be without any reſpect to the guilt of ſin, as the cauſe of it? Why ſhould ſuch an expreſſion be uſed of *being made ſin?* Might not many others have ſerved ſufficiently to declare the indignities and ſufferings he underwent, without ſuch a phraſe as ſeems to reflect upon Chriſt's innocency? If there had been no more in theſe expreſſions than our Adverſaries imagine, the Apoſtles were ſo careful of Chriſt's Honour, they would have avoided ſuch ill ſounding expreſſions as theſe were; and not have affected *Hebraiſms*, and uncouth forms of ſpeech, to the diſparagement of their Religion. But this is all which our Adverſaries have to ſay, where words are uſed by them out of their proper ſenſe, *That the Prophets and Apoſtles affected tricks of wit, playing with words, uſing them ſometimes in one ſenſe, and preſently quite in another.* So *Crellius* ſaith of *Iſaiah*, *That he affects little elegancies of words and verbal Alluſions, which makes him uſe words ſometimes out of their proper and natural ſenſe*; thence he tells us, *The ſufferings of Chriſt are called chaſtiſements, though they have nothing of the nature of chaſtiſements in them:* And from this liberty of interpreting, they make words (without any other reaſon, than that they ſerve for their purpoſe) be taken in ſeveral ſenſes in the ſame verſe: For *Socinus* in one verſe of St. *John*'s Goſpel, makes the *World* to be taken in three ſeveral ſenſes: *He was in the World*, there it is taken, ſaith he, for the men of the World in general: *The world was made by him*, there it muſt be underſtood only of the reformation of things by the Goſpel: and, *the world knew him not*, there it muſt be taken in neither of the former ſenſes, but for the wicked of the world: What may not one make of the *Scripture*, by ſuch a way of interpreting it? But by this we have the leſs reaſon to wonder, that *Socinus* ſhould put ſuch an Interpretation upon *Gal.* 3. 13. *Chriſt hath redeemed us from the curſe of the Law, being made a curſe for us; for it is written, Curſed is every one that hangeth on a tree:* In which he doth acknowledge *by the curſe*, in the firſt clauſe, to be meant, *the puniſhment of ſin*, but not in the ſecond: And the reaſon he gives for it is, *amavit enim Paulus in execrationis verbo argutus eſſe.* St. *Paul* affected playing with the word *curſe*, underſtanding it firſt in a proper, and then a Metaphorical ſenſe. But it is plain that the deſign of St. *Paul* and *Socinus* are very different in theſe words: *Socinus* thinks he ſpeaks only Metaphorically, when he ſaith, that *Chriſt was made a curſe for us*; *i.e.* by a bare Alluſion of the name, without a correſpondency in the thing it ſelf; and ſo that the death of Chriſt might be called a curſe, but was not ſo: But St. *Paul* ſpeaks of this not by way of Extenuation, but to ſet forth the greatneſs and weight of the puniſhment he underwent for us. He therefore tells us, what it was which Chriſt did redeem us from, *The curſe of the Law*; and how he did it, *by being not only made a curſe but a curſe for us*; *i.e.* not by being hateful to God, or undergoing the very ſame curſe, which we ſhould have done; which are the two things objected by *Crellius* againſt our ſenſe; but that the death of Chriſt was to be conſidered, not as a bare ſeparation of ſoul and body, but as *properly pœnal*, being ſuch a kind of death, which none but *Maleſactors* by the *Law* were to ſuffer; by the undergoing of which puniſhment in our ſtead,

Crell. cap. 1. *ſect.* 57.

Socin. explicat 1. *cap. Joh. v.* 10.

Socin. de Chriſto ſervat. l. 2. *c.* 1.

ſtead, he redeemed us from that *curſe* which we were liable to by the violation of the Law of God. And there can be no reaſon to appropriate this *only to the Jews*, unleſs the death of Chriſt did extend only to the deliverance of them from the puniſhment of their ſins; or becauſe the curſe of the Law did make that death pœnal, and therefore the intention of the puniſhment, could reach no further than the Law did; but the Apoſtle in the very next words ſpeaks of the farther extenſion of *the great bleſſing promiſed to* Abraham, *That it ſhould come upon the Gentiles alſo*; and withal thoſe whom the Apoſtle ſpeaks to, were not *Jews*, but ſuch as thought they ought to joyn the Law and Goſpel together: that St. *Paul* doth not mean as *Crellius* would have it, *that Chriſt by his death did confirm the New Covenant, and ſo take away the obligation of the Law*; (for to what end was the *curſe* mentioned for that? What did the *accurſedneſs* of his death add to the confirmation of the truth of his Doctrine? And when was ever the curſe taken for the continuance of the Law of *Moſes?*) but that Chriſt by the efficacy of his death as a puniſhment for ſin hath redeemed all that believe and obey him from the curſe deſerved by their ſins, whether inforced by the *Law* of *Moſes*, or the Law written in their hearts, which tells the conſciences of ſinners, that ſuch who violate the Laws of God are worthy of death, and therefore under the curſe of the Law.

Crell. Annot. in loc.

The particles διά, περί, ὑπὲρ being joyned to ſins, and relating to ſufferings, do imply thoſe ſufferings to be the puniſhment of ſin.

XII. We come now to the force of the particles which being joyned with our ſins as referring to the death of Chriſt, do imply that his death is to be conſidered as a puniſhment of ſin. Not that we inſiſt on the force of thoſe Particles διὰ, περὶ and ὑπὲρ, as though of themſelves they did imply this (for we know they are of various ſignifications according to the nature of the matter they are joyned with) but that theſe being joyned with ſins and ſuffering together, do ſignifie that thoſe ſufferings are the puniſhment of thoſe ſins. Thus it is ſaid of Chriſt, that he died, διὰ τὰ παραπτώματα ἡμῶν, *for our ſins*, ὑπὲρ ἁμαρτιῶν ἡμῶν, *that he ſuffered once* περὶ ἁμαρτιῶν, *that he gave himſelf* περὶ ἁμαρτιῶν, *that he offered a Sacrifice* περὶ ἁμαρτιῶν. To which *Crellius* replies, "That if the force of theſe Particles not being joy-
" ned with ſufferings may be taken for the final and not for the impul-
" ſive cauſe, they may retain the ſame ſenſe when joyned with ſuffer-
" ings, if thoſe ſufferings may be deſigned in order to an end; but
" if it ſhould be granted, that thoſe phraſes being joyned with ſuffer-
" ings, do always imply a meritorious cauſe, yet it doth not follow,
" it ſhould be here ſo underſtood becauſe the matter will not bear it.
To this a ſhort anſwer will at preſent ſerve: for, It is not poſſible a meritorious cauſe can be expreſſed more emphatically than by theſe words being joyned to ſufferings: ſo that we have as clear a Teſtimony from theſe expreſſions as words can give; and by the ſame arts by which theſe may be avoided any other might; ſo that it had not been poſſible for our Doctrine to have been expreſſed in ſuch a manner, but ſuch kind of anſwers might have been given as our Adverſaries now give. If it had been ſaid in the plaineſt terms, *that Chriſt's death was a puniſhment for our ſins*, they would as eaſily have avoided the force of them as they do of theſe; "they would have told us
" the Apoſtles delighted in an Antanaclaſis, and had expreſſed things
" different from the natural uſe of the words by them; and though
" puniſhment were ſometimes uſed properly, yet here it muſt be uſed
" only

Rom. 4. 25.
1 Cor. 15. 3.
1 Pet. 3. 18.
Heb. 10. 12.
Crell. cap. 1. *ſect.* 6.
Sect. 14. *p.* 17.

“ only metaphorically becauſe the matter would bear no other ſenſe. And therefore I commend the ingenuity of *Socinus* after all the pains he had taken to enervate the force of thoſe places which are brought againſt his Doctrine; he tells us plainly, “ That if our Doctrine were not only once, but frequently mentioned in Scripture? yet he would not therefore believe the thing to be ſo as we ſuppoſe, For, *ſaith he*, ſeeing the thing it ſelf cannot be, I take the leaſt inconvenient interpretation of the words; and draw forth ſuch a ſenſe from them, as is moſt conſiſtent with it ſelf and the tenor of the Scripture. *Socin. de ſervat. l. 3. c. 6.* But for all his talking of the tenor of the *Scripture*; by the ſame reaſon he interprets one place upon theſe terms, he will do many, and ſo the tenor of the *Scripture* ſhall be never againſt him: And by this we find, that the main ſtrength of our Adverſaries is not pretended to lie in the *Scriptures*; all the care they have of them is only to reconcile them if poſſible with their *Hypotheſis*; for they do not deny but that the natural force of the words doth imply what we contend for; but becauſe they ſay the Doctrine we aſſert is inconſiſtent with reaſon, therefore all their deſign is to find out any other poſſible meaning which they therefore aſſert to be true, becauſe more agreeable to the common reaſon of mankind. This therefore is enough for our preſent purpoſe, that if it had been the deſign of Scripture to have expreſſed our ſenſe, it could not have done it in plainer expreſſions than it hath done, that no expreſſions could have been uſed, but the ſame arts of our Adverſaries might have been uſed to take off their force, which they have uſed to thoſe we now urge againſt them, and that ſetting aſide the poſſibility of the thing, the Scripture doth very fairly deliver the Doctrine we contend for; or, ſuppoſing in point of reaſon there may be arguments enough to make it appear poſſible, there are *Scriptures* enough to make it appear true.

CHAP. III.

I. *The words of Scripture being at laſt acknowledged by our Adverſaries to make for us, the only pretence remaining is, that our Doctrine is repugnant to reaſon. The debate managed upon point of reaſon. The grand difficulty enquired into, and manifeſted by our Adverſaries Confeſſions, not to lie in the greatneſs of Chriſt's ſufferings, or that our ſins were the impulſive cauſe of them, or that it is impoſſible that one ſhould be puniſhed for anothers faults: or in all caſes unjuſt.* II. *The caſes wherein* Crellius *allows it, inſtanced. From whence it is proved that he yields the main cauſe.* III. *The arguments propounded whereby he attempts to prove it unjuſt for Chriſt to be puniſhed for our ſins.* Crellius *his principles of the juſtice of puniſhments examined. Of the Relation between deſert and puniſhment.* IV. *That a perſon by his own conſent may be puniſhed beyond the deſert of his own actions.* V. *An anſwer to* Crellius *his Objections. What it is to ſuffer undeſervedly.* Crellius *his miſtake in the ſtate of the queſtion.* VI. *The inſtances of Scripture conſidered. In what ſenſe Children are puniſhed for their Parents ſins.* VII. Ezek. 18. 20. *explained at large.* VIII. *Whether the guilty being freed from the ſufferings of an innocent perſon makes that puniſhment unjuſt or* *no?* Crellius *his ſhifts and evaſions in this matter diſcovered. Why among men the offenders are not freed in criminal matters though the ſureties be puniſhed. The releaſe of the party depends on the terms of the ſureties ſuffering, therefore deliverance not* ipſo facto. *No neceſſity of ſuch a tranſlation in criminal, as is in pecuniary matters.*

The matter debated in point of reaſon.

I. HAving gained ſo conſiderable conceſſions from our *Adverſaries* concerning the places of *Scripture*, we come now to debate the matter in point of reaſon. And if there appear to be nothing repugnant in the nature of the thing, or to the juſtice of God, then all their loud clamours will come to nothing; for on that they fix, when they talk the moſt of our Doctrine being contrary to reaſon. This therefore we now come more cloſely to examine, in order to which we muſt carefully enquire what it is they lay the charge of injuſtice in God upon, according to our belief of Chriſt's ſufferings being a puniſhment for our ſins.

1. It is not, *That the offenders themſelves do not undergo the full puniſhment of their ſins.* For they aſſert, that there is no neceſſity at all that the offenders ſhould be puniſhed from any punitive juſtice in God: for they eagerly contend that God may freely pardon the ſins of men: If ſo, then it can be no injuſtice in God not to puniſh the offenders according to the full deſert of their ſins.

2. It is not, *That God upon the ſufferings of Chriſt doth pardon the ſins of men:* For they yield that God may do this without any charge of injuſtice, and with the greateſt demonſtration of his kindneſs. For they acknowledge, that the ſufferings of Chriſt are not to be conſidered as a bare antecedent condition to pardon, but that they were a *moving cauſe* as far as the obedience of Chriſt in ſuffering was very acceptable to God.

3. It is not, *in the greatneſs or matter of the ſufferings of Chriſt.* For they aſſert the ſame which we do. And therefore I cannot but wonder to meet ſometimes with thoſe ſtrange outcrys *of our making God cruel in the puniſhing of his Son for us:* For what do we aſſert that Chriſt ſuffered, which they do not aſſert too? Nay, doth it not look much more like cruelty in God to lay thoſe ſufferings upon him without any conſideration of ſin? as upon their *Hypotheſis* he doth; than to do it ſuppoſing he bears the puniſhment of our iniquities, which is the thing we plead for. They aſſert all thoſe ſufferings to be lawful on the account of *God's dominion*, which according to them muſt ceaſe to be ſo on the ſuppoſition of a *meritorious cauſe.* But however from this it appears, that it was not unjuſt that Chriſt ſhould ſuffer thoſe things which he did for us: the queſtion then is, whether it were unjuſt that he ſhould ſuffer the ſame things, which he might lawfully do on the account of dominion with a reſpect to our ſins as the cauſe of them.

Certum eſt Chriſtum innocentiſſimum à Deo graviſſimis cruciatibus, ipſaque morte fuiſſe affectum; cum non in materiâ pœnæ abſolute & per ſe conſideratâ, adeoque etiam in eâ afflictione à quâ pœnæ forma abeſt, injuria reſidere à nobis dicatur. Crel. c. 4. Sect. 3. *Potuit autem id Deus facere, atque adeo fecit, jure dominii, quod in Chriſti vitam ac corpus habebat; accedente præſertim ipſius Chriſti conſenſu.* Id. Ib. Sect. 4.

4. As to this, they acknowledge, that it is not, *that the ſufferings of Chriſt were occaſioned by our ſins*, or that our ſins were the bare *impulſive cauſe* of thoſe ſufferings. For they both confeſs in general, that one mans ſins may be the occaſion of anothers puniſhment, ſo far that he might have eſcaped puniſhment, if the others ſins had not been the *impulſive cauſe* of it. And therefore *Crellius* in the general ſtate of this

queſtion, would not have it, *whether it be unjuſt to puniſh one for anothers ſins*; for that he acknowledges it is not, but whether, *for any cauſe whatſoever it be juſt to puniſh an innocent perſon?* And likewiſe in particular of Chriſt, they confeſs, *that our ſins were the impulſive cauſe, and the occaſion of his ſufferings.*

Quod ſi ex theſi ſpeciale facere velis generalem, ea hæc erit, injuſtum eſſe punire innocentem, quacunque tandem de cauſâ id fiat; non vero ſimpliciter, punire quempiam ob aliena delicta; id enim concedi poteſt non ſemper eſſe injuſtum. Crel. c. 4. Sect. 3.

5. It is not, *that there is ſo neceſſary a relation between guilt and puniſhment, that it cannot be called a puniſhment which is inflicted on an innocent perſon.* For *Crellius*, after a long diſcourſe of the difference of afflictions and puniſhments, doth acknowledge, “That it is not of the nature of puniſhment, that the perſon who is to be puniſhed, ſhould really deſerve the puniſhment; *and afterwards when* Grotius *urgeth*, though it be eſſential to puniſhment, that it be inflicted for ſin, yet it is not, that it be inflicted upon him who hath himſelf ſinned, *which he ſhews* by the ſimilitude of rewards, which though neceſſary to be given in conſideration of ſervice, may yet be given to others beſides the perſon himſelf upon his account. All this *Crellius* acknowledgeth; who ſaith, “They do not make it neceſſary to the nature, but to the juſtice of puniſhment, that it be inflicted upon none but the perſon who hath offended. *So by his own Confeſſion*, it is not againſt the nature of puniſhment, that no one man ſuffer for anothers faults. From whence it follows, that all *Socinus* his arguments ſignifie nothing, which are drawn from the impoſſibility of the thing, *that one man ſhould be puniſhed for anothers faults*; for *Crellius* grants the thing to be poſſible, but denies it to be juſt; yet not abſolutely neither, but with ſome reſtrictions and limitations. For,

Cum ne illud quidem ad naturam pœnæ requiratur ut is ipſe, qui puniendus eſt pœnam reverâ fuerit commeritus, Id. Sect. 5.

Pœna quidem ſimpliciter in innocentem cadit, juſta non cadit, Crell. c. 4. Sect. 28.

II. 6. It is not, *but that there may be ſufficient cauſes aſſigned in ſome particular caſes; wherein it may be juſt for God to puniſh ſome for the ſins of others.* For *Crellius* himſelf hath aſſigned divers. “When there is ſuch a near conjunction between them, that one may be ſaid to be puniſhed in the puniſhment of another: as Parents in their Children and Poſterity, Kings in their Subjects, or the body of a State in its Members, either in the moſt, or the moſt principal, though the feweſt: but we are to conſider how far he doth extend this way of puniſhment of ſome in others. 1. *At the greateſt diſtance of time, if they have been of the ſame Nation*; for he extends it to the utmoſt degree of God's patience towards a people; “For, *ſaith he*, God doth not preſently puniſh as ſoon as they have ſinned; but ſpares for a great while, and forbears, in expectation of their Repentance, in the mean while a great many guilty perſons die, and ſeem to have eſcaped puniſhment. But at laſt the time of God's patience being paſt, he puniſheth their Poſterity by exacting the full puniſhment of their ſins upon them, and by this means puniſheth their Anceſtors too, and puniſheth their ſins in their puniſhment; for, *ſaith he*, all that people are reckoned for one man of ſeveral Ages, and that puniſhment which is taken of the laſt, may be for the ſins of the firſt, for the conjunction and ſucceſſion of them: of which we have an example, *ſaith he*, in the deſtruction of *Jeruſalem*. By which we ſee a very remote Conjunction, and a mere ſimilitude in comparing ſucceſſion of Ages in people with thoſe in a man, may (when occaſion ſerves) be made uſe of to juſtifie God's puniſhing one Generation of men for the ſins of others that have been long before. 2. *When ſins are more ſecret or leſs remarkable*

In what caſes *Crellius* grants ſome may be lawfully puniſhed for the ſins of others.

Quia Deus hunc puniendo illum quoque alterum ob cujus peccati eum dicitur punire, ſimul punire poſſit, ob arctiorem quæ inter illos intercedat conjunctionem. Crell. ib. Sect. 5. *Crell.* p. 247.

able which God might not puniſh, unleſs an occaſion were given from others ſins impelling him to it; but becauſe God would puniſh one very near them, he therefore puniſheth them, that in their puniſhment he might puniſh the other. Or in caſe ſins ſpread through a Family or a people, or they are committed by divers perſons at ſundry times, which God doth not ſeverely puniſh, but ſometimes then, when the Head of a People or Family hath done ſomething which remarkably deſerves puniſhment, whom he will puniſh in thoſe he is related to, and therefore generally puniſheth the whole Family or People. 3. *That which may be a meer exerciſe of dominion as to ſome, may be a proper puniſhment to others*; as in the caſe of *Infants*, being taken away for their *Parents* ſins; *For God, as to the Children,* he ſaith, *uſeth only an act of dominion, but the puniſhment only redounds to the Parents, who loſe them; and though this be done for the very end of puniſhment,* yet he denies, *that it hath the nature of Puniſhment in any but the Parents.* 4. *That puniſhment may be intended for thoſe who can have no ſenſe at all of it*; as *Crellius* aſſerts in the caſe of *Saul's Sons*, 2 Sam. 21. 8, 14. that the puniſhment was mainly intended for *Saul*, who was already dead. From theſe conceſſions of *Crellius* in this caſe, we may take notice, 1. That a remote conjunction may be ſufficient for a tranſlation of penalty, *viz.* from one Generation to another. 2. That ſins may be truly ſaid to be puniſhed in others, when the offenders themſelves may eſcape puniſhment; thus the ſins of Parents in their Children, and Princes in their Subjects. 3. That an act of dominion in ſome may be deſigned as a proper puniſhment to others. 4. That the nature of puniſhment is not to be meaſured by the ſenſe of it. Now upon theſe conceſſions, though our Adverſaries will not grant, that Chriſt was properly puniſhed for our ſins, yet they cannot deny but that we may very properly be ſaid to be *puniſhed* for our ſins in *Chriſt*, and if they will yield us this, the other may be a ſtrife about words. For ſurely there may be eaſily imagined as great a conjunction between Chriſt and us, as between the ſeveral Generations of the *Jews*, and that laſt which was puniſhed in the deſtruction of *Jeruſalem:* And though we eſcape that puniſhment which Chriſt did undergo, yet we might have our ſins puniſhed in him, as well as Princes theirs in their Subjects, when they eſcape themſelves; or rather as Subjects in an innocent Prince, who may ſuffer for the faults of his people; if it be ſaid, *that theſe are acts of meer dominion as to ſuch a one*, that nothing hinders but granting it, yet our ſins may be ſaid to be puniſhed in him; as well as Parents ſins are puniſhed properly in meer acts of dominion upon their Children; if it be ſaid, *that can be no puniſhment where there is no ſenſe at all of it*, that is fully taken off by *Crellius*; for ſurely we have as great a ſenſe of the ſufferings of Chriſt, as the firſt Generation of the *Jews* had of the ſufferings of the laſt, before the fatal deſtruction of the City, or as *Saul* had of the puniſhment of his Sons after his death. So that from *Crellius* his own conceſſions, we have proved, that *our ſins may very properly be ſaid to be puniſhed in Chriſt*, although he will not ſay, that Chriſt could be properly puniſhed for our ſins; nay he and the reſt of our Adverſaries not only deny it, but earneſtly contend, that it is very unjuſt to ſuppoſe it, and repugnant to the rectitude of God's nature to do it.

Crell. ib. ſect. 11. *ſect.* 19.

Crellius his arguments propounded.

III. And ſo we come to conſider the mighty arguments that are inſiſted on for the proof of this, which may be reduced to theſe three; *viz.* 1. *That there can be no puniſhment but what is deſerved, but no man* *can deſerve that another ſhould be puniſhed.* 2. *That puniſhment flows from Revenge, but there can be no Revenge where there hath been no fault.* 3. *That the puniſhment of one, cannot any ways be made the puniſhment of another; and in caſe it be ſuppoſed poſſible, then thoſe in whoſe ſtead the other is puniſhed, muſt be actually delivered upon the payment of that Debt which was owing to God.*

1. *That one man cannot deſerve anothers puniſhment*, and therefore one cannot be puniſhed for another; for there is no juſt puniſhment, but what is deſerved. This being the main Argument inſiſted on by *Crellius*, muſt be more carefully conſidered; but before an anſwer be made to it, it is neceſſary that a clear account be given in what ſenſe it is he underſtands it, which will be beſt done, by laying down his principles, as to the juſtice of puniſhment, in a more diſtinct method than himſelf hath done; which are theſe following: 1. That no perſon can be juſtly puniſhed, either for his own or anothers faults, but he that hath deſerved to be puniſhed by ſome ſin of his own: For he ſtill aſſerts, “That the juſtice of puniſhment ariſeth from a mans own fault, though the actual puniſhment may be from anothers: But he that is puniſhed without reſpect to his own guilt, is puniſhed undeſervedly; and he that is puniſhed undeſervedly, is puniſhed unjuſtly. 2. That perſonal guilt being ſuppoſed one man's ſin may be the *impulſive cauſe* of another's puniſhment, but they cannot be the *meritorious*. The difference between them he thus explains, “The cauſe is that which makes a thing to be; the impulſive, that which moves one to do a thing, without any conſideration of right that one hath to do it: Merit, is that which makes a man worthy of a thing, either good or bad, and ſo gives a right to it; if it be good, to himſelf; if bad, to him at whoſe hands he hath deſerved it. Now he tells us, that it is impoſſible, “That one mans ſins ſhould make any other deſerve puniſhment, but the perſon who committed them; but they may impel one to puniſh another, and that juſtly, if the perſon hath otherwiſe deſerved to be puniſhed, unjuſtly, if he hath not. The reaſon he gives of it is, “That the vitioſity of the act, which is the proper cauſe of puniſhment, cannot go beyond the perſon of the offender; and therefore can oblige none to puniſhment, but him that hath committed the fault. And therefore he aſſerts, “That no man can be juſtly puniſhed beyond the deſert of his own ſins, but there may ſometimes be a double impulſive cauſe of that puniſhment; *viz.* His own and other mens, whereof one made that they might be juſtly puniſhed, the other that they ſhould be actually: But the latter, *he ſaith*, always ſuppoſeth the former, as the foundation of juſt puniſhment; ſo that no part of puniſhment could be executed upon him, wherein his own ſins were not ſuppoſed as the meritorious cauſe of it. Theſe are his two main principles which we muſt now throughly examine, the main force of his Book lying in them. But if we can prove that it hath been generally received by the conſent of mankind, that a perſon may be puniſhed beyond the deſert of his own actions; if God hath juſtly puniſhed ſome for the ſins of others, and there be no injuſtice in one mans ſuffering by his own conſent for another, then theſe principles of *Crellius* will be found not ſo firm as he imagines them.

Crell. c. 4. ſect. 3. p. 239, 240.

Crell. ib. ſect. 18.

That a perſon by his own conſent may be puniſhed beyond the deſert of his own actions.

IV. 1. That it hath been generally received by the conſent of mankind, that a perſon may be juſtly puniſhed beyond the deſert of his own

Grot. de Satisf. c. 4.

own actions. For which purpoſe *Grotius* objected againſt *Socinus* (who appealed to the conſent of Nations, abaut one being puniſhed for anothers fault) “That the Heathens did agree, that Children might be puniſhed for their Parents faults, and People for their Princes, and that corporal puniſhment might be born by one for another, did appear by the *Perſians* puniſhing the whole family for the fault of one. The *Macedonians* the near kindred in the caſe of Treaſon; ſome Cities of *Greece*, deſtroying the Children of Tyrants together with them; in all which, the mere conjunction was ſuppoſed a ſufficient reaſon without conſent; but in caſe of conſent, *he ſaith*, They all agreed in the Juſtice of ſome being puniſhed for the faults of others. Thence the right of killing hoſtages among the moſt civilized nations; and of ſureties being puniſhed in capital matters, if the guilty appear not, who were thence called ἀντίψυχοι, who were bound to anſwer body for body. In which caſes, the puniſhment did extend beyond the deſert of the perſon who ſuffered it; for no other reaſon is aſſigned of theſe ſufferings, beſides the conjunction of the perſon, or his conſent; but no antecedent guilt is ſuppoſed as neceſſary, to make the puniſhment juſt. We are now to conſider what *Crellius* doth anſwer to this: 1. As to their acknowledgments of God's puniſhing Children for their Parents faults, he gives the ſame anſwer which he doth to the examples recorded in *Scripture* to that purpoſe, ***That either they were puniſhed for the ſins of others, but their own ſins deſerved the puniſhment; or that the Parents were puniſhed in the Children, but the Children were not properly puniſhed.*** 2. As to puniſhments among

Crell. c. 4. ſect. 5. p. 244.

men, he anſwers two things; 1. That ſuch perſons were truly “puniſhed, but not juſtly: For he acknowledges, That in ſuch a caſe it is a proper puniſhment, and that it is enough in order to that, that any fault be charged upon a perſon, whether his own or anothers, whether true or falſe, on the account of which he is ſuppoſed worthy to be puniſhed: And that ſuch a conjunction is ſufficient for cruel, angry, or imprudent men: for where-ever there is a place, *ſaith he*, for anger, there is likewiſe for puniſhment. So that he confeſſeth, there may be ***a true puniſhment***, and that which anſwers all the reaſon and ends of puniſhment aſſigned by him where there is ***no deſert*** at all of it in the perſon who undergoes it. But then he adds, ***that this is an unjuſt puniſhment***, to which I reply, That then the reaſon of puniſhment aſſigned by *Crellius* before is inſufficient; for if this anſwers all the ends of puniſhments aſſigned by him, and yet be unjuſt, then it neceſſarily follows, that thoſe ends of puniſhment are conſiſtent with the greateſt injuſtice. For he before made puniſhment to have a natural reſpect to anger, and makes the ordinary end of puniſhment to be a ſatisfaction of the deſire of Revenge in men, yet now grants, that theſe may be in an unjuſt puniſhment. Neither can it be ſaid, ***that he conſidered puniſhment only naturally, and not morally***; for he tells us, that ***this is the nature of divine puniſhments***, which are therefore juſt, becauſe deſigned for theſe ends; but in caſe there be no ſuppoſal of a fault at all, then he denies that it is a puniſhment, but only an Affliction, and an exerciſe of dominion. So that according to him, where-ever there is a proper puniſhment, it muſt be juſt, when-ever God doth puniſh men: And the only difference between God and man ſuppoſable in this caſe is, that we have aſſurance God will never uſe his dominion unjuſtly; but that men do ſo when they make one to ſuffer for anothers

nothers fault, notwithſtanding a conſent and conjunction between the man that committed the fault, and the perſon that ſuffers for him. But this is begging the thing in queſtion, for we are debating, whether it be an unlawful exerciſe of power or no? For we have this preſumption, that it is not unlawful, becauſe it may anſwer all the ends of puniſhments, and what way can we better judge, whether a puniſhment be juſt or no, than by that?

Objections anſwered.

V. But we are to conſider, that we do not here take the perſon we ſpeak of, abſtractly *as an innocent perſon*, for then there is no queſtion, but anger and puniſhment is of one as ſuch unjuſt; but of an innocent perſon as ſuppoſed under an obligation by his own conſent to ſuffer for another. And in this caſe we aſſert, ſince according to *Crellius* the natural and proper ends of puniſhments may be obtained, and the conſent of the perſon takes away the wrong done to him in the matter of his ſufferings, ſo far as he hath power over himſelf, that ſuch a puniſhment is not unjuſt. For if it be, it muſt ſuppoſe ſome *injury* to be done; but in this caſe let them aſſign where the injury lies; it cannot be to the *publick*, if the ends of puniſhments may be obtained by ſuch a ſuffering of one for another by a valid conſent of the ſuffering party, it cannot be to the *perſon* in *whoſe room* the other ſuffers, for what injury is that to eſcape puniſhment by anothers ſuffering; it cannot be to *the ſuffering perſon*, ſuppoſing that to be true, which the Heathens ſtill ſuppoſed, *viz.* that every man had a power over his own life. If it be ſaid ſtill, that the injuſtice lies in this; *that ſuch a one ſuffers undeſervedly, and therefore unjuſtly.* I anſwer; if be meant by *undeſervedly* without *ſufficient cauſe* or *reaſon* of puniſhment, then we deny that ſuch a one doth ſuffer *undeſervedly*. *Immerito* in the *Greek Gloſſes* is rendred by Ἀλόγως, and *Merito* by εἰκότως and εὐλόγως, and in *Cicero*, *jure & merito*, are moſt commonly joyned together. So that where there is a right to puniſh, and ſufficient reaſon for it, ſuch a one doth not ſuffer *immerito*, i. e. *undeſervedly*. If it be ſaid, *that ſuch a one is not dignus pœna*, that implies no more than the other, for *dignus*, or as the Ancients writ it *dicnus*, comes from the *Greek* δίκη *jus*, as *Voſſius* tells us, *ut dignus ſit cui tribui aliquid æquum eſt:* So that where there is an equity in the thing, there is a dignity in the perſon, or he may be ſaid to be *worthy* to undergo it. *But doth not this lay open the greateſt innocency to as great a deſert of ſufferings, as the higheſt guilt?* By no means. For we make a liableneſs to puniſhment, the natural conſequent of guilt: And he that hath committed a fault, cannot but *deſerve* to be puniſhed, ſo that no ſufferings of others can take away the natural conſequence of a bad action, which is a *deſert of puniſhment*: So that as we ſay, a wicked action cannot but deſerve to be puniſhed, *i. e.* there is an agreeableneſs, in reaſon and nature, that he who hath done ill, ſhould ſuffer ill; ſo we ſay likewiſe there is neceſſity in nature and reaſon, that he that hath thus deſerved it, muſt unavoidably ſuffer it. And on the other ſide, we ſay, *no man by his innocency can deſerve to be puniſhed*, i. e. no man's innocency makes him by virtue of that obnoxious to puniſhment; but yet we add, that *notwithſtanding his innocency*, the Circumſtances may be ſuch that he may be *juſtly* puniſhed, and in that ſenſe *deſervedly*. So that the Queſtion is ſtrangely miſtaken, when it is thus put, *Whether an innocent perſon conſidered as ſuch, may be juſtly puniſhed*; for no one aſſerts that, or is bound to do it; but the true queſtion is, *whether a perſon notwithſtanding his innocency may not by ſome act of his own will*

Immerito quenquam punire eſt injuſtè punire. Crell. p. 240.

will oblige himſelf to undergo that puniſhment which otherwiſe he did not deſerve? Which puniſhment, in that caſe is juſt and agreeable to reaſon. And this is that which we aſſert and plead for. So that innocency here is not conſidered any other ways, than whether that alone makes it an unlawful puniſhment, which otherwiſe would be lawful, *i. e.* whether the Magiſtrate in ſuch caſes, where ſubſtitution is admittable by the Laws of Nations (as in the caſes we are now upon) be bound to regard any more than that the obligation to puniſhment now lies upon the perſon who by his own act hath ſubſtituted himſelf in the others room; and if he proceeds upon this, his action is juſtifiable and agreeable to reaſon. If it be ſaid, *that the ſubſtitution is unjuſt, unleſs the ſubſtituted perſon hath before-hand deſerved to be puniſhed*; it is eaſily anſwered, that this makes not the matter at all clearer; for either the perſon is puniſhed for the former fault, and then there is no ſubſtitution; or if he be puniſhed by way of ſubſtitution; then there is no regard at all had to his former fault, and ſo it is all one as if he were perfectly innocent.

The inſtances of Scripture conſidered.

VI. And by this *Crellius* his anſwer to the inſtances both in *Scripture* and elſewhere concerning Childrens being puniſhed for their Parents faults, will appear to be inſufficient, *viz.* "That God doth never puniſh them for their Parents faults beyond the deſert of their own ſins, and therefore no argument can be drawn from thence, that God may puniſh an innocent perſon for the ſins of others, becauſe he hath puniſhed ſome for what they were innocent: For the force of the argument doth not lie in the ſuppoſition of their innocency, as to the ground of puniſhment in general, for we do not deny, but that they may deſerve to be puniſhed for their own faults: But the argument lies in this, whether their own guilt were then conſidered as the reaſon of puniſhment, when God did puniſh them for their fathers faults? And whether they by their own ſins did deſerve to be puniſhed not only with the puniſhment due to their own Miſcarriages, but with the puniſhment due to their fathers too? If not, then ſome perſons are juſtly puniſhed, who have not deſerved that puniſhment they undergo; if they did deſerve it, then one perſon may deſerve to be puniſhed for anothers ſins. If it be ſaid, as it is by *Crellius*, *that his own ſins make him capable of puniſhment, and God by occaſion of others ſins doth execute that puniſhment, which he might not have done for his own.* I anſwer, we are not enquiring into the bare Capacity of puniſhing, but into the reaſon of it: Was the reaſon of puniſhment his own or his Fathers ſins? If his own, then he was puniſhed only for his own ſins? If his Fathers, then the puniſhment may be juſt which is inflicted without conſideration of proper *deſert* of it; *for no man* (ſay they) *can deſerve to be puniſhed, but for his own ſins.* But it's ſaid, *that the ſins of Fathers are only an impulſive cauſe for God to puniſh the Children according to the deſert of their own ſins which he might otherwiſe have forborn to puniſh.* Then the ſins of the Fathers are no *reaſon* why the Children ſhould be puniſhed; but their own ſins are the *reaſon*, and their Fathers the *bare occaſion* of being puniſhed for them. But in *Scripture*, the *reaſon* of puniſhment is drawn from the *Fathers ſins*, and not from the *Childrens:* For then the words would have run thus, *if the Children ſin, and deſerve puniſhment by their own iniquities, then I will take occaſion from their Fathers ſins, to viſit their own iniquities upon them:* Whereas the words refer to the *Fathers ſins* as the reaſon of the *Childrens* puniſhment. So in the words of the Law, wherein the reaſon of puniſhment ought to be moſt expreſly aſſigned, it is not, I will certainly puniſh the Children, if they continue in the Idolatry of their Fathers; but, *I will viſit the ſins of the Fathers upon the Children, unto the third and fourth Generation of them that hate me.* If it were only becauſe of *Imitation* of the Fathers ſins by the Children, there could be no reaſon for the limitation to the third and fourth Generation; for then the reaſon of puniſhment would be as long as the *Imitation* continued, whether to the fourth or tenth Generation: And as *Alphonſus à Caſtro* obſerves, "If the reaſon of puniſhment were the Imitation "of their Fathers ſins, then the Children were not puniſhed for their "Fathers ſins, but for their own; for that Imitation was a ſin of their "own, and not of their Fathers. Beſides, if the proper reaſon of puniſhment were the ſins of the Children, and the Fathers ſins only the occaſion of it, then where it is mentioned that Children are puniſhed for their Parents ſins, the Childrens *ſins* ſhould have been particularly expreſſed, as the proper *cauſe* of the puniſhment: But no other reaſon is aſſigned in the Law, but the ſins of the *Fathers*, no other cauſe mentioned of *Canaan*'s puniſhment, but his Father's ſin; nor of the puniſhment of the people in *David*'s time, but his own ſin; *Lo, I have ſinned, and I have done wickedly, but theſe ſheep, what have they done?* Which is no hyperbolical Expreſſion, but the aſſigning the proper *cauſe* of that judgment to have been his *own ſin*, as the whole Chapter declares: Nor, *of the hanging up of* Saul*'s Sons by the Gibeonites*, but, *that* Saul *their Father had plotted their deſtruction.* And in an inſtance more remarkable than any of thoſe which *Crellius* anſwers; *viz.* the puniſhment of the people of *Judah*, for the ſins of *Manaſſes* in the time of *Joſias*; when a through Reformation was deſigned among them, the Prince being very good, and all the places of Idolatry deſtroyed, ſuch a Paſſover kept as had not been kept before in the time of any King in *Iſrael*, yet it then follows, *Notwithſtanding the Lord turned not from the fierceneſs of his great wrath, wherewith his anger was kindled againſt Judah, becauſe of all the provocations wherewith Manaſſes had provoked him withal.* Who can ſay here, that the ſins of *Manaſſeh* were only the *occaſion* of God puniſhing the people in the time of *Joſias* for their own ſins, when their ſins were much leſs in the time of *Joſias*, than in any time mentioned before, after their lapſe into *Idolatry*? Nay, it is expreſly ſaid, *That Joſiah took away all the abominations out of all the countries that pertained to the Children of Iſrael, and made all that were preſent in Iſrael to ſerve, even to ſerve the Lord their God. And all his days they parted not from following the Lord God of their Fathers:* To ſay, that this was done in *Hypocriſie*, and bare outward compliance, is to ſpeak without Book; and if the reaſon of ſo ſevere puniſhments had been their Hypocriſie, that ought to have been mentioned; but not only here, but afterwards it is ſaid, that the reaſon of God's deſtroying *Judah*, was *for the ſins of Manaſſeh*; *viz.* his Idolatries and Murther, which it is ſaid, *the Lord will not pardon.* And if he would not pardon, then he did puniſh for thoſe ſins, not barely as the *occaſion*, but as the *meritorious cauſe* of that puniſhment. What ſhall we ſay then? Did the people in *Joſiah*'s time, deſerve to be puniſhed for the ſins of *Manaſſeh*, Grandfather to *Joſiah*? Or was God ſo highly provoked with thoſe ſins, that although he did not puniſh *Manaſſeh* himſelf upon his Repentance, yet he would let the world ſee how much he abhorred them,

Exod. 20. 3.

Alph. à Caſtro de juſtâ hæret. punit. l. 2. c. 10.

Gen. 9. 25.

2 Sam. 24. 17.

2 Sam. 21. 5.

2 Kin. 23. v. 4 to v. 21.

Verſ. 22.
Verſ. 26.

2 Chron. 34. 33.

2 Sam. 24, 3, 4.

them, by puniſhing thoſe ſins upon the people afterwards; although according to the uſual proportion of ſins and puniſhments, the ſins of the people in that age did not exceed the ſins of other ages, as much as the puniſhments they ſuffered, did exceed the puniſhments of other ages: which is neceſſary according to *Crellius* his Doctrine; for if God never puniſheth by occaſion of their Fathers ſins, the Children beyond the *deſert* of their own *ſins*; then it is neceſſary, that where judgments are remarkably greater, the ſins muſt be ſo too; the contrary to which is plain in this inſtance. By which we ſee, that it is not contrary to the Juſtice of God in puniſhing, to make the puniſhment of ſome on the account of others ſins, to exceed the *deſert* of their own: meaſuring that *deſert*, not in a way common to all ſin, but when the *deſert* of ſome ſins is compared with the deſert of others: For it is of this latter we ſpeak of, and of the method which God uſeth in puniſhing ſin here, for the demonſtration of his hatred of it, according to which the greateſt puniſhments muſt ſuppoſe the greateſt ſins, either of their own, or others which they ſuffer for.

Ezek. 18. 20. explained.
Ezek. 18. 4. 20.

VII. But *hath not God declared, That he will never puniſh the Children for the Fathers ſins? For the ſoul that ſinneth it ſhall die; the Son ſhall not bear the iniquity of the Father*, &c. To which I anſwer, Theſe words are to be conſidered, as an anſwer to a complaint made by the *Jews*, ſoon after their going into Captivity, which they imputed to God's ſeverity in puniſhing them for their Fathers ſins. Now the complaint was either true or falſe; if it were true, then though this was looked upon as great ſeverity in God, yet it was no injuſtice in him; for though God may act ſeverely, he cannot act unjuſtly: If it was falſe, then the anſwer had been an abſolute denial of it, as a thing repugnant to the Juſtice of God. Which we do not find here, but that God ſaith unto them, *v.* 3. *Ye ſhall not have occaſion any more to uſe this Proverb in* Iſrael: If the thing had been plainly unjuſt, which they complained of, he would have told them, they never had occaſion to uſe it. But we find the *Prophets* telling them before-hand, that they ſhould ſuffer for their Fathers ſins, *Jer.* 15. 3, 4. where he threatens them with deſtruction and baniſhment, becauſe of the *ſins of Manaſſeh in Jeruſalem*; and in the beginning of the captivity they complain of this, *Lam.* 5. 7. *Our Fathers have ſinned, and are not, and we have born their iniquities.* And *Jer.* 31. 28. *God* ſaith by the *Prophet*, *that he had watched over them to pluck up, and to pull down, and to deſtroy, and to afflict: But that he would watch over them to build, and to plant, and in thoſe days they ſhall ſay no more, the Fathers have eaten ſowre grapes and the Childrens teeth are ſet on edge; but every one ſhall die for his own iniquity.* Which place is exactly parallel with this in *Ezekiel*, and gives us a clear account of it, which is, that now indeed God had dealt very ſeverely with them, by making them ſuffer beyond what in the ordinary courſe of his providence their ſins had deſerved; but he puniſhed them not only for their own ſins, but the ſins of their *Fathers*: But leſt they ſhould think, they ſhould be utterly conſumed for their iniquities, and be no longer a people enjoying the Land which *God* had promiſed them, he tells them by the *Prophets*, though they had ſmarted ſo much, by reaſon of their *Fathers* ſins, this ſeverity ſhould not always continue upon them; but that God would viſit them with his kindneſs again, and would plant them in their own Land, then they

Jer. 31. 29. 30.

ſhould ſee no reaſon to continue this Proverb among them, for they would then find, *Though their Fathers had eaten ſowre grapes, their teeth ſhould not be always ſet on edge with it.* And if we obſerve it, the occaſion of the *Proverb*, was concerning the *Land of Iſrael*, עלארעא דישראל *ſupra terra Iſrael*, as the *Chaldee Paraphraſt* renders it, more agreeable to the *Hebrew*, than the other Verſions do. So that the *Land of Iſrael* was the occaſion of the *Proverb*, by their being baniſhed out of it for their Fathers ſins. Now God tells them, they ſhould have no more occaſion to uſe this Proverb concerning the *Land of Iſrael*; for they, notwithſtanding their Fathers ſins, ſhould return into their own *Land*. And even during the continuance of their Captivity, they ſhould not undergo ſuch great ſeverities for the future, but they ſhould find their Condition much more tolerable than they imagined; only, if any were guilty of greater ſins than others, they ſhould themſelves ſuffer for their own faults, but he would not puniſh the whole Nation for them or their own Poſterity. This I take to be the genuine meaning of this place; and I the rather embrace it, becauſe I find ſuch inſuperable difficulties in other interpretations that are given of it. For to ſay as our Adverſaries do, *That what God ſaith, ſhould not be for the future, was repugnant to his nature and juſtice now to do*, is to charge God plainly with injuſtice in what he had done: For the *Prophets* told them they ſhould ſuffer for the ſins of their *Fathers*: Which ſufferings were the ground of their complaint now, and the anſwer here given muſt relate to the occaſion of the complaint; for God ſaith, *They ſhould not have occaſion to uſe that Proverb*: Wherein is implyed, they ſhould not have the ſame reaſon to complain which they had then. I demand then, Do not theſe words imply, that God would not do for the future with them, what he had done before; if not, the proper anſwer had been a plain denial, and not a promiſe for the future he would not; if they do, then either *God* properly puniſhed them for the ſins of their *Fathers*, and then God muſt be *unjuſt* in doing ſo, or it was juſt with *God* to do it, and ſo this place inſtead of overthrowing will prove, that ſome may be juſtly puniſhed, beyond the deſert of their own ſins: or elſe, *God did only take occaſion by their Fathers ſins, to puniſh them according to the deſert of their own iniquities*: But then they had no cauſe to complain, that they were puniſhed for any more than their own iniquities; and withal, then God doth oblige himſelf by his promiſe here, never to puniſh men for the future *by the occaſion of others ſins*: Which is not only contrary to their own Doctrine, but to what is plainly ſeen afterwards in the puniſhment of the *Jews* for their *Fathers ſins*, mentioned by our *Saviour* after this; and if this be a certain rule of equity which God here ſaith, that he would never vary from, then the puniſhing of ſome on the occaſion of others ſins, would be as unjuſt, as our *Adverſaries* ſuppoſe the puniſhing any beyond the deſert of their own ſins to be. *But it is not implyed, that Gods ways would be unequal, if he ever did otherwiſe than he there ſaid he would do?* No, it is not, if by *equal* he meant *juſt*, for his ways never were, or can ſo unequal; but here if it be taken with a reſpect to the main diſpute of the Chapter, no more is implied in them, but that they judged amiſs concerning God's Actions, and that they were *juſt*, when they thought them not to be ſo: or if at leaſt they thought his ways very ſevere, though juſt, God by remitting of this ſeverity, would ſhew that he was not only *juſt*, but *kind*; and ſo they would find his ways equal,

Ezek. 18. 2.

Mat. 23. 35.

Ezek. 18. 25.

them, by puniſhing thoſe ſins upon the people afterwards; although according to the uſual proportion of ſins and puniſhments, the ſins of the people in that age did not exceed the ſins of other ages, as much as the puniſhments they ſuffered, did exceed the puniſhments of other ages: which is neceſſary according to *Crellius* his Doctrine; for if God never puniſheth by occaſion of their Fathers ſins, the Children beyond the *deſert* of their own *ſins*; then it is neceſſary, that where judgments are remarkably greater, the ſins muſt be ſo too; the contrary to which is plain in this inſtance. By which we ſee, that it is not contrary to the Juſtice of God in puniſhing, to make the puniſhment of ſome on the account of others ſins, to exceed the *deſert* of their own: meaſuring that *deſert*, not in a way common to all ſin, but when the *deſert* of ſome ſins is compared with the deſert of others: For it is of this latter we ſpeak of, and of the method which God uſeth in puniſhing ſin here, for the demonſtration of his hatred of it, according to which the greateſt puniſhments muſt ſuppoſe the greateſt ſins, either of their own, or others which they ſuffer for.

Ezek. 18. 20. explained. Ezek. 18. 4. 20.

VII. But *hath not God declared, That he will never puniſh the Children for the Fathers ſins? For the ſoul that ſinneth it ſhall die; the Son ſhall not bear the iniquity of the Father*, &c. To which I anſwer, Theſe words are to be conſidered, as an anſwer to a complaint made by the *Jews*, ſoon after their going into Captivity, which they imputed to God's ſeverity in puniſhing them for their Fathers ſins. Now the complaint was either true or falſe; if it were true, then though this was looked upon as great ſeverity in God, yet it was no injuſtice in him; for though God may act ſeverely, he cannot act unjuſtly: If it was falſe, then the anſwer had been an abſolute denial of it, as a thing repugnant to the Juſtice of God. Which we do not find here, but that God ſaith unto them, *v.* 3. *Ye ſhall not have occaſion any more to uſe this Proverb in* Iſrael: If the thing had been plainly unjuſt, which they complained of, he would have told them, they never had occaſion to uſe it. But we find the *Prophets* telling them before-hand, that they ſhould ſuffer for their Fathers ſins, *Jer.* 15. 3, 4. where he threatens them with deſtruction and baniſhment, becauſe of the *ſins of Manaſſeh in Jeruſalem*; and in the beginning of the captivity they complain of this, *Lam.* 5. 7. *Our Fathers have ſinned, and are not, and we have born their iniquities.* And *Jer.* 31. 28. *God* ſaith by the *Prophet, that he had watched over them to pluck up, and to pull down, and to deſtroy, and to afflict: But that he would watch over them to build, and to plant,* Jer.31.29. 30. *and in thoſe days they ſhall ſay no more, the Fathers have eaten ſowre grapes and the Childrens teeth are ſet on edge; but every one ſhall die for his own iniquity.* Which place is exactly parallel with this in *Ezekiel*, and gives us a clear account of it, which is, that now indeed God had dealt very ſeverely with them, by making them ſuffer beyond what in the ordinary courſe of his providence their ſins had deſerved; but he puniſhed them not only for their own ſins, but the ſins of their *Fathers*: But leſt they ſhould think, they ſhould be utterly conſumed for their iniquities, and be no longer a people enjoying the Land which *God* had promiſed them, he tells them by the *Prophets*, though they had ſmarted ſo much, by reaſon of their *Fathers* ſins, this ſeverity ſhould not always continue upon them; but that God would viſit them with his kindneſs again, and would plant them in their own Land, then they ſhould ſee no reaſon to continue this Proverb among them, for they would then find, *Though their Fathers had eaten ſowre grapes, their teeth ſhould not be always ſet on edge with it.* And if we obſerve it, the occaſion of the *Proverb*, was concerning the *Land of Iſrael*, עלארסת ישראל *ſupra terra Iſrael*, as the *Chaldee Paraphraſt* renders it more agreeable to the *Hebrew*, than the other Verſions do. So that the *Land of Iſrael* Ezek. 18. was the occaſion of the *Proverb*, by their being baniſhed out of it for 2. their Fathers ſins. Now God tells them, they ſhould have no more occaſion to uſe this Proverb concerning the *Land of Iſrael*; for they, notwithſtanding their Fathers ſins, ſhould return into their own *Land*. And even during the continuance of their Captivity, they ſhould not undergo ſuch great ſeverities for the future, but they ſhould find their Condition much more tolerable than they imagined; only, if any were guilty of greater ſins than others, they ſhould themſelves ſuffer for their own faults, but he would not puniſh the whole Nation for them or their own Poſterity. This I take to be the genuine meaning of this place; and I the rather embrace it, becauſe I find ſuch inſuperable difficulties in other Interpretations that are given of it: For to ſay as our Adverſaries do, *That what God ſaith, ſhould not be for the future, was repugnant to his nature and juſtice ever to do*, is to charge God plainly with injuſtice in what he had done: For the *Prophets* told them they ſhould ſuffer for the ſins of their *Fathers*: Which ſufferings were the ground of their complaint now, and the anſwer here given muſt relate to the occaſion of the complaint; for God ſaith, *They ſhould not have occaſion to uſe that Proverb*: Wherein is implyed, they ſhould not have the ſame reaſon to complain which they had then. I demand then, Do not theſe words imply, that God would not do for the future with them, what he had done before; if not, the proper anſwer had been a plain denial, and not a promiſe for the future he would not; if they do, then either *God* properly puniſhed them for the ſins of their *Fathers*, and then God muſt be *unjuſt* in doing ſo, or it was juſt with *God* to do it, and ſo this place inſtead of overthrowing will prove, that ſome may be juſtly puniſhed, beyond the deſert of their own ſins: or elſe, *God did only take occaſion by their Fathers ſins, to puniſh them according to the deſert of their own iniquities*: But then they had no cauſe to complain, that they were puniſhed for any more than their own iniquities; and withal, then God doth oblige himſelf by his promiſe here, never to puniſh men for the future *by the occaſion of others ſins*: Which is not only contrary to their own Doctrine, but to what is plainly ſeen afterwards in the puniſhment of the *Jews* for their *Fathers ſins*, mentioned by our *Saviour* after this: And if this be a cer- Mat. 23. tain rule of equity which God here ſaith, that he would never vary 35. from, then the puniſhing of ſome on the occaſion of others ſins, would be as unjuſt, as our *Adverſaries* ſuppoſe the puniſhing any beyond the deſert of their own ſins to be. *But it is not implyed, that Gods ways* Ezek. 18. *would be unequal, if he ever did otherwiſe than he there ſaid he would do?* 25. No, it is not, if by *equal* he meant *juſt*, for his ways never were, or can ſo unequal; but here if it be taken with a reſpect to the main diſpute of the Chapter, no more is implied in them, but that they judged amiſs concerning God's Actions, and that they were *juſt*, when they thought them not to be ſo: or if at leaſt they thought his ways very ſevere, though juſt, God by remitting of this ſeverity, would ſhew that he was not only *juſt*, but *kind*; and ſo they would find his ways *equal*, that is, always agreeable to themſelves, and ending in *kindneſs* to them, though they hitherto were ſo ſevere towards them in their baniſhment and Captivity. Or if they be taken with a reſpect to the immediate occaſion of them both, *Ezek.* 18.——33. They do not relate to this diſpute about *Childrens ſuffering for their Fathers ſins*; but to another, which was concerning a righteous mans ſinning and dying in his ſins, and a wicked mans repenting, and living in his righteouſneſs; which were directly contrary to the common opinion of the *Jews* to this day, which is, that God will judge men according to the greateſt number of their Actions good or bad: As appears by *Maimonides* and others. Now they thought it a very hard caſe, for a man who had been righteous the far greateſt part of his time, if he did at laſt commit iniquity, that his former righteouſneſs ſhould ſignifie nothing, but he muſt die in his iniquity. To this therefore God anſwers, that it was only the inequality of their own ways, which made them think God's ways in doing ſo unequal. This then doth not make it unequal, for God either to puniſh men, upon the occaſion, or by the deſert of other mens ſins, ſuppoſing ſuch a conjunction between them, as there is in the ſame body of people, to thoſe who went before them. And *Crellius* himſelf grants, "That *Socinus* never intended "to prove, that one mans ſuffering for anothers ſins was unjuſt in it "ſelf, from this place: No, not though we take it in the ſtricteſt ſenſe, "for one ſuffering in the ſtead of another.

Ezek. 33. 20.

Crell. c. 4. *ſect.* 15.

The deliverance of the guilty by the ſufferings of an innocent perſon by his own conſent, makes not the puniſhment unjuſt.

VIII. Having thus far declared, how far it is agreeable to God's Juſtice to puniſh any perſons either by reaſon of his dominion, or the conjunction of perſons, for the ſins of others, and conſequently whether any puniſhment may be undergone juſtly beyond the proper deſert of their own ſins, I now return to *the conſent of Mankind* in it, on ſuppoſition either of a near conjunction, or a valid conſent which muſt make up the want of dominion in men without it. And the queſtion ſtill proceeds upon the ſuppoſition of thoſe things, that there be a proper dominion in men over that which they part with for others ſakes, and that they do it by their free conſent; and then we juſtifie it not to be repugnant to the principles of Reaſon and Juſtice, for any to ſuffer beyond the *deſert* of their actions. And *Crellius* his ſaying, that ſuch a puniſhment is true puniſhment, but not juſt, is no anſwer at all to the conſent of Nations that it is ſo. And therefore finding this anſwer inſufficient; he relies upon another, *viz.* "That it was never "received by the conſent of Nations, that one man ſhould ſuffer in "the ſtead of another, ſo as the guilty ſhould be freed by the others "ſuffering. For, *he ſaith*, neither *Socinus* nor he do deny that one man "may be puniſhed for anothers ſins; but that which they deny is, "that ever the innocent were puniſhed ſo as the guilty were freed by "it; *and ſo he anſwers*, in the caſe of Hoſtages and Sureties, their puniſhment did never excuſe the offenders themſelves. And to this purpoſe *he ſaith*, *Socinus* his argument doth hold good, that though one "mans Money may become anothers, yet one mans ſufferings cannot "become anothers: For, *ſaith he*, if it could, then it would be all one "who ſuffered, as it is who pays the Money due: And then the offender muſt be preſently releaſed, as the Debtor is upon payment of "the Debt. This is the ſubſtance of what is ſaid by him upon this Argument. To which I reply; 1. That this gives up the matter in diſpute between us; for the preſent queſtion is, Whether it be unjuſt

Crell. c. 4. *ſect.* 30, 32. 34, *&c.*

for any one to ſuffer beyond the deſert of his own actions? *Yes*, ſaith *Crellius*, *it is, in caſe he ſuffers ſo, as that the guilty be freed by his ſufferings.* But we are not enquiring, whether it be juſt for another perſon to be freed for a mans ſuffering for him? But whether it be juſt for that man to ſuffer by his own conſent, more than *his own* actions, without that conſent, deſerved? The releaſe of another perſon by virtue of his ſufferings, is a matter of another Conſideration. Doth the freeing or not freeing of another by ſuffering, add any thing to the *deſerting* of ſuffering? He that being wholly innocent, and doth ſuffer on the account of anothers fault, doth he not ſuffer as *undeſervedly*, though another be not freed, as if he were? As in the caſe of *Hoſtages* or Sureties, doth it make them at all the more guilty, becauſe the perſons they are concerned for, will be puniſhed notwithſtanding, if they come under the power of thoſe who exacted the puniſhment upon them, who ſuffered for them? Nay, is not their *deſert* of puniſhment ſo much the leſs, in as much as the guilty are ſtill bound to anſwer for their own offences? If we could ſuppoſe the guilty to be freed by the other ſufferings, it would be by ſuppoſing their guilt more fully tranſlated upon thoſe who ſuffer, and conſequently, a greater obligation to puniſhment following that guilt. From whence it follows, that if it be juſt to puniſh, when the perſon is not deliver'd from whom the others ſuffers, it is more juſt when he is; for the tranſlation of the penalty is much leſs in the former caſe, than in the latter; and what is juſt upon leſs grounds of puniſhment, muſt be more juſt upon greater. I look on this therefore but as a ſhift of *Crellius*, hoping thereby to avoid the conſent of mankind in one mans ſuffering for another, without attending to the main argument he was upon; *viz.* The juſtice of one perſon ſuffering for another. 2. It is a very unreaſonable thing, to make an action unjuſt for that, which of it ſelf is acknowledged by our *Adverſaries* to be very juſt; *viz.* The pardoning the Offenders themſelves. If it were juſt to ſuffer, if the other were not pardoned, and it were juſt to pardon, whether the other were puniſhed or no, how comes this ſuffering to be unjuſt, merely by the others being pardoned by it: Nay, is it not rather an argument, that thoſe ſufferings are the moſt juſt, which do ſo fully anſwer all the ends of puniſhments; that there is then no neceſſity that the offender ſhould ſuffer; but that the Supreme Governour having obtained the ends of Government, by the ſuffering of one for the reſt, declares himſelf ſo well pleaſed with it, that he is willing to pardon the Offenders themſelves. 3. Many of thoſe perſons who have had their ſins puniſhed in others, have themſelves eſcaped the puniſhment due to the deſert of their ſins: As is plain in the caſe of *Ahab*, whoſe puniſhment was not ſo great as his ſins deſerved, becauſe the full puniſhment of them was reſerved to his Poſterity. If it be ſaid, as it is by *Crellius*, *That* Ahab *was not wholly freed, his life being taken away for his own ſins:* That gives no ſufficient anſwer; for if ſome part of the puniſhment was deferred, that part he was delivered from; and the ſame reaſon in this caſe will hold for the whole as the part. As is plain in the caſe of *Menaſſeh*, and ſeveral others, the guilt of whoſe ſins were puniſhed on their Poſterity, themſelves eſcaping it. 4. Our Adverſaries confeſs, that in ſome caſes it is lawful and unjuſt for ſome to ſuffer, with a deſign that others may be freed by their ſuffering for them. Thus they aſſert, *That one Chriſtian, not only may, but ought to lay down his life for another, if there be* *any*

Crell. c. 4. *ſect.* 25.

1 Kin. 21. 19.

any danger of his denying the truth, or he judges far more uſeful and con- Crell. cap. 6. ſect. 39. *ſiderable than himſelf: So likewiſe a Son for his Father, one Brother for another, or a Friend, or any, whoſe life he thinks more uſeful than his own.* Now I ask, whether a man can be bound to a thing that is *in its own nature unjuſt?* If not, as it is plain he cannot, then ſuch an obligation of one man to ſuffer for the delivery of another cannot be unjuſt, and conſequently the ſuffering it ſelf cannot be ſo. But *Crellius* ſaith, *The injuſtice in this caſe lies wholly upon the Magiſtrate who admits it:* But I ask, wherefore is it unjuſt in the Magiſtrate to admit it? It is becauſe the thing is in it ſelf unjuſt? If ſo, there can be no Obligation to do it; and it would be as great a ſin to undergo it, as in the Magiſtrate to permit it; but if it be juſt in it ſelf, we have obtained what we contend for, *viz.* That it may be juſt for a man to ſuffer beyond *the deſert* of his own actions; for he that lays down his life for his Brethren, doth not deſerve by his own actions that very puniſhment which he undergoes. And if the thing be in it ſelf juſt, how comes it to be unjuſt in him that permits it? 5. The reaſon why among men the offenders themſelves are puniſhed, is becauſe thoſe were not the terms, upon which the perſons ſuffered. For if they had ſuffered upon theſe terms that the other might be freed, and their ſuffering was admitted of by the Magiſtrate on that Conſideration, then in all reaſon and juſtice the offenders ought to be freed on the account of the others ſuffering for them. But among men the chief reaſon of the Obligation to puniſhment of one man for another, is not, that the other might be freed, but that there may be ſecurity given by the publick, that the offenders ſhall be puniſhed: and the reaſon of the Sureties ſuffering is not to deliver the offender, but to ſatisfie the Law, by declaring that all care is taken that the offender ſhould be puniſhed, when in caſe of eſcape, the Surety ſuffers for him. But it is quite another thing when the perſon ſuffers purpoſely that others might be freed by his ſuffering, for then in caſe the ſuffering be admitted, the releaſe of the other is not only, not unjuſt, but becomes due to him that ſuffered, on his own terms. Not as though it followed *ipſo facto* as *Crellius* fanſies, but the manner of releaſe doth depend upon the terms which he who ſuffered for them, ſhall make in order to it. For upon this ſuffering of one for another upon ſuch terms, the immediate conſequent of the ſuffering is not the *actual diſcharge* but the *right* to it which he hath purchaſed; and which he may diſpenſe upon what terms he ſhall judge moſt for his honour. 6. Although one perſons ſufferings cannot become anothers ſo as one mans *Money* may; yet one mans ſufferings may be a ſufficient Conſideration on which a benefit may accrue to another. For to that end a Donation, or ſuch a transferring right from one to another as is in *Money*, is not neceſſary, but the acceptation which it hath from him who hath the power to pardon. If he declare that he is ſo well pleaſed with the ſufferings of one for another, that in Conſideration of them, he will pardon thoſe from whom he ſuffered; where lies the im- Crell. ib. ſect. 28. poſſibility or unreaſonableneſs of the thing? For *Crellius* grants, *that rewards may be given to others than the perſons who did the actions in Conſideration of thoſe Actions*; and why may not the ſufferings of one for others, being purpoſely undertaken for this end, be avaliable for the pardon of thoſe whom he ſuffered for? For a man can no more transfer the right of his good Actions, than of his ſufferings. From all which it follows, that one perſon may by his own conſent, and being admitted thereto by him to whom the right of puniſhing belongs, ſuffer juſtly; though it be beyond the deſert of his own Actions; and the guilty may be pardoned on the account of his ſuffering. Which was the firſt thing we deſigned to prove from *Crellius*, in order to the overthrowing his own *Hypotheſis*. For it being confeſſed by him that ſuch ſufferings have all that belongs to the nature of puniſhments, and ſince God hath juſtly puniſhed ſome for the ſins which they have not committed; ſince all Nations have allowed it juſt for one man by his own conſent to ſuffer for another; ſince it cannot be unjuſt for the offender to be releaſed by anothers ſufferings, if he were admitted to ſuffer for that end, it evidently follows, contrary to *Crellius* his main principle, that *a perſon may be juſtly puniſhed beyond the deſert of his own Actions:* And ſo that firſt argument of *Crellius* cannot hold, *that one man cannot by his own conſent ſuffer for another, becauſe no man can deſerve anothers puniſhment, and no puniſhment is juſt but what is deſerved.* His ſecond argument from the nature of *Anger* and *Revenge* hath been already anſwered in the firſt Diſcourſe about the nature and ends of puniſhments, and his third argument, *that one mans puniſhment cannot become anothers*, immediately before. And ſo we have finiſhed our firſt Conſideration of the *ſufferings of Chriſt* in general, as *a puniſhment of our ſins*, which we have ſhewed to be agreeable both to *Scripture* and *Reaſon*.

Chap. IV.

I. *The Death of Chriſt conſidered as an Expiatory Sacrifice for ſin.* II. *What the expiation of ſin was by the Sacrifices under the Law; twofold, Civil and Ritual. The Promiſes made to the Jews under the Law of* Moſes, *reſpected them as a People, and therefore muſt be temporal. The typical nature of Sacrifices aſſerted.* III. *A ſubſtitution in the Expiatory Sacrifices under the Law, proved from* Lev. 17. 11. *and the Conceſſion of* Crellius *about the ſignification of* ἀντὶ *join'd with* ψυχῆς. Lev. 10. 17. *explained. The expiation of uncertain murther proves a ſubſtitution.* IV. *A ſubſtitution of Chriſt in our room proved from Chriſt's being ſaid to die for us; the importance of that phraſe conſidered.* V. *In what ſenſe a Surrogation of Chriſt in our room is aſſerted by us.* VI. *Our Redemption by Chriſt proves a ſubſtitution.* VII. *Of the true notion of Redemption: that explained, and proved againſt* Socinus *and* Crellius. *No neceſſity of paying the price to him that detains captive, where the captivity is not by force, but by ſentence of Law. Chriſt's death a proper* λύτρον: *and therefore the* ἀπολύτρωσις *attributed to it, cannot be taken for mere deliverance.*

The death of Chriſt conſidered as an Expiatory Sacrifice for ſin.

WE come now to conſider the Death of Chriſt, as an *Expiatory Sacrifice for the ſins of Mankind:* Which is as much denied by our Adverſaries, as that it was a puniſhment for our ſins. For though they do not deny, *That Chriſt as a Prieſt did offer up a Sacrifice of Expiation for the ſins of men*; yet they utterly deny, *that this was performed on Earth*, or that *the Expiation of ſins did reſpect God, but only us*; or, *that the death of Chriſt, had any proper Efficacy towards the Expiation of ſin, any further than as it* com-

any danger of his denying the truth, or he judges far more uſeful and conſiderable than himſelf: So likewiſe a Son for his Father, one Brother for another, or a Friend, or any whoſe life he thinks more uſeful than his own. Crell. cap. 6. ſect. 39. Now I ask, whether a man can be bound to a thing that is *in its own nature unjuſt*? If not, as it is plain he cannot, then ſuch an obligation of one man to ſuffer for the delivery of another cannot be unjuſt, and conſequently the ſuffering it ſelf cannot be ſo. But *Crellius* ſaith, *The injuſtice in this caſe lies wholly upon the Magiſtrate who admits it*: But I ask, wherefore is it unjuſt in the Magiſtrate to admit it? It is becauſe the thing is in it ſelf unjuſt? If ſo, there can be no Obligation to do it; and it would be as great a ſin to undergo it, as for the Magiſtrate to permit it; but if it be juſt in it ſelf, we have obtained what we contend for, *viz.* That it may be juſt for a man to ſuffer beyond *the deſert* of his own actions; for he that lays down his life for his Brethren, doth not deſerve by his own actions that very puniſhment which he undergoes. And if the thing be in it ſelf juſt, how comes it to be unjuſt in him that permits it? 5. The reaſon why among men the offenders themſelves are puniſhed, is becauſe thoſe were not the terms, upon which the perſons ſuffered. For if they had ſuffered upon theſe terms that the other might be freed, and their ſuffering was admitted of by the Magiſtrate on that Conſideration, then in all reaſon and juſtice the offenders ought to be freed on the account of the others ſuffering for them. But among men the chief reaſon of the Obligation to puniſhment of one man for another, is not, that the other might be freed, but that there may be ſecurity given by the publick, that the offenders ſhall be puniſhed: and the reaſon of the Sureties ſuffering is not to deliver the offender, but to ſatisfie the Law, by declaring that all care is taken that the offender ſhould be puniſhed, when in caſe of eſcape, the Surety ſuffers for him. But it is quite another thing when the perſon ſuffers purpoſely that others might be freed by his ſuffering, for then in caſe the ſuffering be admitted, the releaſe of the other is not only, not unjuſt, but becomes due to him that ſuffered, on his own terms. Not as though it followed *ipſo facto* as *Crellius* fanſies, but the manner of releaſe doth depend upon the terms which he who ſuffered for them, ſhall make in order to it. For upon this ſuffering of one for another upon ſuch terms, the immediate conſequent of the ſuffering is not the *actual diſcharge* but the *right* to it which he hath purchaſed; and which he may diſpenſe upon what terms he ſhall judge moſt for his honour. 6. Although one perſons ſufferings cannot become anothers ſo as one mans *Money* may; yet one mans ſufferings may be a ſufficient Conſideration on which a benefit may accrue to another. For to that end a Donation, or ſuch a transferring right from one to another as is in *Money*, is not neceſſary, but the acceptation which it hath from him who hath the power to pardon. If he declare that he is ſo well pleaſed with the ſufferings of one for another, that in Conſideration of them, he will pardon thoſe from whom he ſuffered; where lies the impoſſibility or unreaſonableneſs of the thing? Crell. ib. ſect. 28. For *Crellius* grants, *that rewards may be given to others than the perſons who did the actions in Conſideration of thoſe Actions*; and why may not the ſufferings of one for others, being purpoſely undertaken for this end, be avaliable for the pardon of thoſe whom he ſuffered for? For a man can no more transfer the right of his good Actions, than of his ſufferings. From all which it follows, that one perſon may by his own conſent, and being admitted thereto by him to whom the right of puniſhing belongs, ſuffer juſtly; though it be beyond the deſert of his own Actions; and the guilty may be pardoned on the account of his ſuffering. Which was the firſt thing we deſigned to prove from *Crellius*, in order to the overthrowing his own *Hypotheſis*. For it being confeſſed by him that ſuch ſufferings have all that belongs to the nature of puniſhments, and ſince God hath juſtly puniſhed ſome for the ſins which they have not committed; ſince all Nations have allowed it juſt for one man by his own conſent to ſuffer for another; ſince it cannot be unjuſt for the offender to be releaſed by anothers ſufferings, if he were admitted to ſuffer for that end, it evidently follows, contrary to *Crellius* his main principle, that *a perſon may be juſtly puniſhed beyond the deſert of his own Actions:* And ſo that firſt argument of *Crellius* cannot hold, *that one man cannot by his own conſent ſuffer for another, becauſe no man can deſerve anothers puniſhment, and no puniſhment is juſt but what is deſerved.* His ſecond argument from the nature of *Anger* and *Revenge* hath been already anſwered in the firſt Diſcourſe about the nature and ends of puniſhments, and his third argument, *that one mans puniſhment cannot become anothers*, immmediately before. And ſo we have finiſhed our firſt Conſideration of the *ſufferings of Chriſt* in general, as *a puniſhment of our ſins*, which we have ſhewed to be agreeable both to *Scripture* and *Reaſon*.

CHAP. IV.

I. *The Death of Chriſt conſidered as an Expiatory Sacrifice for ſin.* II. *What the expiation of ſin was by the Sacrifices under the Law; twofold, Civil and Ritual. The Promiſes made to the Jews under the Law of* Moſes, *reſpected them as a People, and therefore muſt be temporal. The typical nature of Sacrifices aſſerted.* III. *A ſubſtitution in the Expiatory Sacrifices under the Law, proved from* Lev. 17. 11. *and the Conceſſion of* Crellius *about the ſignification of* ἀντὶ *join'd with* ψυχῆς. Lev. 10. 17. *explained. The expiation of uncertain murther proves a ſubſtitution.* IV. *A ſubſtitution of Chriſt in our room proved from Chriſt's being ſaid to die for us; the importance of that phraſe conſidered.* V. *In what ſenſe a Surrogation of Chriſt in our room is aſſerted by us.* VI. *Our Redemption by Chriſt proves a ſubſtitution.* VII. *Of the true notion of Redemption: that explained, and proved againſt* Socinus *and* Crellius. *No neceſſity of paying the price to him that detains captive, where the captivity is not by force, but by ſentence of Law. Chriſt's death a proper* λύτρον*: and therefore the* ἀπολύτρωσις *attributed to it, cannot be taken for mere deliverance.*

The death of Chriſt conſidered as an Expiatory Sacrifice for ſin.

WE come now to conſider the Death of Chriſt, as an *Expiatory Sacrifice for the ſins of Mankind:* Which is as much denied by our Adverſaries, as that it was a puniſhment for our ſins. For though they do not deny, *That Chriſt as a Prieſt did offer up a Sacrifice of Expiation for the ſins of men*; yet they utterly deny, *that this was performed on Earth*, or that *the Expiation of ſins did reſpect God, but only us*; or, *that the death of Chriſt, had any proper Efficacy towards the Expiation of ſin, any further than as it com-*

comprehends in it all the conſequences of his death, by a ſtrange *Catechreſis*. I ſhall now therefore prove, that all things which do belong to a proper Expiatory Sacrifice, do agree to the death of Chriſt. There are three things eſpecially conſiderable in it: 1. A Subſtitution in the place of the Offenders. 2. An Oblation of it to God. 3. An Expiation of ſin conſequent upon it. Now theſe three, I ſhall make appear to agree fully to the Death of Chriſt for us.

I. *A Subſtitution in the place of the offenders.* That we are to prove was deſigned in the *Expiatory Sacrifices* under the Law, and that *Chriſt* in his death *for us*, was *ſubſtituted* in our place. 1. That in the Expiatory Sacrifices under the Law, there was a *Subſtitution* of them *in the place* of the Offenders. This our Adverſaries are not willing to yield us, becauſe of the correſpondency which is ſo plain in the *Epiſtle* to the *Hebrews*, between thoſe Sacrifices, and that which was offered up by Chriſt. We now ſpeak only of thoſe Sacrifices, which we are ſure were appointed of old for the Expiation of ſin, by God himſelf. As to which the great Rule aſſigned by the Apoſtle was, *That without ſhedding of Blood there was no Remiſſion.* If we yield *Crellius* what he ſo often urgeth, *viz.* *That theſe words are to be underſtood, of what was done under the Law*; they will not be the leſs ſerviceable to our purpoſe; for thereby it will appear, that the means of Expiation lay in the *ſhedding of Blood:* Which ſhews, that the very *Mactation* of the beaſt to be ſacrificed, was deſigned in order to the Expiation of ſin. To an inquiſitive perſon, the reaſon of the ſlaying ſuch multitudes of beaſts in the Sacrifices appointed by God himſelf among the *Jews*, would have appeared far leſs evident than now it doth, ſince the *Author* of the *Epiſtle* to the *Hebrews* hath given us ſo full an account of them. For it had been very unreaſonable to have thought, that they had been merely inſtituted out of compliance with the Cuſtoms of other Nations, ſince the whole deſign of their Religion, was to ſeparate them from them: And on ſuch a Suppoſition the great deſign of the *Epiſtle* to the *Hebrews* ſignifies very little; which doth far more explain to us the nature and tendency of all the Sacrifices in uſe among them, that hath any reſpect to the Expiation of ſins, than all the Cuſtoms of the *Egyptians*, or the Commentaries of the later *Jews*. But I intend not now to diſcourſe at large upon this Subjuct of Sacrifices, either as to the Nature and Inſtitution of them in general, or with a particular reſpect to the Sacrifice of Chriſt, ſince a learned perſon of our *Church*, hath already undertaken this *Crellius* upon Argument, and we hope e'er long will oblige the World with the benefit of his Pains. I ſhall therefore only inſiſt on thoſe things which are neceſſary for our purpoſe, in order to the clearing the Subſtitution of Chriſt in our ſtead, for the Expiation of our ſins by his death; and this we ſay was repreſented in the Expiatory Sacrifices, which were inſtituted among the *Jews*. If we yield *Crellius* what he after *Socinus* contends for; *viz.* *That the Sacrifice of Chriſt was only repreſented in the publick and ſolemn Expiatory Sacrifices for the people, and eſpecially thoſe on the day of Atonement*; We may have enough from them to vindicate all that we aſſert, concerning the Expiatory Sacrifice of the Blood of Chriſt.

Heb. 9.22.
Crell. c. 10. ſect. 14.

Crell. c. 10. *ſect.* 13.

What the Expiation of ſin was by the Sacrifices under the Law.

II. For that thoſe were deſigned by way of *Subſtitution* in the place of the Offenders, will appear from the Circumſtances and Reaſon of their Inſtitution: But before we come to that, it will be neceſſary to ſhew what that *Expiation* was, which the Sacrifices under the Law were deſigned for; the not underſtanding of which, gives a greater force to our Adverſaries Arguments, than otherwiſe they would have. For while men aſſert, that the Expiation was wholly typical, and of the ſame Nature with that Expiation which is really obtained by the death of Chriſt, they eaſily prove, *That all the Expiation then, was only declarative, and did no more depend on the Sacrifices offered, than on a Condition required by God, the neglect of which would be an act of diſobedience in them; and by this means it could repreſent,* ſay they, *no more than ſuch an Expiation to be by Chriſt*; viz. *God's declaring that ſins are expiated by him, on the performance of ſuch a Condition required in order thereto, as laying down his life was.* But we aſſert another kind of Expiation of ſin, by virtue of the Sacrifice being ſlain and offered; which was real, and depended upon the Sacrifice: And this was twofold a *Civil*, and a *Ritual* Expiation, according to the double Capacity in which the people of the *Jews* may be conſidered, either as members of a Society, ſubſiſting by a body of *Laws*, which according to the ſtricteſt *Sanction* of it, makes death the penalty of diſobedience, *Deut.* 27. 26. but by the will of the Legiſlator, did admit of a Relaxation in many Caſes, allowed by himſelf; in which he declares, That the death of the Beaſt deſigned for a *Sacrifice* ſhould be accepted, inſtead of the death of the offender; and ſo the offence ſhould be fully expiated, as to the Execution of the penal Law upon him. And thus far, I freely admit what *Grotius* aſſerts upon this Subject, and do yield that no other offence could be expiated in this manner, but ſuch which God himſelf did particularly declare ſhould be ſo. And therefore no ſin which was to be puniſhed by cutting off, was to be expiated by Sacrifice; as *wilful Idolatry, Murther, &c.* Which it is impoſſible for thoſe to give an account of, who make the Expiation wholly *Typical*; for why then ſhould not the greateſt ſins much rather have had Sacrifices of *Expiation* appointed for them: Becauſe the Conſciences of men would be more ſolicitous for the pardon of greater than leſſer ſins; and the Blood of Chriſt repreſented by them, was deſigned for the Expiation of all. From whence it is evident, that it was not a meer *Typical* Expiation; but it did relate to the Civil Conſtitution among them. But beſides this, we are to conſider the people with a reſpect to that Mode of Divine Worſhip which was among them; by reaſon of which, the people were to be purified from the *legal* Impurities which they contracted, which hindred them from joining with others in the publick Worſhip of God, and many Sacrifices were appointed purpoſely for the expiating this *legal Guilt*, as particularly, *the aſhes of the red heifer*, Numb. 19. 9. which is there called *a purification for ſin*. And the *Apoſtle* puts *the Blood of Bulls and of Goats, and the aſhes of the heifer ſprinkling the unclean*, together; and the effect of both of them, he ſaith, was *to ſanctifie to the purifying of the Fleſh*; which implies, that there was ſome proper and immediate effect of theſe Sacrifices upon the people at that time, though infinitely ſhort of the effect of the Blood of Chriſt upon the *Conſciences* of men. By which it is plain, the *Apoſtle* doth not ſpeak of the ſame kind of *Expiation* in thoſe Sacrifices, which was in the Sacrifice of Chriſt, and that the one was barely typical of the other; but of a different kind of *Expiation*, as far as *purifying the fleſh* is from *purging the Conſcience*. But we do not deny, that the whole diſpenſation was *typical*, and that *the Law had a ſhadow of good things to come, and not the very image of the things*, i. e. a dark and

Grot. de Satisf. c. 10.

Heb. 9. 12, 13.

Heb. 10. 1.

and obſcure Repreſentation, and not the perfect Reſemblance of them. There are two things which the Apoſtle aſſerts concerning the Sacrifices of the *Law:* Firſt, that they had an effect upon the Bodies of men, which he calls *purifying the fleſh*; the other is, that they had no power to expiate for the Sins of the Soul, conſidered with a reſpect to the puniſhment of another Life, which he calls *purging the Conſcience from dead works*; and therefore he ſaith, *that all the Gifts and Sacrifices under the Law, could not make him that did the ſervice perfect, as pertaining to the Conſcience*, and *that it was impoſſible that the Blood of Bulls and Goats ſhould take away ſin.* So that the proper Expiation which was made by them, was Civil and Ritual, relating either to corporal puniſhment, or to legal uncleanneſs, from whence the *Apoſtle* well proves the neceſſity of a higher Sacrifice to make Expiation for Sins, *as pertaining to the Conſcience:* But that Expiation among the *Jews* did relate to that *Polity* which was eſtabliſhed among them, as they were a people under the Government of a body of Laws diſtinct from the reſt of the World. And they being conſidered as ſuch, it is vain to enquire, whether they had only *Temporal* or *Eternal* Promiſes; for it was impoſſible they ſhould have any other than Temporal, unleſs we imagine, that *God* would own them for a diſtinct People in another World as he did in this. For what Promiſes relate to a People *as ſuch*, muſt conſider them as a People, and in that Capacity they muſt be the Bleſſings of a *Society*, viz. Peace, Plenty, number of People, Length of Days, *&c.* But we are far from denying that the general Principles of *Religion* did remain among them, viz. *that there is a God, and a rewarder of them that ſeek him*; and all the Promiſes God made to the *Patriarchs*, did continue in force *as to another Country*, and were continually improved by the *Prophetical* Inſtructions among them. But we are now ſpeaking of what did reſpect the people in general, by virtue of that Law which was given them by *Moſes*, and in that reſpect the puniſhment of faults being either *Death* or *Excluſion* from the publick Worſhip, the Expiation of them, was taking away the Obligation of either of theſe, which was the guilt of them in that Conſideration.

Heb. 9. 9. 10. 4.

But doth not this take away the typical nature of theſe Sacrifices? No, but it much rather eſtabliſheth it. For as *Socinus* argues, “If the Expiation was only Typical, there muſt be ſomething in the type Correſpondent to that which is typified by it. As the Brazen Serpent typified Chriſt, and the benefit which was to come by him, becauſe as many as looked up to it were healed. And *Noah*'s Ark is ſaid to be a type of Baptiſm, becauſe as many as entred into that were ſaved from the deluge. So *Corinth.* 10. the Apoſtle ſaith, that thoſe things happened to them in Types, *v.* 11. becauſe the Events which happened to them, did repreſent thoſe which would have fall upon diſobedient Chriſtians. So that to make good the true notion of a *Type*, we muſt aſſert an *Expiation* that was *real* then, and agreeable to that diſpenſation, which doth repreſent an Expiation of a far higher Nature, which was to be by the Sacrifice of the Blood of Chriſt.

Socin. de ſervat. l. 2. *c.* 10. *Prælect. Theolog cap.* 22.

A ſubſtitution proved from *Lev.* 17. 11, &c.

III. Which being premiſed, I come to prove, that there was a *Subſtitution* deſigned of the Beaſt to be ſlain and ſacrificed inſtead of the Offenders themſelves. Which will appear from *Levit.* 17. 11. *For the life of the fleſh is in the Blood, and I have given it you upon the Altar, to* *make an Atonement for your Souls; for it is the Blood that maketh an Atonement for the Soul.* The utmoſt that *Crellius* would have meant by Crell. c. 10. ſect. 9. this place is, *that there is a double reaſon aſſigned of the Prohibition of eating Blood*, viz. *that the Life was in the Blood, and that the Blood was deſigned for Expiation; but he makes theſe wholly independent upon each other.* But we ſay, that the proper reaſon aſſigned againſt the eating of the *Blood*, is that which is elſewhere given, when this precept is mentioned, viz. *that the Blood was the Life*, as we may ſee *Gen.* 9. 4. *Lev.* 17. 14. but to confirm the Reaſon given, that *the Blood was the Life*; he adds, *that God had given them that upon the Altar for an Atonement for their Souls:* So the Arabick Verſion renders it, *and therefore have I given it you upon the Altar*, viz. becauſe the Blood is the life. And hereby a ſufficient reaſon is given, why God did make choice of Blood for Atonement, for that is expreſſed in the latter Clauſe, *for it is the Blood that maketh an Atonement for the Soul*; why ſhould this be mentioned here, if no more were intended but to give barely another Reaſon why they ſhould not eat the Blood? What force is there more in this Clauſe to that end, than in the foregoing? For therein God had ſaid, *that he had given it them for an Atonement.* If no more had been intended, but the bare Prohibition of common uſe of the Blood, on the account of its being Conſecrated to ſacred uſe, it had been enough to have ſaid, that the Blood was holy unto the *Lord*, as it is in the other inſtances mentioned by *Crellius*, of the *holy Ointment and Perfume*, Exod. 30. 32, 33. 37, 38. for no other reaſon is there given, why it ſhould not be profaned to common uſe, but *that it ſhould be holy for the Lord*; if therefore the Blood had been forbidden upon that account, there had been no neceſſity at all of adding, that *the Blood was it that made Atonement for the Soul:* Which gives no peculiar Reaſon why they ſhould not eat the Blood, beyond that of bare Conſecration of it to a ſacred uſe; but if we conſider it as reſpecting the firſt Clauſe, viz. *For the Life of the fleſh is in the blood*, then there is a particular reaſon why the Blood ſhould be for Atonement, viz. *Becauſe the Life was in that*; and therefore when the *Blood* was offered, the Life of the Beaſt was ſuppoſed to be given inſtead of the Life of the Offender. According to that of *Ovid*,

Hanc animam vobis pro meliore damus. Ovid. Faſt. l. 6. This will be yet made clearer by another inſtance produced by *Crellius* to explain this, which is *the forbidding the eating of Fat*; which ſaith he, *is joyned with this of Blood*, Levit. 3. 17. *It ſhall be a perpetual Statute for your Generations, throughout all your dwellings, that ye eat neither Fat nor Blood.* To the ſame purpoſe, *Levit.* 7. 23, 25, 26. Now no other reaſon is given of the Prohibition of the Fat, but this, *All the Fat is the Lords.* Lev. 3. 16. Which was enough to keep them from eating it. But we ſee here in the Caſe of *Blood* ſomewhat further is aſſigned, *viz.* that it was *the life*; and therefore was moſt proper for *Expiation*, the Life of the Beaſt being ſubſtituted in the place of the Offenders. Which was therefore called *animalis hoſtia* among the *Romans*, as *Grotius* obſerves upon this place, and was diſtinguiſhed from thoſe whoſe entrails were obſerved; for in thoſe Sacrifices as *Servius* ſaith, *ſola anima Deo ſacratur*, Servius ad Æneid. 4. the main of the Sacrifice lay in ſhedding of the *Blood*, which was called the *Soul*; and ſo it is נפש in this place. From whence it appears that ſuch a Sacrifice was properly ψυχὴ ἀντὶ ψυχῆς, for the ſame word נפש is uſed, both relating to the *Blood* and the *Soul*, that is expiated by it: And the LXX do accordingly render it, ψυχὴ πάσης σαρκὸς αἷμα αὐτοῦ ἐστι, and in the laſt Clauſe, τὸ γὰρ αἷμα αὐτοῦ ἀντὶ ψυχῆς ἐξιλάσεται. From whence *Euſebius* calls theſe Sacrifices of living Creatures, ἀντίψυχα τῆς αὐτῶν ψυχῆς, and afterwards ſaith they were λύτρα τῆς ἑαυτῶν ζωῆς καὶ ἀντίψυχα τῆς οἰκείας φύσεως. And *Crellius* elſewhere grants, *that where* ἀντὶ *is joyned with* ψυχὴ, *it doth imply, that one doth undergo the Puniſhment which another was to have undergone*, which is all we mean by *Subſtitution*, it being done in the place of another. From whence it follows, that the Sacrifices under the Law being ſaid to be ἀντὶ ψυχῆς, doth neceſſarily infer a Subſtitution of them in the place of the Offenders. And from hence may be underſtood, what is meant by *the Goat of the Sin offering, bearing the iniquity of the Congregation, to make Atonement for them before the Lord*, Levit. 10. 17. for *Crellius* his ſaying, *That bearing is as much as taking away, or declaring that they are taken away*, hath been already diſproved: And his other anſwer hath as little weight in it; viz. *That it is not ſaid, that the Sacrifice did bear their Iniquities, but the Prieſt:* For, 1. The *Chaldee Paraphraſt*, and the *Syriack Verſion*, underſtand it wholly of the *Sacrifice*. 2. *Socinus* himſelf grants, *That if it were ſaid, the Prieſt did expiate by the Sacrifices, it were all one as if it were ſaid, that the Sacrifices themſelves did expiate; becauſe the Expiation of the Prieſt was by the Sacrifice.* Thus it is plain in the caſe of uncertain Murther, mentioned *Deut.* 21. from the firſt to the tenth; *If a Murther were committed in the Land, and the perſon not known who did it, a Heifer was to have her head cut off by the Elders of the next City; and by this means they were to put away the guilt of the innocent Blood from among them:* The Reaſon of which was, becauſe God had ſaid before, *That Blood defiled the Land, and the Land cannot be cleanſed of the Blood that is ſhed therein, but by the Blood of him that ſhed it.* From whence it appears, that upon *the ſhedding of Blood*, there was a guilt contracted upon the whole Land wherein it was ſhed, and in caſe the Murtherer was not found to expiate that guilt by his own Blood, then it was to be done by the cutting off the head of a Heifer inſtead of him: In which caſe, the death of the Heifer was to do as much towards the expiating the Land, as the Death of the Murtherer if he had been found: And we do not contend, *that this was deſigned to expiate the Murtherers* guilt (which is the Objection of *Crellius* againſt this inſtance) but that a Subſtitution here was appointed by God himſelf, for the Expiation of the People: For what *Crellius* adds, *That the People did not deſerve Puniſhment, and therefore needed no Expiation*; it is a flat Contradiction to the Text: For the Prayer appointed in that caſe is, *Be merciful, O Lord, unto thy People Iſrael, whom thou haſt Redeemed, and lay not innocent Blood unto thy People Iſrael's Charge, and the Blood ſhall be expiated:* For the ſame word כפר is uſed here, which is in the other places where *Expiation* is ſpoken of. So that here muſt be ſome guilt ſuppoſed, where there was to be an *Expiation*, and this *Expiation* was performed by the *Subſtitution* of a *Sacrifice* in the place of the Offender. Which may be enough at preſent to ſhew, that a Subſtitution was admitted by the Law, of a Sacrifice inſtead of the Offender, in order to the Expiation of guilt; but whether the Offender himſelf was to be freed by that Sacrifice; depends upon the Terms on which the Sacrifice was offered; for we ſay ſtill, that ſo much *guilt* was expiated, as the Sacrifice was deſigned to expiate; if the Sacrifice was deſigned to expiate the guilt of the Offender, his ſin was expiated by it; if not his,

Euſeb. demonſt. Evang. l. 1. *c.* 10.

Crell. c. 8. *ſect.* 23. *Denotat enim vox* ἀντιψύχων *eos quorum alter pro altero animam ponat aut devoveat, & ſic id malum quod alteri ſubeundum erat ejus loco ſubire non detrectet.*

Socin. de ſervat. l. 2. *c.* 11.

Numb. 35. 33.

Crell. c. 10. *ſect.* 9.

Deut. 21. 8.

in caſe no Sacrifice was allowed by the Law, as in that of Murther, then the guilt which lay upon the Land was expiated, although the Offender himſelf were never diſcovered.

IV. I now come to prove, that in Correſpondency to ſuch a *Subſtitution* of the Sacrifices for Sin under the Law, Chriſt was ſubſtituted in our room for the Expiation of our guilt; and that from his being ſaid *to die for us*, and his death being called *a Price of Redemption* for us.

A ſubſtitution of Chriſt in our room proved by his dying for us.

1. *From Chriſt's being ſaid to die for us.* By St. Peter, *For Chriſt hath alſo once ſuffered for ſins, the juſt for the unjuſt*; by whom he is alſo ſaid, *to ſuffer* ὑπὲρ ἡμῶν, *for us*, and *for us in the fleſh:* By St. *Paul*, he is ſaid *to die*, ὑπὲρ πάντων, *for all*, and ὑπὲρ ἀσεβῶν, *for the ungodly*, and *to give himſelf* ἀντίλυτρον ὑπὲρ πάντων, *a Ranſom for all*, and, *to taſt Death* ὑπὲρ παντὸς, *for every Man:* By *Caiphas*, ſpeaking by inſpiration, he is ſaid *to die* ὑπὲρ τοῦ λαοῦ, *for the People.* So Chriſt himſelf inſtituting his laſt Supper, ſaid, *This is my Body which was given, and my Blood which was ſhed* ὑπὲρ ὑμῶν, *for you*; and before he had ſaid, That *the Son of Man came to give his Life* λύτρον ἀντὶ πολλῶν, *a ranſom for many.* We are now to conſider, what Arts our Adverſaries have made uſe of to pervert the meaning of theſe places, ſo as not to imply a Subſtitution of Chriſt in our room: 1. They ſay, *That all theſe phraſes do imply no more than a final Cauſe*; viz. *That Chriſt died for the good of Mankind*; for the Apoſtle tells us, *We are bound to lay down our Lives for the Brethren, and St.* Paul *is ſaid to ſuffer for the Church.* To which I anſwer; 1. This doth not at all deſtroy that which we now plead for, *viz.* That theſe Phraſes do imply a Subſtitution of Chriſt in our room: For when we are bid to lay down *our Lives for our Brethren*, a Subſtitution is implied therein; and ſuppoſing that dying for another, doth ſignifie dying for ſome benefit to come to him, yet what doth this hinder Subſtitution, unleſs it be proved, that one cannot obtain any benefit for another, by being ſubſtituted in his room. Nay, it is obſervable, that although we produce ſo many places of *Scripture*, implying ſuch a Subſtitution, they do not offer to produce one that is inconſiſtent with Chriſt's Suffering in our ſtead; all that they ſay is, *That* ὑπὲρ *doth not always ſignifie ſo*, which we never ſaid it did, who ſay, that Chriſt ſuffered ὑπὲρ ἁμαρτιῶν, not *inſtead* of our ſins, but by *reaſon* of them; but we aſſert, that when one perſon is ſaid to die for others, as in the places mentioned, no other ſenſe can be ſo proper and agreeable, as dying in the ſtead of the other. 2. *Socinus* himſelf grants, "That there is a peculiarity implied in thoſe Phraſes, when attributed "to Chriſt, above what they have when attributed to any other. And "therefore, *he ſaith*, it cannot be properly ſaid, That one Brother dies "for another, or that *Paul* ſuffered for the *Coloſſians*, or for the "Church, as Chriſt may truly and properly be ſaid to ſuffer and to die "for us. And from hence, *ſaith he*, St. *Paul* ſaith, was *Paul* Crucified "for you? Implying thereby, that there never was or could be any, "who truly and properly could be ſaid to die for Men, but Chriſt a- "lone. How unreaſonable then is it, from the uſe of a *Particle* as applied to others, to infer, that it ought to be ſo underſtood, when applied to Chriſt? when a peculiarity is acknowledged in the Death of Chriſt for us, more than ever was or could be in one mans dying for another. 3. It is not the bare force of the Particle ὑπὲρ that we inſiſt upon; but that a *Subſtitution* could not be more properly expreſſed, than it

1 Pet. 3. 18.
2. 21. 4. 1.
2 Cor. 5. 14.
Rom. 5. 6.
1 Tim. 2. 6.
Heb. 2. 9.
Joh. 11. 50.
Luke 22. 19, 20.
Matt. 20. 28.
1 Joh. 3. 16.
Col. 1. 24.
Soc. de ſervat. l. 2. *c.* 8.
1 Cor. 1. 13.

it is in Scripture, by this and other Particles, for not only ὑπὲρ is uſed, Socin. ib. but ἀντὶ too: which *Socinus* ſaith, *although it may ſignifie ſomething elſe beſides in the ſtead of another, yet in ſuch places, where it is ſpoken of a Ranſom or Price, it ſignifies the payment of ſomething which was owing before, as* Matt. 17. 27. ἀντὶ ἐμȣ̃ ϗ σȣ̃, *and ſo he acknowledges, that where Redemption is ſpoken of, there ἀντὶ doth imply a Commutation, becauſe the Price is given, and the Perſon received, which,* he ſaith, *holds in Chriſt only Metaphorically:* For the Redemption according to him being only Metaphorical, the commutation muſt be ſuppoſed to be ſo too.

In what ſenſe a ſurrogation of Chriſt in our room is aſſerted by us.

V. And this now leads us to the larger Anſwer of *Crellius* upon this argument. Wherein we ſhall conſider, what he yields, what he denies, and upon what reaſons. 1. *He yields*, and ſo he ſaith *doth* Socinus, *very freely a commutation*; but it is neceſſary that we ſhould throughly underſtand what he means by it: To that end he tells us, *That they* Crell. c. 9. ſect. 3. ib. ſect. 2. *acknowledge a twofold commutation; one of the perſons ſuffering, the kind of ſuffering being changed, not actually but intentionally, becauſe we are not actually freed by Chriſt dying for us, but only Chriſt died for that end, that we might be freed. And this commutation,* he ſaith, *that* Socinus *doth not deny to be implied in the Particle ὑπὲρ, in the places where Chriſt is ſaid to die for us. Another commutation,* which he acknowledges, is, *that which is between a Price, and the thing or perſon which is bought or redeemed by it; where the price is paid, and the thing or perſon is received upon it. And this kind of commutation,* he ſaith, *is to be underſtood in the places where ἀντὶ is mentioned; which price,* he ſaith, *by accident may be a perſon; and becauſe the perſon is not preſently delivered,* he Ib. ſect. 6. therefore ſaith, *that the commutation is rather imperfect than Metaphorical; and although,* he ſaith, *ἀντὶ doth not of it ſelf imply a commutation,* yet he grants, *that the Circumſtances of the places do imply it.* 2. He Ib. ſect. 7. denies, *that there is any proper Surrogation in Chriſt's dying for us, which,* he ſaith, *is ſuch a commutation of perſons, that the ſubſtituted perſon is in all Reſpects to be in the ſame place and ſtate wherein the other was; and if it refers to ſufferings, then it is when one ſuffers the very ſame which the other was to ſuffer, he being immediately delivered by the others ſufferings.* And againſt this kind of Surrogation, *Crellius* needed not to have produced any Reaſons; for *Grotius* never aſſerted it; neither do we ſay, that Chriſt ſuffered eternal death for us, or that we were immediately freed by his ſufferings. But that which *Grotius* aſſerts, that he meant by Subſtitution was this, that *unleſs Chriſt had died for us, we muſt have died for our ſelves, and becauſe Chriſt hath died, we ſhall not die eternal-* Ib. ſect. 3. *ly. But if this be all,* ſaith *Crellius*, *he meant by it, we grant the whole thing, and he complains of it as an injury for any to think otherwiſe of them.* If ſo, they cannot deny but that there was a ſufficient Capacity in the Death of Chriſt to be made an expiatory Sacrifice for the ſins of the World. But notwithſtanding all theſe fair words, *Crellius* means no more than *Socinus* did; and though he would allow the words which *Grotius* uſed, yet not in the ſenſe he underſtood them in; for *Crellius* means no more by all this, but that *the Death of Chriſt was an antecedent Condition to the Expiation of ſins in Heaven*, *Grotius* underſtands by them, that *Chriſt did expiate ſins by becoming a Sacrifice for them in his Death.* However, from hence it appears, that our Adverſaries can have no plea againſt the Death of Chriſt's being an expiatory Sacrifice (from want of Subſtitution in our room) ſince they profeſs themſelves ſo willing to own ſuch a Subſtitution. But if they ſay, that there could be no *proper Subſtitution*, becauſe *the Death of Chriſt was a bare Condition, and no Puniſhment*, they then expreſs their minds more freely; and if theſe places be allowed to prove a Subſtitution, I hope the former diſcourſe will prove that it was by way of Puniſhment. Neither is it neceſſary, *that the very ſame kind of Puniſhment be undergone in order to Surrogation*, but that it be ſufficient in order to the accompliſhing the end for which it was deſigned. For this kind of *Subſtitution* being in order to the delivery of another by it, whatever is ſufficient for that end, doth make a *proper Surrogation*. For no more is neceſſary to the delivery of another perſon than the ſatisfying the ends of the Law and Government, and if that may be done by an equivalent ſuffering, though not the ſame in all Reſpects, then it may be a proper Surrogation. If *David* had obtained his wiſh, that he had died for his Son *Abſolom*, it had not been neceſſary in order to his Son's eſcape, that he had *hanged by the hair of his head*, as his Son did; but his Death, though in other Circumſtances, had been ſufficient. And therefore when the Lawyers ſay, *ſubrogatum, ſapit naturam ejus in cujus locum ſubrogatur: Covarruvias* tells us, it is to be underſtood, *ſecundum primordialem naturam non ſecundum accidentalem*; from whence it appears, that all Circumſtances, are not neceſſary to be the ſame in *Surrogation*; but that the nature of the Puniſhment remain the ſame. Thus *Chriſt dying for us*, to deliver us from Death, and the curſe of the Law, he underwent an *accurſed Death* for that end; although not the very *ſame* which we were to have undergone, yet ſufficient to ſhew, that he underwent the Puniſhment of our Iniquities in order to the delivering us from it. And if our Adverſaries will yield us this, we ſhall not much contend with them about the name of a *proper Surrogation*.

Covarru. 3. *To.* 1. *p.* 1. *ſect.* 4. *n.* 3.

Our Redemption by Chriſt proves a ſubſtitution.

Crell. c. 9. *ſect.* 2.

VI. But in *the matter of Redemption*, or where ἀντὶ is uſed, *Crellius* will by no means yield *that there was a commutation of perſons between Chriſt and us, but all the commutation he will allow here is only a commutation between a thing, or a Price, and a perſon.* Which he therefore aſſerts, that ſo there may be no neceſſity of Chriſt's undergoing the Puniſhment of ſin in order to *Redemption*, becauſe *the price that is to be paid, is not ſuppoſed to undergo the Condition of the perſon delivered by it.* Which will evidently appear to have no force at all, in caſe we can prove, that a proper Redemption may be obtained by the Puniſhment of one in the room of another; for that Puniſhment then comes to be the λύτρον or price of Redemption; and he that pays this, muſt be ſuppoſed to undergo Puniſhment for it. So that the commutation between the Puniſhment of the one, and the other Redeemed by it, here is a proper commutation of perſons implied in the payment of the Price. But hereby we may ſee that the great ſubtilty of our Adverſaries is deſigned on purpoſe to avoid the force of the places of *Scripture*, which are ſo plain againſt them: For when thoſe places where λύτρον and ἀντὶ are joyned together, are ſo clear for a Subſtitution, that they cannot deny it; then they ſay, by it is meant only a commutation of a price for a perſon; but when the word λύτρον is urged to prove a Redemption purchaſed by Chriſt, by the payment of a price for it, then they deny that λύτρον doth ſignifie a proper price, but it is only taken Metaphorically; and yet if it be ſo taken, then there can be no force in what *Crellius* ſaith, for a bare Metaphorical price may be a real Puniſhment: Two things I ſhall then prove againſt *Crellius*. 1. That the λύτρον as applied to Chriſt, is to be taken in a proper Senſe. 2. That although it be taken in a proper ſenſe, yet it doth not imply a bare commutation of a price and a perſon, but a Subſtitution of one perſon in the room of another.

Of the true notion of Redemption.

VII. Both theſe will be cleared from the right ſtating the notion of Redemption between our Adverſaries and us. For they will not by any means have any other proper notion of Redemption *but from Captivity*, and that *by the payment of a price to him that did hold in Captivity, and therefore becauſe Chriſt did not pay the price to the Devil, there could be no proper ſenſe either of the Redemption, or the price which was paid for it.* This is the main ſtrength of all the Arguments uſed by *Socinus* and *Crellius*, to enervate the force of thoſe places of *Scripture* which ſpeak of *our Redemption by Chriſt*, and *of the price which he paid in order to it.* But how weak theſe Exceptions are, will appear upon a true Examination of the proper notion of Redemption, which in its primary importance ſignifies no more, than *the obtaining of one thing by another as a valuable Conſideration for it.* Thence *redimere* anciently among the *Latins* ſignified barely to *purchaſe* by a valuable price, for the thing which they had a right to by it; and ſometimes to purchaſe that which a Man hath ſold before, thence the *pactum redimendi* in Contracts: ſtill in whatever ſenſe it was uſed by the Lawyers or others, the main regard was, to the Conſideration upon which the thing was obtained, thence *redimere delatorem pecunia*, h. e. *eum à delatione deducere*; ſo *redimere litem*; and *redemptor litis* was one that upon certain Conſideration took the whole charge of a ſuit upon himſelf: And thoſe who undertook the farming of Cuſtoms at certain Rates, were called *redemptores vectigalium, qui redempturis auxiſſent vectigalia*, ſaith *Livy*. And all thoſe who undertook any publick work at a certain price, *redemptores antiquitus dicebantur*, ſaith *Feſtus* and *Ulpian*. From hence it was applied to the delivery of any perſon from any inconvenience that he lay under, by ſomething which was ſuppoſed a valuable Conſideration for it. And that it doth not only relate to Captivity, but to any other great Calamity, the freedom from which is obtained by what another ſuffers; is apparent from thoſe two remarkable Expreſſions of *Cicero* to this purpoſe. *Quam quidem ego* (ſaith he, ſpeaking of the ſharpneſs of the time) *à rep. meis privatis & domeſticis incommodis libentiſſimè redemiſſem.* And more expreſly elſewhere, *Ego vitam omnium civium, ſtatum orbis terræ, urbem hanc denique, &c. quinque hominum amentium ac perditorum pœna redemi.* Where it is plain, that Redemption is uſed for the delivery of ſome by the Puniſhment of others; not from mere Captivity, but from a great Calamity which they might have fallen into, without ſuch a Puniſhment of thoſe Perſon. So vain is that Aſſertion of *Socinus*, *Redimere, nihil aliud propriè ſignificat, quam eum captivum è manibus illius, qui eum detinet, pretio illi dato liberare.*

Socin. de ſervat. l. 2. c. 1, 2. Crell. c. 8. ſect. 11.

Ulpian l. 29. D. de jure fiſci.

Budæus ad Pandect. p. 189. Liv. l. 23. Feſtus v. red. Ulpian. l. 39. D. de rei vend.

Cic. ep. fam. l. 2. ep. 16.

Orat. pro Syllâ.

Soc. de ſervat. l. 2 c. 1.

No neceſſity of paying the price to him that detains captive.

VIII. And yet ſuppoſing we ſhould grant that *Redemption* as uſed in ſacred Authors doth properly relate to *Captivity*, there is no neceſſity at all of that which our Adverſaries contend ſo earneſtly for, viz. *That the price muſt be paid to him that detains Captive.* For we may very eaſily conceive a double ſort of Captivity, from whence a Redemption may be obtained; the one by *force*, when a Captive is detained purpoſely for advantage to be made by his Redemption: And the other in a *judicial manner*, when the Law condemns a perſon to Captivity, and the thing deſigned by the Law is not a meer price, but ſatisfaction to be made to the Law, upon which a Redemption may be obtained;

now in the former caſe it is neceſſary, that the price be paid to the perſon who detains, becauſe the reaſon of his detaining, was the Expectation of the price to be paid; but in the latter, the detainer is meerly the inſtrument for Execution of the Law, and the price of Redemption is not to be paid to him; but to thoſe who are moſt concerned in the Honour of the Law. But *Crellius* objects, *that the price can never be ſaid to be paid to God, becauſe our redemption is attributed to God as the Author of it, and becauſe we are ſaid to be redeemed for his uſe and ſervice*, now ſaith he, *the price can never be paid to him for whoſe ſervice the perſon is redeemed.* Crell. c. 8. ſect. 11. But all this depends upon the former miſtake, as though we ſpake all this while of ſuch a Redemption as that is of a *Captive* by force: In whom the detainer is no further concerned than, for the Advantage to be made by him; and in that caſe the price muſt be paid to him who detains, becauſe it would otherwiſe be ſucceſsful for his deliverance: But in caſe of Captivity by Law, as the effect of diſobedience, the Magiſtrate who is concerned in the life of the perſon, and his future obedience may himſelf take care that Satisfaction may be given to the Law for his Redemption, in order to his future ſerviceableneſs. From hence we ſee both that the λύτρον, is *proper* in this caſe of our Redemption, and that it is not a meer *commutation* of a *price* for a *perſon*, but a *commutation* of one *perſons* ſuffering for *others*, which ſuffering being a Puniſhment in order to Satisfaction is a valuable Conſideration, and therefore a price for the Redemption of others by it. Which price in this ſenſe doth imply a proper Subſtitution; which was the thing to be proved. Which was the firſt thing to be made good concerning the Death of Chriſt being a Sacrifice for ſin, *viz.* that there was a Subſtitution of Chriſt in our ſtead as of the Sacrifices of old under the Law; and in this ſenſe the Death of Chriſt was a proper λύτρον or price of Redemption for us. Nothing then can be more vain, than the way of our Adverſaries, to take away the force of all this, becauſe ἀπολύτρωσις *is ſometimes taken for a meer deliverance without any price*, which we deny not; but the main force of our Argument is from the importance of ἀπολυτρώσεως, where the λύτρον is mentioned; and then we ſay that ἀπολύτρωσις when applied to ſins, ſignifies Expiation, (as *Heb.* 9. 15. εἰς ἀπολύτρωσιν τῶν παραβάσεων,) but when applied to perſons, it ſignifies the deliverance purchaſed by the λύτρον, which is not to be conſidered as a bare price, or thing given, but as a thing undergone in order to that deliverance: And is therefore not only called λύτρον, but ἀντίλυτρον too, which *Crellius* confeſſeth doth imply a *commutation*, and we have ſhewed, doth prove a *Subſtitution* of Chriſt in our place.

Chap. V.

I. *The notion of a Sacrifice belongs to the Death Chriſt, becauſe of the Oblation made therein to God.* Crellius *his ſenſe of Chriſt's Oblation propoſed.* II. *Againſt him it is proved, that the Prieſtly Office of Chriſt had a primary Reſpect to God, and not to us. Expiatory Sacrifices did divert the Wrath of God.* III. *Chriſt not a bare Metaphorical High-Prieſt.* IV. Crellius *deſtroys the Prieſthood of Chriſt by confounding it with the Exerciſe of his Regal Power.* V. *No proper Expiation of ſin be-*

although it be taken in a proper ſenſe, yet it doth not imply a bare commutation of a price and a perſon, but a Subſtitution of one perſon in the room of another.

Of the true notion of Redemption.

VII. Both theſe will be cleared from the right ſtating the notion of Redemption between our Adverſaries and us. For they will not by any means have any other proper notion of Redemption *but from Captivity*, and that *by the payment of a price to him that did hold in Captivity, and therefore becauſe Chriſt did not pay the price to the Devil, there could be no proper ſenſe either of the Redemption, or the price which was paid for it.* This is the main ſtrength of all the Arguments uſed by *Socinus* and *Crellius*, to enervate the force of thoſe places of *Scripture* which ſpeak of *our Redemption by Chriſt*, and *of the price which he paid in order to it.* But how weak theſe Exceptions are, will appear upon a true Examination of the proper notion of Redemption, which in its primary importance ſignifies no more, than *the obtaining of one thing by another as a valuable Conſideration for it.* Thence *redimere* anciently among the *Latins* ſignified barely to *purchaſe* by a valuable price, for the thing which they had a right to by it; and ſometimes to purchaſe that which a Man hath ſold before, thence the *pactum redimendi* in Contracts: ſtill in whatever ſenſe it was uſed by the Lawyers or others, the main regard was, to the Conſideration upon which the thing was obtained, thence *redimere delatorem pecunia*, h. e. *eum à delatione deducere*; ſo *redimere litem*; and *redemptor litis* was one that upon certain Conſideration took the whole charge of a ſuit upon himſelf: And thoſe who undertook the farming of Cuſtoms at certain Rates, were called *redemptores vectigalium, qui redempturis auxiſſent vectigalia*, ſaith *Livy*. And all thoſe who undertook any publick work at a certain price, *redemptores antiquitus dicebantur*, ſaith *Feſtus* and *Ulpian*. From hence it was applied to the delivery of any perſon from any inconvenience that he lay under, by ſomething which was ſuppoſed a valuable Conſideration for it. And that it doth not only relate to Captivity, but to any other great Calamity, the freedom from which is obtained by what another ſuffers; is apparent from thoſe two remarkable Expreſſions of *Cicero* to this purpoſe. *Quam quidem ego* (ſaith he, ſpeaking of the ſharpneſs of the time) *à rep. meis privatis & domeſticis incommodis libentiſſimè redemiſſem.* And more expreſly elſewhere, *Ego vitam omnium civium, ſtatum orbis terræ, urbem hanc denique, &c. quinque hominum amentium ac perditorum pœna redemi.* Where it is plain, that Redemption is uſed for the delivery of ſome by the Puniſhment of others; not from mere Captivity, but from a great Calamity which they might have fallen into, without ſuch a Puniſhment of thoſe Perſon. So vain is that Aſſertion of *Socinus*, *Redimere, nihil aliud propriè ſignificat, quam eum captivum è manibus illius, qui eum detinet, pretio illi dato liberare.*

Socin. de ſervat. l. 2. c. 1, 2. Crell. c. 8. ſect. 11.

Ulpian l. 29. D. de jure fiſci.

Budæus ad Pandect. p. 189. Liv. l. 23. Feſtus v. red. Ulpian. l. 39. D. de rei vend.

Cic. ep. fam. l. 2. ep. 16.

Orat. pro Syllâ.

Soc. de ſervat. l. 2 c. 1.

No neceſſity of paying the price to him that detains captive.

VIII. And yet ſuppoſing we ſhould grant that *Redemption* as uſed in ſacred Authors doth properly relate to *Captivity*, there is no neceſſity at all of that which our Adverſaries contend ſo earneſtly for, viz. *That the price muſt be paid to him that detains Captive.* For we may very eaſily conceive a double ſort of Captivity, from whence a Redemption may be obtained; the one by *force*, when a Captive is detained purpoſely for advantage to be made by his Redemption: And the other in a *judicial manner*, when the Law condemns a perſon to Captivity, and the thing deſigned by the Law is not a meer price, but ſatisfaction to be made to the Law, upon which a Redemption may be obtained;

now in the former caſe it is neceſſary, that the price be paid to the perſon who detains, becauſe the reaſon of his detaining, was the Expectation of the price to be paid; but in the latter, the detainer is meerly the inſtrument for Execution of the Law, and the price of Redemption is not to be paid to him; but to thoſe who are moſt concerned in the Honour of the Law. But *Crellius* objects, *that the price can never be ſaid to be paid to God, becauſe our redemption is attributed to God as the Author of it, and becauſe we are ſaid to be redeemed for his uſe and ſervice*, now ſaith he, *the price can never be paid to him for whoſe ſervice the perſon is redeemed.* Crell. c. 8. ſect. 11. But all this depends upon the former miſtake, as though we ſpake all this while of ſuch a Redemption as that is of a *Captive* by force: In whom the detainer is no further concerned than, for the Advantage to be made by him; and in that caſe the price muſt be paid to him who detains, becauſe it would otherwiſe be ſucceſsful for his deliverance: But in caſe of Captivity by Law, as the effect of diſobedience, the Magiſtrate who is concerned in the life of the perſon, and his future obedience may himſelf take care that Satisfaction may be given to the Law for his Redemption, in order to his future ſerviceableneſs. From hence we ſee both that the λύτρον, is *proper* in this caſe of our Redemption, and that it is not a meer *commutation* of a *price* for a *perſon*, but a *commutation* of one *perſons* ſuffering for *others*, which ſuffering being a Puniſhment in order to Satisfaction is a valuable Conſideration, and therefore a price for the Redemption of others by it. Which price in this ſenſe doth imply a proper Subſtitution; which was the thing to be proved. Which was the firſt thing to be made good concerning the Death of Chriſt being a Sacrifice for ſin, *viz.* that there was a Subſtitution of Chriſt in our ſtead as of the Sacrifices of old under the Law; and in this ſenſe the Death of Chriſt was a proper λύτρον or price of Redemption for us. Nothing then can be more vain, than the way of our Adverſaries, to take away the force of all this, becauſe ἀπολύτρωσις *is ſometimes taken for a meer deliverance without any price*, which we deny not; but the main force of our Argument is from the importance of ἀπολυτρώσεως, where the λύτρον is mentioned; and then we ſay that ἀπολύτρωσις when applied to ſins, ſignifies Expiation, (as *Heb.* 9. 15. εἰς ἀπολύτρωσιν τῶν παραβάσεων,) but when applied to perſons, it ſignifies the deliverance purchaſed by the λύτρον, which is not to be conſidered as a bare price, or thing given, but as a thing undergone in order to that deliverance: And is therefore not only called λύτρον, but ἀντίλυτρον too, which *Crellius* confeſſeth doth imply a *commutation*, and we have ſhewed, doth prove a *Subſtitution* of Chriſt in our place.

Chap. V.

I. *The notion of a Sacrifice belongs to the Death Chriſt, becauſe of the Oblation made therein to God.* Crellius *his ſenſe of Chriſt's Oblation propoſed.* II. *Againſt him it is proved, that the Prieſtly Office of Chriſt had a primary Reſpect to God, and not to us. Expiatory Sacrifices did divert the Wrath of God.* III. *Chriſt not a bare Metaphorical High-Prieſt.* IV. Crellius *deſtroys the Prieſthood of Chriſt by confounding it with the Exerciſe of his Regal Power.* V. *No proper Expiation of ſin* be-

belongs to Chriſt in Heaven, if Crellius *his Doctrine be true.* VI. Epheſ. 5. 2. *proves the Death of Chriſt an Expiatory Sacrifice, and an Oblation to God. The Phraſe of* a ſweet-ſmelling Savour, *belongs to expiatory Sacrifices;* Crellius *his groſs notion of it.* VII. *His miſtakes about the kinds of Sacrifices. Burnt-offerings were Expiatory Sacrifices both before and under the Law. A new diſtribution of Sacrifices propoſed.* VIII. *What influence the Mactation of the Sacrifice had on Expiation. The High-Priſt only to ſlay the Sin-offering on the day of Atonement; from whence it is proved that Chriſt's Prieſt-hood did not begin from his entrance into Heaven. The Mactation in Expiatory Sacriffces no bare Preparation to a Sacrifice, proved by the Jewiſh Laws, and the Cuſtoms of other Nations.* IX. *Whether Chriſt's Oblation of himſelf once to God, were in Heaven, or on Earth? Of the proper notion of Oblations under the Levitical Law. Several things obſerved from thence to our purpoſe.* X. *All things neceſſary to a legal Oblation, concur in the Death of Chriſt.* XI. *His entrance into Heaven hath no correſpondency with it; if the Blood of Chriſt were no Sacrifice for ſin. In ſin-offerings for the People, the whole was conſumed; no eating of the Sacrifices allowed the Prieſts, but in thoſe for private Perſons.* XII. *Chriſt's Exerciſe of Power in Heaven, in no ſenſe an Oblation to God.* XIII. Crellius, *his ſenſe repugnant to the Circumſtances of the places in diſpute.* XIV. *Objections anſwered.*

Of the Oblation made by Chriſt unto God.

I. THE ſecond thing to prove the *Death* of *Chriſt* a Sacrifice for ſin, is the *Oblation of it to God* for that end. " *Grotius* towards the concluſion of his Book, makes a twofold Oblati- " on of Chriſt, parallel to that of the Sacrifices under the Law, the " firſt of Mactation, the ſecond of Repreſentation; whereof the firſt " was done in the Temple, the ſecond in the Holy of Holies; ſo the " firſt of Chriſt was on Earth, the ſecond in Heaven; the firſt is not " a bare Preparation to a Sacrifice, but a Sacrifice: The latter not ſo " much a Sacrifice, as the Commemoration of one already paſt. Where- " fore, ſince appearing and interceeding are not properly ſacerdotal " Acts, any further than they depend on the efficacy of a Sacrifice alrea- " dy offered, he that takes away that Sacrifice, doth not leave to Chriſt " any proper Prieſt-hood, againſt the plain Authority of the Scrip- " ture, which aſſigns to Chriſt the Office of a Prieſt diſtinct from that " of a Prophet and a King. To which *Crellius* replies: *That the Ex-* Crell. c. 10. ſect. 45. *piation of ſin doth properly belong to what Chriſt doth in Heaven; and may be applied to the Death of Chriſt only, as the Condition by which he was to* Ib. ſect. 55. *enjoy that Power in Heaven, whereby he doth expiate ſins; but the Prieſt was never ſaid to expiate ſins when he killed the Beaſt, but when the Blood ~~was ſprinkled or carried into the Holy~~ of Holies, to which the Oblation of* Ib. ſect. 47. Ib. ſect. 53. *Chriſt in Heaven does anſwer: But Mactation,* ſaith he, *was not proper to the Prieſts, but did belong to the* Levites *alſo. And Chriſt was not truly a Prieſt, while he was on Earth, but only prepared by his ſufferings to be* Ib. ſect. 54 Sect. 56. *one in Heaven, where by the perpetual care he takes of his People, and exerciſing his Power for them, he is ſaid to offer up himſelf, and intercede for them, and by that means he diſchargeth the Office of a High-Prieſt for them. For his Prieſtly Office,* he ſaith, *is never in Scripture mentioned as diſtinct from his Kingly, but is comprehended under it; and the great difference between them is, that one is of a larger extenſion than the other is, the Kingly Office extending to punſhing, and the Prieſtly only to Expiation.*

tion. This is the ſubſtance of what *Crellius* more at large diſcourſeth upon this Subject. Wherein he aſſerts theſe things, That the Prieſtly Office of Chriſt doth not in Reference to the Expiation of ſins reſpect *God* but us; his Interceſſion and Oblation wherein he makes the ſacerdotal Function of Chriſt to conſiſt, being the exerciſe of his power for the good of his People. 2. That Chriſt did offer up no Sacrifice of Expiation to God upon Earth, becauſe the *Mactation* had no reference to Expiation, any other than as a Preparation for it; and Chriſt not yet being conſtituted a *High-Prieſt* till after his Reſurrection from the Dead. Againſt theſe two Aſſertions I ſhall direct my following diſcourſe, by proving; 1. That the Prieſtly Office of Chriſt had a primary Reſpect to God, and not to us. 2. That Chriſt did exerciſe this Prieſtly Office in the Oblation of himſelf to God upon the Croſs.

That the Prieſtly Office of Chriſt had a primary reſpect to God and not us.

II. 1. That the Prieſtly Office of Chriſt had a primary Reſpect *to God, and not to us*; which appears from the firſt Inſtitution of a *High-Prieſt*, mentioned by the *Apoſtle*, Heb. 5. 1. *For every High-Prieſt taken from among men, is ordained for men in things pertaining to God, that he may offer both gifts and Sacrifices for ſins: Id eſt,* ſaith *Crellius* elſewhere, *ut procuret & peragat ea quæ ad colendum ac propitiandum numen pertinent*; i. e. That he may perform the things which appertain to the *worſhipping* and *propitiating God:* We deſire no more, but that *the propitiating God*, may as immediately be ſaid to reſpect him, as the *worſhipping* of *God* doth; or let *Crellius* tell us, what ſenſe *the propitiating God* will bear; if all that the *High-Prieſt* had to do, did immediately Reſpect the People: Nay, he ſaith not long after, "That it was the chief "Office of a High-Prieſt, to plead the cauſe of Sinners with God, and "to take care, that they may find him kind and propitious, and not "angry or diſpleaſed. In what ſenſe *God* was ſaid to be *moved* by the Expiatory Sacrifices, is not here our buſineſs to diſcuſs; it is ſufficient for our purpoſe, that they were inſtituted with a Reſpect to God, ſo as to procure his Favour, and divert his Wrath. In which ſenſe, the Prieſt is ſo often in the *Levitical Law* ſaid, by the offering up of Sacrifices, to expiate the ſins of the People. But *Crellius* ſaith, "This "ought not ſo to be underſtood, as though God by Expiatory Sacri"fices, were diverted from his anger, and inclined to Pardon; which is a plain Contradiction, not only to the words of the Law, but to the Inſtances that are recorded therein; as when *Aaron* was bid in the time of the *Plague to make an Atonement for the people, for there is wrath gone out from the Lord: And he ſtood between the Living and the Dead, and the Plague was ſtayed.* Was not God's Anger then diverted here, by the making this Atonement? The like inſtance we read in *David's* time, that *by the offering burnt-offerings,* &c. *the Lord was intreated for the Land, and the Plague was ſtayed from* Iſrael: By which nothing can be more plain, than that the primary intention of ſuch Sacrifices, and conſequently of the Office of the *Prieſt* who offered them, did immediately Reſpect the *Atoning God:* But yet *Crellius* urgeth, "This "cannot be ſaid of all, or of the moſt proper Expiatory Sacrifices; but we ſee it ſaid of more than the meer *Sacrifices for ſin*, as appointed by the Law; *viz. of burnt-offerings, and peace-offerings, and incenſe*, in the Examples mentioned. So that theſe Levitical Sacrifices did all Reſpect the Atoning God; although in ſome particular Caſes, different Sacrifices were to be offered; for it is ſaid, *the burnt-offering was to make Atonement for them, as well as the ſin and treſpaſs-offerings* (excepting thoſe

Crell. in Heb. 5. 1.

Crell. c. 10. *ſect.* 3.

Numb. 16. 46.

Verſ. 48.

2 Sam. 24. 25.

Lev. 1. 4. 4. 20. 5. 7.

Sacrifices which were inſtituted in acknowledgment of God's Sovereignty over them, and preſence among them, as the daily Sacrifices, the Meat and Drink offerings, or ſuch as were meerly occaſional, *&c.*) 1 Chron.6. 49. Thus it is ſaid, that *Aaron and his Sons were appointed to make an Atonement for Iſrael:* So that as *Grotius* obſerves out of *Philo*, "The High- *Grot. in Heb.* 5. 1. " Prieſt was a Mediator between God and Man, by whom Men might " propitiate God, and God diſpenſe his favours to men. But the means whereby he did procure Favours to Men, was by atoning God by the Sacrifices, which he was by his Office to offer to him. We are now to conſider, how far this holds in reference to Chriſt, for whoſe ſake the Apoſtle brings in theſe words; and ſurely would not have mentioned this as the primary Office of a High-Prieſt, in order to the proving Chriſt to be our *High-Prieſt*, after a more excellent manner than the *Aaronical* was, unleſs he had agreed with him in the nature of his Office, and exceeded him in the manner of performance.

Chriſt no barely metaphorical High-Prieſt.

III. For the *Apoſtle* both proves, that he was a true and proper, and not a bare *Metaphorical High-Prieſt*, and that in ſuch a Capacity, he very far exceeded the *Prieſts* after the Order of *Aaron*. But how could that poſſibly be, if he failed in the primary Office of a *High-Prieſt*; viz. *In offering up gifts and Sacrifices to God?* If his Office as *High-Prieſt* did primarily Reſpect men, when the Office of the *Aaronical Prieſt* did Reſpect *God?* To avoid this, *Crellius* makes *Crell.c.*10. *ſect.* 3. theſe words to be only an Alluſion to the Legal Prieſthood, and ſome kind of ſimilitude between Chriſt and the Aaronical Prieſts; but it is ſuch a kind of Alluſion, that the *Apoſtle* deſigns to prove Chriſt to be an *High-Prieſt* by it; and which is of the greateſt force, he proves the neceſſity of Chriſt's having ſomewhat to offer from hence: *For every* Heb. 8. 2. *High-Prieſt is ordained to offer Gifts and Sacrifices; wherefore it is of neceſſity, that this Man have ſomewhat alſo to offer.* This is that which he looks at as the peculiar and diſtinguiſhing Character of a *High-Prieſt*; for interceding for others, and having Compaſſion upon them, might be done by others beſides the *High-Prieſt*; but this was that, without which he could not make good his name, what order ſoever he were of. If Chriſt then had no proper Sacrifice to offer up to God, to what purpoſe doth the *Apoſtle* ſo induſtriouſly ſet himſelf to prove, that he is our *High-Prieſt?* When he muſt needs fail in the main thing, according to his own Aſſertion? How eaſie had it been for the *Jews*, to have anſwered all the *Apoſtles* Arguments concerning the *Prieſthood* of Chriſt, if he had been ſuch a *Prieſt*, and made no other Oblation than *Crellius* allows him? When the *Apoſtle* proves againſt the *Jews*, that there was no neceſſity, that they ſhould ſtill retain the *Moſaical* Diſpenſation, becauſe now they had a more excellent *High-Prieſt* than the *Aaronical* were; and makes uſe of that Character of a *High-Prieſt*, that *he was one taken out from among men, in things pertaining to God to offer Gifts and Sacrifices for ſins:* "Well, *ſay the Jews*, we accept of this Character, but how do you prove concerning Chriſt, " that he was ſuch a one? Did he offer up a *Sacrifice for ſin* to God " upon Earth, as our *High-Prieſts* do? *No*, ſaith *Crellius*, *his ſufferings were only a Preparation for his Prieſthood in Heaven:* "But did he " then offer up ſuch a Sacrifice to God in Heaven? *Yes*, ſaith *Crellius*, *he made an Oblation there.* "But is that Oblation ſuch a Sacrifice " to God for ſin, as our *High-Prieſts* offer? Yes, ſaith *Crellius*, it may be called ſo *by way of Alluſion.* "Well then, ſay they, you grant

“ that your *Jeſus* is only a *High-Prieſt* by way of *Alluſion*, which was “ againſt your firſt deſign to prove; *viz.* That he was a true *High-Prieſt*, “ and more excellent than ours. But ſppoſe it be by way of Alluſion, “ doth he make any Oblation to God in Heaven or not? *No*, ſaith *Crellius, really and truly he doth not: For all his Office doth Reſpect us, but the benefits we enjoy coming originally from the kindneſs of God, you may call it an Oblation to God if you pleaſe.* “ But how is it poſſible “ then, ſay the *Jews*, you can ever convince us, that he is any *High-Prieſt*, or *Prieſt* at all, much leſs, that he ſhould ever exceed the “ *Aaronical High-Prieſts* in their Office? For we are aſſured, that they do “ offer *Sacrifices for ſin*, and that God is atoned by them: But if your “ *High-Prieſt* make no atonement for ſin, he falls far ſhort of ours, and “ therefore we will ſtill hold to our *Levitical Prieſthood*, and not forſake that for one barely Metaphorical, and having nothing really “ anſwering the name of a High-Prieſt. Thus the force of all the *Apoſtles* Arguments is plainly taken away, by what *Crellius* and his Brethren aſſert concerning the Prieſthood of Chriſt. But *Crellius* thinks to make it good by ſaying, *That things that are improper and figurative, may be far more excellent than the things that are proper, to which they are oppoſed; ſo that Chriſt's Prieſthood may be far more excellent than the Aaronical, although his be only figurative, and the other proper.* But the queſtion is not, Whether Chriſt's *Prieſthood* by any other adventitious Conſiderations, as of greater Power and Authority than the *Aaronical Prieſts* had, may be ſaid to be far more excellent than theirs was; but, Whether in the notion of *Prieſthood*, it doth exceed theirs? Which it is impoſſible to make good, unleſs he had ſome proper Oblation to make unto God, which in it ſelf did far exceed all the Sacrifices and Offerings under the Law.

Crell. cap. 10. *ſect.* 3. *Id. ſect.* 56. *p.* 547.

Crellius deſtroys the Prieſthood of Chriſt.

IV. But what that Oblation of Chriſt in Heaven was, which had any correſpondency with the Sacrifices under the Law, our Adverſaries can never aſſign; nay, when they go about it, they ſpeak of it in ſuch a manner, as makes it very evident they could heartily have wiſhed the Epiſtles to the *Hebrews* had ſaid as little of the *Prieſthood* of *Chriſt*, as they ſay, any other part of the New-Teſtament doth. Thence *Smalcius* and *Crellius* inſiſt ſo much upon *the Prieſthood of Chriſt, being diſtinctly mentioned by none but the Author to the Hebrews*; *which*, ſay they, *had ſurely been done, if Chriſt had been a proper Prieſt, or that Office in him diſtinct from his Kingly.* Which ſufficiently diſcovers what they would be at; *viz.* That the Teſtimony of the Author to the *Hebrews*, is but a ſingle Teſtimony in this matter; and in truth, they do (as far as is conſiſtent with not doing it in expreſs words) wholly take away the *Prieſthood* of Chriſt: For what is there which they ſay his *Prieſthood* implies, which he might not have had, ſuppoſing he had never been called a *Prieſt?* His *being in Heaven*, doth not imply that he is a *Prieſt*, unleſs it be impoſſible for any but *Prieſts* ever to come there: *His Power and Authority over the Church*, doth not imply it; for that Power is by themſelves confeſſed to be a Regal Power: *His readineſs to uſe that power*, cannot imply it, which is the thing *Smalcius* inſiſts on; for his being a King of the Church, doth neceſſarily imply his readineſs to make uſe of his Power for the good of his Church. *His receiving his power from God*, doth not imply that he was a Prieſt, although *Crellius* inſiſt on that, unleſs all the Kings of the Earth are Prieſts by that means too, and Chriſt could not have had a ſubordinate

Smalc. c. Smiglet. Crell. cap. 10. *p.* 544.

Power as King, as well Prieſt. But *his death is more implied*, ſaith *Crellius*, *in the name of a Prieſt than of a King*; true, if his death be conſidered as a *Sacrifice*, but not otherwiſe: For what is there of a *Prieſt* in bare dying, do not others ſo too? *But this repreſents greater tenderneſs and care in Chriſt, than the meer Title of a King*: What kind of *King* do they imagine *Chriſt* the mean while, if his being ſo, did not give the greateſt encouragement to all his Subjects? Nay, it is plain the name of a *King* muſt yield greater comfort to his people, becauſe that implies his power to defend them, which the bare name of a *Prieſt* doth not. So that there could be no reaſon at all given, why the name of a *High-Prieſt* ſhould be at all given to Chriſt, if no more were implied in it, than *the exerciſe of his power with reſpect to us*, without any proper Oblation to God: For here is no proper Sacerdotal Act at all attributed to him; ſo that upon their *Hypotheſis*, the name of *High-Prieſt*, is a meer inſignificant Title uſed by the Author to the *Hebrews*, without any Foundation at all for it. *By no means*, ſaith *Crellius*, *for his expiation of ſin is implyed by it*, *which is not implyed in the name of King*: True, if the expiation of ſin were done by him in the way of a *Prieſt* by an Oblation to God, which they deny; but though they call it *Expiation*, they mean no more than the *exerciſe of his Divine Power* in the delivering his People. But what parallel was there to this in the *Expiation* of ſins by the *Levitical Prieſthood*? That was cetainly done by a Sacrifice offered to *God* by the *Prieſt*, who was thereby ſaid *to expiate the ſins of the People*: How comes it now to be taken quite in another ſenſe, and yet ſtill called by the ſame name?

Levit. 4. 26. v. 34, 35.

No proper expiation of ſin belongs to Chriſt in Heaven, if *Crellius* his doctrine be true.

*Crell.c.*16. *ſect.* 2.

V. But this being the main thing inſiſted on by them, I ſhall prove from their own Principles, that no *Expiation* of ſin in their own ſenſe can belong to Chriſt in Heaven, by virtue of his Oblation of himſelf there, and conſequently that they muſt unavoidably overthrow the whole notion of the *Prieſthood* of Chriſt. For this we are to conſider, what their notion of the *Expiation* of ſins is, which is ſet down briefly by *Crellius* in the beginning of his diſcourſe of *Sacrifices*, "There is a "twofold Power, *ſaith he*, of the Sacrifice of Chriſt towards the Ex"piation of ſin, one taking away the guilt and the puniſhment of ſin, "and that partly by declaring, that God will do it, and giving us a "right to it, partly by actual deliverance from puniſhment; the o"ther is by begetting Faith in us, and ſo drawing us off from the Pra"ctice of ſin: Now the firſt and laſt *Crellius* and *Socinus* attribute to the Death of Chriſt, as that was a Confirmation of the Covenant God made for the remiſſion of ſin; and as it was an argument to perſwade us to believe the truth of his Doctrine; and the other, viz. *the actual deliverance from puniſhment*, is by themſelves attributed to *the ſecond coming* of Chriſt; for then only, they ſay, the juſt ſhall be actually delivered from the puniſhment of ſin, viz. *eternal death*; and what Expiation is there now left to the Oblation of Chriſt in Heaven? Doth Chriſt in Heaven declare the pardon of ſin any other way than it was declared by him upon Earth? What efficacy hath his Oblation in Heaven upon perſwading men to believe? Or is his *ſecond coming* when he ſhall ſit as Judge, the main part of his *Prieſthood*; for then the Expiation of ſins in our Adverſaries ſenſe is moſt proper? And yet nothing can be more remote from the notion of Chriſt's *Prieſthood*, than that is; ſo that Expiation of ſins according to them can have no Reſpect at all to the Oblation of Chriſt in Heaven, or (which is all one in their ſence) his continuance in Heaven to his ſecond coming. *Yes*, ſaith *Crellius*, *his continuance there, is a condition in order to the Expiation by actual deliverance, and therefore it may be ſaid, that God is as it were moved by it to expiate ſins.* The utmoſt then, that is attributed to Chriſt's being in Heaven in order to the Expiation of ſins, is that he muſt continue there without doing any thing in order to it; for if he does, it muſt either reſpect God or us: But they deny (though contrary to the importance of the words, and the deſign of the places where they are uſed) that the terms of *Chriſt's interceding for us*, or *being an Advocate with the Father for us*, do note any reſpect to God, but only to us; if he does any thing with reſpect to us in Expiation of ſin, it muſt be either declaring, perſwading, or actual deliverance; but it is none of theſe by their own Aſſertions; and therefore that which they call *Chriſt's Oblation*, or *his being in Heaven*, ſignifies nothing as to the *Expiation* of ſin: And it is unreaſonable to ſuppoſe that a thing, which hath no influence at all upon it, ſhould be looked on as a Condition in order to it. From whence it appears, that while our Adverſaries do make the Exerciſe of *Chriſt's Prieſthood* to reſpect *us* and not *God*, they deſtroy the very nature of it, and leave Chriſt only an empty name without any thing anſwering it: But if Chriſt be truly a *High-Prieſt*, as the *Apoſtle* aſſerts that he is, from thence it follows that he muſt have a reſpect to God in *offering up Gifts and Sacrifices for ſins:* Which was the thing to be proved.

Crell. c. 10. *ſect.* 3. *p.* 476.

Heb. 7.25. Rom. 8. 3. 1 Joh. 2.1.

VI. 2. That Chriſt did Exerciſe his *Prieſtly Office* in the Oblation of himſelf *to God* upon the Croſs. Which I ſhall prove by two things. 1. Becauſe the Death of Chriſt is ſaid in Scripture to be an Offering, and a Sacrifice to God. 2. Becauſe Chriſt is ſaid to offer up himſelf antecedently to his entrance into Heaven. 1. Becauſe the Death of Chriſt is ſaid *to be an offering and a Sacrifice to God*, which is plain from the words of St. *Paul*, *as Chriſt alſo hath loved us, and given himſelf for us an offering and a Sacrifice to God, for a ſweet-ſmelling ſavour.* Our Adverſaries do not deny that the Death of Chriſt is here called an *Oblation*, but they deny, “ That it is meant of an Expiatory Sacrifice, “ but of a Free-will offering; *and the reaſon* Crellius *gives is*, becauſe “ that phraſe of a ſweet-ſmelling Savour is generally and almoſt al- “ ways uſed of Sacrifices which are not Expiatory; but if ever they “ be uſed of an Expiatory Sacrifice, they are not applied to that which “ was properly Expiatory in it, *viz.* the offering up of the Blood, for “ no ſmell, *ſaith he*, went up from thence, but to the burning of the “ Fat, and the Kidneys, which although required to perfect the Expi- “ ation, yet not being done till the High-Prieſt returned out of the “ Holy of Holies, hath nothing correſpondent to the Expiatory Sacri- “ fices of Chriſt, where all things are perfected before Chriſt the High- “ Prieſt goes forth of his Sanctuary. How inconſiſtent theſe laſt words are with what they aſſert concerning the *Expiation* of ſin by actual deliverance at the great day, the former diſcourſe hath already diſcovered. For what can be more abſurd, than to ſay, *that all things which pertain to the Expiation of ſin perfected before Chriſt goes forth from his Sanctuary*, and yet to make the moſt proper *Expiation* of ſin to lie in that act of Chriſt which is conſequent to his going forth of the *Sanctuary*, *viz.* When he proceeds to judge the quick and the dead. But of that already. We now come to a punctual and direct anſwer, as to which two things muſt be enquired into. 1. What the importance of the phraſe

Epheſ. 5.2. Proves the death of Chriſt an Expiatory Sacrifice and an oblation to God.

Eph. 5. 2.

Crell. c. 16. *ſect.* 47.

phraſe of a *ſweet-ſmelling ſavour* is? 2. What the *Sacrifices* are to which that phraſe is applied? 1. For the importance of the phraſe. The firſt time we read it uſed in the Scripture was upon the occaſion of *Noah*'s Sacrifice after the Flood, of which it is ſaid, *that he offered burnt-offerings on the Altar, and the Lord ſmelled a ſavour of the reſt, or a ſweet ſavour.* Which we are not wont to imagine in a groſs corporeal manner, as *Crellius* ſeems to underſtand it, when he ſaith, *the Blood could not make ſuch a ſavour as the Fat and the Kidnes*; for ſurely none ever thought the ſmell of Fleſh burnt was a *ſweet-ſmelling ſavour* of it ſelf, and we muſt leaſt of all imagine that of *God*, which *Porphyry* ſaith, was the property only of the worſt of *Dæmons* to be *pleaſed*, and as it were, *to grow Fat*, ταῖς ἐν τῶν αἱμάτων καὶ σαρκῶν κνίσαις, *with the ſmell and Vapours of Blood, and Fleſh*, (by which Teſtimony, it withal appears, that the ſame *ſteams* in Sacrifices were ſuppoſed to ariſe from the *Blood* as the *Fleſh*:) But we are to underſtand that Phraſe in a ſenſe agreeable to the divine Nature, which we may eaſily do, if we take it in the ſenſe the Syriack Verſion takes it in, when it calls it, *Odorem placabilitatis*, or *the ſavour of reſt*, as the word properly ſignifies; for ניחח is the word formed from the Verb נוח which is uſed for the *reſting* of the Ark, *v.* 4. of the ſame Chapter, and ſo it imports a *reſt* after ſome *Commotion*, and in that ſenſe is very proper to *Atonement*, or that whereby God make *his anger to reſt*; ſo *Aben Ezra* upon that place expounds *the Savour of reſt, to be ſuch a one which makes God ceaſe from his Anger:* Thence in Hiphil הניח ſignifies to *appeaſe*, or *to make peace*; in which ſenſe it is uſed by *R. Solom.* upon *Iſa.* 27. 5. *Munſter* tells us the ſenſe is, *Deus nunc quievit ab ira & placatus fuit*, and to the ſame purpoſe *Vatablus:* Which ſenſe is moſt agreeable to the deſign of the following word, in which God expreſſeth his great kindneſs, *and the Lord ſaid in his Heart, I will not again curſe the Ground any more for Mans ſake*; which are word highly expreſſing, how much God was propitiated by the Sacrifice which *Noah* offered, and therefore *Joſephus* doth well interpret this to be a proper *Expiatory Sacrifice*; that God *would now be atoned, and ſend no more ſuch a deluge upon the World*; which he ſaith was the ſubſtance of *Noah*'s *Prayer*, when he offered this Burnt-offering, and *that God would receive his Sacrifice*, καὶ μηδεμίαν ὀργὴν ἐπὶ τὴν γῆν ὁμοίαν λάβειν, *That he would no more receive ſuch diſpleaſure againſt the Earth:* So that the firſt time ever this Expreſſion was uſed, it is taken in the proper ſenſe of an *Expiatory Sacrifice.*

Gen. 8. 20, 21.

Porphyr. de abſtinent. l. 2. *ſect.* 42.

Joseph. Antiq. Jud. l. 1 *c.* 4.

VII. And by that the ſecond enquiry may be eaſily reſolved; *viz.* What kind of *Sacrifices* it doth belong to, which we ſee in the firſt place is, to Expiatory, which *Crellius* denies by a great miſtake of the ſenſe of the Phraſe, and of the nature of the *Offerings*, concerning which this Expreſſion is moſt uſed; *viz. Holocauſts*, as though thoſe were not Expiatory Sacrifices: But if we can make it appear, that the *Holocauſts* were *Expiatory Sacrifices*, then it will follow, that this Phraſe doth moſt properly agree to a Sacrifice deſigned for Expiation. But *Crellius* here ſpeaks very confuſedly concerning Sacrifices, oppoſing *Holocauſts* and *Freewill-offerings* to Expiatory Sacrifices; whereas the *Freewill-offerings* might be *Expiatory* as well as *Euchariſtical*; that denomination not reſpecting the end the Sacrifices we deſigned for, but that the preciſe time of offering them was not determined by the Law; as in the ſtated and ſolemn Sacrifices. For the general diſtribution of Sacrifices, ſeems proper into *Propitiatory* and *Euchariſtical*; which diſtinction is

Crellius his miſtakes about the kinds of ſacrifics.

thought by ſome to hold from the firſt time we read of Sacrifices in Scripture; becauſe the Sacrifice of *Cain was of the Fruits of the Ground, and of* Abel, *of the Firſtlings of his Flock.* Although there ſeems to be nothing meant by this difference of Sacrifices, but the diverſity of their imployments, either of them Sacrificing according to them; and I cannot ſay what ſome do, that the reaſon of God's rejecting *Cain*'s *Sacrifice*, was becauſe it was not deſigned for Expiation. But the Practice of after Ages, wherein we have a fuller account of the Grounds of the ſeveral Sacrifices, makes it appear, that the Expiatory Sacrifices before the Law, were all *Burnt-offerings*; and of all thoſe who were not under the particular obligation of that Law: As is plain in the Expiatory Sacrifices of *Job* for his Sons, and for his Friends, which were *Burnt-offerings*; and among the *Jews*, all the Sacrifices that were offered up before the *Levitical Law*, were, as the *Jews* themſelves tell us, only *Burnt-offerings:* And after the ſettling of their Worſhip among themſelves, they did receive *Burnt-offerings* for Expiation from ſtrangers, as Mr. *Selden* at large proves from the *Jewiſh Writers*. It ſeems then very ſtrange, that ſince *Burnt-offerings* before the Law were Expiatory, and under the Law they continued ſo for ſtrangers, they ſhould be of another nature for the *Jews* themſelves. But what reaſon is there for it in the Text? Not the leaſt that I can find, but expreſly the contrary. For in the beginning of *Leviticus*, where the Law for *Burnt-offerings* is delivered, the words are, *And he ſhall put his hand upon the head of the Burnt-offering, and it ſhall be accepted for him, to make Atonement for him*; which is as much as is ever ſaid of any Expiatory Sacrifices: And in the Verſe before, where we render לרצנו *of his own voluntary will*; it is by the vulgar *Latin* rendred, *Ad placandum ſibi Dominum*; by the *Syriack* Verſion, *Ad placationem ſibi obtinendam à Domino*; and to the ſame purpoſe by the *Chaldee Paraphraſt*; but no one Verſion conſiderable that ſo renders it, as to make *Burnt-offerings* to be Freewill-offerings here, which are ſpoken of diſtinctly, and by themſelves afterwards: And the *Chaldee Paraphraſt, Jonathan* thus explains, *This is the Law of the Burnt-offering*; i.e. *Quod venit ad expiandum pro cogitationibus cordis*; but although the *Jews* be not fully agreed what the *Burnt-offerings* were deſigned to expiate, yet they conſent that they were of an Expiatory nature. Which might make us the more wonder, that *Crellius* and others ſhould exclude them from it, but the only reaſon given by him is, *becauſe they are diſtinguiſhed from Sacrifices for ſin*, as though no Sacrifices were of an Expiatory nature but they, and then the *Treſpaſs-offerings* muſt be excluded too, for they are diſtinguiſhed from *Sin-offerings* as well as the other. The ignorance of the *Jews* in the reaſon of their own Cuſtoms, hath been an occaſion of great miſtakes among Chriſtians, concerning the nature of them; when they judge of them according to the blind or uncertain Conjectures which they make concerning them: So that the Text is oft-times far clearer than their Commentaries are. Setting aſide then the intricate and unſatisfactory niceties of the *Jewiſh* Writers, about the ſeveral reaſons of the *Burnt-offerings* and *Sin* and *Treſpaſs-offerings*, and the differences they make between them, which are ſo various and incoherent, I ſhall propoſe this Conjecture concerning the different reaſons of them, *viz.* That ſome *Sacrifices* were aſſumed into the *Jewiſh* Religion, which had been long in uſe in the World before, and were common to them with the *Patriarchs*, and all thoſe who in that age of the World did fear and

Gen. 4. 3, 4.

Job 1. 5. 42. 8.

Selden de jure nat. & gent. apud Ebræ. l. 3. c. 2. & c. 6.

Levit. 1. 4.

Lev. 7. 16. 22. 18, &c. Lev. 6. 7.

Crell c. 10. p. 530.

ſerve God, and ſuch were the *Burnt-offerings* for Expiation of ſin, and the Fruits of the Earth by way of gratitude to God. Other Sacrifices were inſtituted among them, with a particular reſpect to themſelves, as a people governed by the Laws of God: And theſe were of ſeveral ſorts; 1. *Symbolical*, of God's preſence among them, ſuch was *the daily Sacrifice*, inſtituted as a Teſtimony of God's preſence, *Exod.* 29. from *v.* 38. to the end. 2. *Occaſional*, for ſome great mercies vouchſafed to them, as the *Paſſover* and the Solemn *Feſtivals*, &c. 3. *Expiatory*, for the ſins committed againſt their *Law*: And theſe were of three ſorts; 1. Such as were wholly conſumed to the Honour of God, which were *the Burnt-offerings*. 2. Such, of which ſome part was conſumed upon the *Altar*, and ſome part fell to the ſhare of the *Prieſts*; and theſe were either ſins particularly enumerated by God himſelf, under the אשם, or elſe generally comprehended under the חטאת as being allowed to be expiated, becauſe committed through inadvertency. 3. Such, whereof a leſs part was conſumed, as in the *Peace-offerings of the Congregation*, mentioned, *Levit.* 23. 19. whereof *the Blood was ſprinkled, only the inwards burnt, and the Fleſh not eaten by the perſons that offered them*, as it was in the *Peace-offering* of particular perſons (of which as being *private Sacrifices*, I have here no occaſion to ſpeak) but only *by the Prieſts in the Court*: And theſe had ſomething of Expiation in them: For thence, ſaith *Vatablus*, the *Peace-offering* was called by the Greeks τελεστικὸν, *i. e. Expiatorium*, and the LXX. commonly render it, θυσία σωτηρίου, and ſeveral of the *Jews* think the reaſon of the name was, *That it made peace between God and him that offered it*: But the great reaſon I inſiſt on, is, Becauſe all the things which were uſed in an Expiatory Sacrifice, were in this too; the ſlaying of the Beaſt, the ſprinkling of the Blood, and the conſumption of ſome part of it upon the Altar as an Oblation to God, which are the three ingredients of an *Expiatory Sacrifice*; for the *ſhedding of the Blood*, noted the bearing the puniſhment of our iniquity; and, *the ſprinkling of it on the Altar*, and *the conſuming of part of the Sacrifice, or the whole there*, that it was deſigned for the Expiation of ſin. From whence it follows, that the Phraſe of a *ſweet-ſmelling ſavour*, being applied under the Law to *Expiatory Sacrifices*, is very properly uſed by St. *Paul*, concerning Chriſt's giving up himſelf for us, ſo that from this Phraſe, nothing can be inferred contrary to the Expiatory Nature of the Death of Chriſt, but rather it is fully agreeable to it.

What influence the mactation of the ſacrifice had on expiation. Crell. c. 10. p. 533.

VIII. But *Crellius* hath yet a farther Argument, to prove that Chriſt's Death cannot be here meant as the Expiatory Sacrifice; *viz. That the notion of a Sacrifice, doth conſiſt in the Oblation whereby the thing is conſecrated to the Honour and Service of God, to which the Mactation is but a bare preparation*, which he proves, *Becauſe the ſlaying the Sacrifice might belong to others beſides the Prieſts*, Ezek. 44. 10, 11. *but the Oblation only to the Prieſts*. To this I anſwer, 1. The *Mactation* may be conſidered two ways, either with a reſpect to the bare *inſtrument* of taking away the life, or to the deſign of the *Offerer* of that which was to be ſacrificed: As the *Mactation* hath a reſpect only to the inſtruments, ſo it is no otherways to be conſidered than as a *puniſhment*; but as it hath a Reſpect to him that deſigns it for a Sacrifice, ſo the ſhedding of the Blood, hath an immediate influence on the Expiation of ſin. And that by this clear Argument, *The Blood is ſaid to make an Atonement for the Soul*; and the reaſon given is, becauſe *the Life of the Fleſh is in the Blood*: So that

Levit. 17. 11.

which was *the life*, is the great thing which makes the *Atonement*; and when the *Blood* was ſhed, the *life* was then given; from whence it follows, that the great Efficacy of the Sacrifice for *Atonement* lay in the *ſhedding of the Blood* for that end. Thence the *Apoſtle* attributes Heb. 9 22. remiſſion of ſins to the αἱματεκχυσίαν, *the ſhedding of the Blood*; and not to the bare *Oblation* of it on the Altar, or the carrying it into the Holy of Holies, both which ſeem to be nothing elſe but a more ſolemn Repreſentation of that *Blood* before God, which was already ſhed for the Expiation of ſins, which was therefore neceſſary to be performed, that the concurrence of the *Prieſt* might be ſeen with the Sacrifice in order to Expiation. For if no more had been neceſſary but the bare ſlaying of the Beaſts, which was the meaneſt part of the Service, the people would never have thought the inſtitution of the *Prieſthood* neceſſary, and leaſt of all that of the *High-Prieſt*, unleſs ſome ſolemn Action of his had been performed, ſuch as the entring into the Holy of Holies, on the day of Expiation, and carrying it, and ſprinkling the Blood of the *ſin-offering* in order to the Expiation of the ſins of the People. And it is obſervable, that although the *Levitical Law* be ſilent in the common Sacrifices, who were to kill them whether the *Prieſts* or the *Levites*; yet on that day whereon the *High-Prieſt* was to appear himſelf for the Expiation of ſin, it is expreſly ſaid, *that he* Levit. 16. 11, 15. *ſhould not only kill the Bullock of the ſin-offering, which is for himſelf, but the Goat of the ſin-offering, which is for the people.* And although the *Talmudiſts* diſpute from their Traditions on both ſides, whether any one elſe might on the day of Expiation, ſlay the ſin-offerings beſides the High-Prieſt; yet it is no news for them to diſpute againſt the Text, and the *Talmud* it ſelf is clear, *that the High-Prieſt did it.* From whence *Codex Joma cap. 4. ſect. 3. cap. 5. ſect. 4.* it appears, there was ſomething peculiar on that day as to the ſlaying of the *ſin-offerings*; and if our Adverſaries opinion hold good, *that the Sacrifices on the day of Expiation did, if not atone, yet chiefly repreſent the Sacrifice of Chriſt*, no greater argument can be brought againſt themſelves than this is, for the Office of the *High-Prieſt* did not begin at his carrying the *Blood* into the *Holy of Holies*, but the *ſlaying* the *Sacrifice* did belong to him too: From whence it will unavoidably follow, that Chriſt did not enter into his Office of *High-Prieſt*, when he entred into Heaven, but when the Sacrifice was to be ſlain which was deſigned for the Expiation of ſins. It is then to no purpoſe at all, if *Crellius* could prove that ſometimes in ordinary Sacrifices, (which he will not ſay, the Sacrifice of Chriſt was repreſented by) the *Levites* might kill the Beaſts for Sacrifice; for it appears, that in theſe Sacrifices, wherein themſelves contend that Chriſt's was repreſented, the Office of the *High-Prieſt* did not begin with entring into the *Sanctuary*, but with the *Mactation* of that Sacrifice whoſe Blood was to be carried in thither. Therefore if we ſpeak of the bare inſtruments of *Mactation* in the Death of Chriſt, thoſe were the *Jews*, and we make not them *Prieſts* in it, for they aimed at no more than taking away his life (as the *Popæ* among the *Romans*, and thoſe whoſe bare Office it was to kill the Beaſts for Sacrifice among the *Jews* did:) but if we conſider it with a Reſpect to him that offered up his Life to God, then we ſay, that Chriſt was the *High-Prieſt* in doing it; it being deſigned for the Expiation of ſin; and by virtue of this *Blood ſhed* for that end, he enters into Heaven as the *Holy of Holies*, there *ever living to make interceſſion for us.* But the virtue of the conſequent Acts, depends upon the

Efficacy of the *Blood* ſhed for Expiation; otherwiſe the *High-Prieſt* might have entred with the ſame effect into the *Holy of Holies* with any other Blood beſides that which was ſhed on purpoſe as a *ſin-offering*, for Expiation of the ſins of the people; which it was unlawful for him to do. And from hence it is, that the *Apoſtle* to the *Hebrews* inſiſts ſo much on the Compariſon between the *Blood of Chriſt*, and the *Blood* Heb. 9. 13, 14. 10. 4, 10. of the *Legal Sacrifices*, and the Efficacy of the one far above the other, in its power of Expiation; which he needed not to have done, if the ſhedding of his Blood, had been only a Preparation for his entrance on his *Prieſthood* in Heaven. So that the proper notion of a *Sacrifice for ſin*, as it notes the giving the Life of one for the Expiation of the ſins of another, doth properly lie in the *Mactation*, though other ſacrificial Acts may be conſequent upon it. So it was in the *animales* Macrob. Saturn. l. 3. c. 5. *hoſtiæ* among the *Romans*, in which, ſaith *Macrobius*, *Sola anima Deo ſacratur:* of which he tells us *Virgil* properly ſpeaks in thoſe words,

Hanc tibi Eryx meliorem animam pro morte Daretis.

And that we may the better underſtand what he means by the *anima* here, he ſaith elſewhere (as *Macrobius* and *Servius* obſerve out of his excellent Skill and accuracy in the *Pontifical* rites)

Sanguine placaſtis ventos & virgine cæſa,
Cum primum Iliacas Danai veniſtis ad oras:
Sanguine quærendi reditus, animaque litandum
Argolica.

Which ſhews, that the Expiation was ſuppoſed to lie in the *Blood* which they called the *Soul*, as the Scripture doth. And the *Perſians*, as *Strabo* tells us, looked upon the bare *Mactation* as the Sacrifice, for they did not *porricere* as the *Romans* called it, they laid none of the Strabo, l. 15. parts of the Sacrifice upon the Altar to be conſumed there, τῆς γὰρ ψυχῆς φασὶ τοῦ ἱερείου δεῖσθαι τὸν Θεὸν ἄλλου δ' οὐδενός. *For God regarded nothing but the* Euſtath. in Hom. Iliad. 1. *Soul in the Sacrifice:* Which words *Euſtathius* likewiſe uſeth upon *Homer*, of the Sacrifices of the *Magi*. And *Strabo* affirms of the ancient Strabo, l. 3. *Luſitani*, that they cut off nothing of the Sacrifice, but conſumed the entrails whole; but though ſuch Sacrifices which were for divination were not thought Expiatory, and therefore different from the *animales hoſtiæ*, yet among the *Perſians*, every Sacrifice had a Reſpect to Expiation of the whole People. For *Herodotus* tells us, that every one that Herod. l. 1. offers Sacrifice among them, πᾶσι τοῖσι Πέρσῃσι κατεύχεται εὖ γίνεσθαι καὶ τῷ βασιλέϊ, *prays for good to all Perſians and the King.* But thus much may ſerve to prove againſt *Crellius*, that the *Mactation* in an Expiatoty Sacrifice, was not a meer Preparation to a Sacrifice, but that it was a proper Sacrificial Act, and conſequently that Chriſt acted as High-Prieſt, when he gave himſelf for us, an offering and a Sacrifice to God for a *ſweet-ſmelling ſavour*.

Whether Chriſt's Oblation of himſelf once to God, were in Heaven or on Earth.

IX. But this will further appear from thoſe places wherein Chriſt is ſaid *to offer up himſelf once to God:* The places to this purpoſe are, Heb. 7. 27. *Who needeth not daily as thoſe High-Prieſts to offer up Sacrifice, firſt for his own ſins, and then for the peoples, for this he did once, when he offered up himſelf.* Heb. 9. 14. *How much more ſhall the Blood of Chriſt, who through*

through the eternal Spirit offered himſelf without ſpot to God, purge your Conſcience from dead works, to ſerve the living God. V. 25, 26, 27, 28. *Nor yet that he ſhould offer himſelf often, as the High-Prieſt entreth into the holy place every year with the Blood of others; for then muſt he often have ſuffered ſince the Foundation of the World: But now once in the end of the World hath he appeared to put away ſin by the Sacrifice of himſelf. And as it is appointed to men once to die, but after this the Judgment: So Chriſt was once offered to bear the ſins of many, and unto them that look for him he ſhall appear the ſecond time without ſin unto Salvation.* Heb. 10. 10, 11, 12. *By the which will we are ſanctified through the offering of the Body of Jeſus Chriſt once for all. And every High-Prieſt, ſtandeth daily miniſtring and offering oftentimes the ſame Sacrifices, which can never take away ſins: But this Man after he had offered one Sacrifice for ſins for ever, ſate down on the right hand of God.* To theſe places *Crellius* gives this anſwer, "That the name of Oblation as applied to Chriſt, primarily ſignifies Chriſt's firſt entrance into Heaven, and appearance before the Face of God, there, but conſequently the continuance of that appearance; ſo that when a thing is once actually exhibited and preſented, it is ſaid to be once offered, although being offered, it always remains in the ſame place, and ſo may be ſaid to be a continual Oblation. But this firſt appearance, *ſaith he*, hath a peculiar agreement with the Legal Oblation; and therefore the name of Oblation doth moſt properly belong to that, becauſe Chriſt by this means obtained that power on which the perfect Remiſſion of our ſins depends: But although the continuance of that appearance, ſeems only conſequently to have the name of Oblation belonging to it, yet in its own nature, it hath a nearer Conjunction with the effect of the Oblation, *viz.* the remiſſion of ſins, or deliverance from puniſhment, and doth of it ſelf confer more to it than the other. And therefore in regard of that, Chriſt is ſaid moſt perfectly to exerciſe his Prieſthood, and to offer and intercede for us, from the time he is ſaid to ſit down at the right Hand of God. *Crell. cap. 10.ſect.54.* Againſt this anſwer, I ſhall prove theſe two things, 1. That it is incoherent, and repugnant to it ſelf. 2. That it by no means agrees to the places before mentioned. 1. That it is incoherent and repugnant to it ſelf in two things. 1. In making that to be the proper *Oblation* in correſpondency to the Oblations of the Law, which hath no immediate Reſpect to the Expiation of ſins. 2. In making that to have the moſt immediate reſpect to the Expiation of ſins, which can in no tolerable ſenſe be called an *Oblation*. For the firſt, ſince *Crellius* ſaith, that the proper notion of *Oblation* is to be taken from the *Oblations* in the *Levitical Law*, we muſt conſider what it was there, and whether *Chriſt's* firſt entrance into Heaven can have any correſpondency with it. An *Oblation* under the *Law* was in general, any thing which was *immediately dedicated to God*, but in a more limited ſenſe it was proper to what was dedicated to him by way of *Sacrifice* according to the appointments of the *Levitical Law*. We are now enquiring what was properly called an *Oblation* in other Sacrifices, but in thoſe which then were for Expiation of ſin; And in the Oblation was, firſt of the perſons for whom the Sacrifice was offered. So in the *Burnt-offering*, the perſon who brought it, *was to offer it at the door of the Tabernacle of the Congregation:* i. e. as the *Jews* expound it, at the entrance of the Court of the *Prieſts*, and there he was *to lay his hands upon the head of it, and it ſhall be accepted for* Lev. 1. 3. Verſ. 4.

for him to make Atonement for him. This Offering was made before the Beaſt was ſlain; after the killing the Beaſt, then *the Prieſts were to make an Offering of the Blood, by ſprinkling it round about the Altar of Burnt-offerings*; the reſt of the *Blood*, ſay the *Jews*, was poured out by the *Prieſts*, at the South-ſide of the *Altar* upon the Foundation, where the two holes were for the paſſage into the Channel, which convey'd the Blood into the Valley of *Kidron*; thus the *Blood* being offered, the *parts* of the Beaſt, were by the *Prieſts to be laid upon the Altar, and there they were all to be conſumed by Fire*; *and then it was called an Offering made by Fire, of a ſweet Savour unto the Lord.* The ſame Rites were uſed in the *Peace-offerings*, and *Treſpaſs-offerings*, as *to the laying on of hands*, and *the ſprinkling the Blood*, and *conſuming ſome part by Fire:* and in the *ſin-offerings*, there was to be the ſame impoſition of hands: But concerning the *ſprinkling of the Blood*, and the way of conſuming the remainders of the Sacrifice; there was this conſiderable difference; that in the common *ſin-offerings* for particular Perſons, Lev 4.25, 30. *the Blood was ſprinkled upon the horns of the Altar of Burnt-offerings*, but *in the ſin-offerings for the High-Prieſt and the Congregation, or all the People*, Verſe 6. he was to carry *the Blood within the Sanctuary, and to ſprinkle of it ſeven times before the Veil of the Sanctuary*; *and ſome of the Blood was to be put upon the horns of the Altar of Incenſe*; but the remainder of the *Blood*, and the ſame things (which were offered by Fire in *Peace-offerings*) were to be diſpoſed of accordingly, on the Altar of *Burnt-offerings.* And withal, there was this great difference, that in other *ſin-offerings* the *Prieſts* were *to eat the remainder of the Sacrifice in the Holy place*; but in theſe there was *nothing* to be *eaten* by them; for Lev. 6 26. the *whole Bullock was to be carried forth without the Camp, and there he* Lev 4, 11, 12. *was to be burned till all were conſumed.* For it was an expreſs Law, *That no ſin-offerings, whereof any of the Blood is brought into the Tabernacle of* Lev. 6 30. *the Congregation, to reconcile withal in the Holy-place, ſhall be eaten: It ſhall be burnt in the Fire.* All the difference that was on the great day Lev. 16. 14 15. of *Atonement*, was this, that the *High-Prieſt* himſelf was to ſlay the *ſin-offerings*, and then *to carry the Blood of them into the Holy of Holies, and there was to ſprinkle the Blood with his Finger towards the mercy-ſeat ſeven times: After which, & the ſending away the Scape-goat, the Ceremonies were the ſame for the Atonement of the People, which were at other ſolemn ſin-offerings, for the Prieſt or the People.*

X. From all which being thus laid together, we ſhall obſerve ſeveral things, which are very material to our purpoſe:

All things neceſſary to a legal oblation concur in the death of Chriſt.

1. That in the Oblations which are made for Expiation of ſins, the difference between the Mactation and the Oblation, did ariſe from the difference between the *Prieſt* and the *Sacrifice.* For the *Prieſt*'s Office was to *atone*, but he was to *atone* by the *Sacrifice*; on which account, although the *Prieſt* were to offer the Sacrifice for himſelf, yet the Oblation did not lie in the bare preſenting himſelf before God, but in the preſenting the *Blood* of that Sacrifice, which was ſhed in order to Expiation. If we could have ſuppoſed, that the *High-Prieſt* under the Law, inſtead of offering a Goat for a *ſin-offering* for the People, on the day of *Atonement*, ſhould have made an Oblation of himſelf to God, by dying for the Expiation of their ſins: In this caſe, his death being the Sacrifice, and himſelf the *Prieſt*, the *Mactation*, as it relates to his own Act and his *Oblation* had been one and the ſame thing. For his death had been nothing elſe, but the offering up himſelf to God,

in order to the Expiation of the ſins of the people; and there can be no reaſon, why the Oblation muſt be of neceſſity ſomething conſequent to his Death, ſince all things neceſſary to a perfect *Oblation* do concur in it. For where there is ſomething ſolemnly devoted to God, and in order to the Expiation of ſins, and by the hand of a *Prieſt*, there are all things concurring to a Legal Oblation; but in this caſe, all theſe things do concur, and therefore there can be no imaginable neceſſity of making the Oblation of Chriſt, only conſequent to his Aſcenſion, ſince in his Death all things concur to a proper Oblation. In the Law, we grant that the Oblation made by the *Prieſt*, was conſequent to the Death of the Beaſt for Sacrifice; but the reaſon of that was, becauſe the Beaſt could not offer up it ſelf to *God*, and *God* had made it neceſſary, that the Prieſt ſhould expiate ſins, not by himſelf, but by thoſe Sacrifices, and therefore the Oblation of the Blood was after the Sacrifice was ſlain; neither could this have been ſolved barely *by the Prieſt ſlaying the Sacrifices*; for this being an Act of Violence towards the Beaſts that were thus killed, could not be a proper Oblation, which muſt ſuppoſe a conſent antecedent to it. All which ſhewed the great imperfection of the *Levitical Law*, in which ſo many ſeveral things were to concur, to make up a *Sacrifice for ſin*; *viz.* The *firſt offering* made by the *party* concerned, of what was under his Dominion, *viz.* The Beaſt to be Sacrificed *at the door of the Tabernacle of the Congregation*, but the Beaſt not being able to offer up it ſelf, it was neceſſary for the offering up its *Blood*, that it muſt be *ſlain* by others; and for the better underſtanding, not only of the Efficacy of the *Blood*, but the Concurrence of the *Prieſt* for *Expiation*, he was *to take the Blood, and ſprinkle ſome of it on the Altar*, and pour out the reſt at the Foundation of it. But ſince we aſſert a far more noble and excellent Sacrifice, by the Son of God freely offering up himſelf, to be made a Sacrifice for the ſins of the World, why may not this be as proper an *Oblation* made unto *God*, as any was under the *Law*, and far more excellent, both in regard of the *Prieſt* and the *Sacrifice:* Why ſhould his Oblation of himſelf then be made only conſequent to his Death and Reſurrection? Which latter, being by our Adverſaries made not his own Act, but God's upon him, and his entrance into Heaven, being given him (as they aſſert) *as a reward of his ſufferings*, in what tolerable ſenſe can that be called an *Oblation* of himſelf, which was conferred upon him as a reward of his former ſufferings? From whence it follows, that upon our Adverſaries own grounds, the Death of Chriſt may far more properly be called the *Oblation* of himſelf, than his *entrance into Heaven*; and that there is no neceſſity of making the Oblation of Chriſt conſequent to his Death, there being ſo great a difference between the Sacrifice of Chriſt, and that of the Sacrifices for ſin under the *Levitical Law*.

2. We obſerve, That the Oblation as performed by the *Prieſt*, did not depend upon his preſenting *himſelf* before *God*, but upon the preſenting the *Blood* of a *Sacrifice*, which had been already *ſlain* for the Expiation of ſins. If the *Prieſt* had gone into the *Holy of Holies*, and there only preſented himſelf before the *Mercy-ſeat*, and that had been all required in order to the Expiation of ſins, there had been ſome pretence for our Adverſaries making Chriſt's preſenting himſelf in Heaven, to be the Oblation of himſelf to God; but under the Law, the Efficacy of the *High-Prieſt*'s entrance into the *Holy of Holies*, did depend upon the *Blood* which he carried in thither,

ther, which was the *Blood* of the *ſin-offering*, which was already ſlain for the Expiation of ſins: And in correſpondency to this, Chriſt's Efficacy in his *entrance into Heaven*, as it reſpects our *Expiation*, muſt have a Reſpect to that Sacrifice which was offered up to God antecedent to it. And I wonder our Adverſaries do ſo much inſiſt on the *High-Prieſt's entring into the moſt holy place once a Year*, as though all the *Expiation* had depended upon that; whereas all the promiſe of *Expiation*, was not upon his bare entrance into it, but upon the *Blood* which he carried along with him, and *ſprinkled* there: In Correſpondency to which, our Saviour is not barely ſaid to *enter into Heaven*, and preſent himſelf to God, but *that he did this by his own Blood, having obtained eternal Redemption for us.* Heb. 9. 12.

3. We obſerve, That there was ſomething correſpondent in the Death of Chriſt, to ſomewhat conſequent to the Oblation under the Law, and therefore there can be no reaſon to ſuppoſe, that the Oblation of Chriſt muſt be conſequent to his Death: For that deſtroys the Correſpondency between them. Now this appears in this particular, in the ſolemn *Sacrifices for ſin*, after the *ſprinkling* of *the Blood*, which was carried into the *Holy place to reconcile withall*, all the remainder of the *Sacrifice* was *to be burnt without the Camp*, and this held on the *day of Atonement*, as well as in other *ſin-offerings* for the Congregation. Now the Author to the *Hebrews* tells us, That in correſpondency to this, *Jeſus that he might ſanctifie the people with his own Blood, ſuffered without the Gate:* What force is there in this, unleſs the Blood of Chriſt did anſwer to the ſin-offerings for the People, and his Oblation was ſuppoſed to be made before; and therefore that he might have all things agreeable to thoſe ſin-offerings, the laſt part was to be compleated too; viz. *That he was to ſuffer without the Gate*; which after the Peoples ſettlement in *Jeruſalem*, anſwered to the *being burnt without the Camp* in the Wilderneſs. Heb. 13. 12.

4. We obſerve, That the Oblation in Expiatory Sacrifices under the Law, by the Prieſt, had always Relation to the *Conſumption* of what was offered: Thus the offering of the *Blood*, in token of the Deſtruction of the Life of the Beaſt, whoſe Blood was offered; for no *Blood* was to be offered of a *living Creature*, nor of one killed upon any other account, but for that end to be a *Sacrifice for ſin*, and after the *ſprinkling* and pouring out of the Blood, the *inwards* of ſome, and all of the other, were to be conſumed by Fire. And it is obſervable, that the greater the *Sacrifice for ſin* was, always the more was *conſumed* of it; as appears plainly by the forementioned difference of the *ſin-offerings* for *private Perſons*, and for the *People*; of the former, the *Prieſts* were allowed to eat, but not at all of the latter. And ſo it was obſerved among the *Egyptians*, in the moſt ſolemn Sacrifices for Expiation, nothing was allowed to be eaten of that part which was deſigned for that end. For *Herodotus* gives us an account why the *Egyptians* never eat the head of any living Creature; which is, *That when they offer up a Sacrifice, they make a ſolemn Execration upon it, that if any evil were to fall upon the perſons who Sacrificed, or upon all* Egypt, *it might be turned upon the head of that Beaſt:* And *Plutarch* adds, that after this ſolemn Execration, *They cut off the head, and of old, threw it into the River, but then gave it to Strangers.* From which Cuſtom we obſerve,

Καταρέονται δὲ τάδε λέγοντες τῇσι κεφαλῇσι, εἴ τι μέλλοι ἢ σφίσι τοῖσι θύουσι, ἢ Αἰγύπτῳ τῇ συναπάσῃ κακὸν γενέσθαι, ἐς κεφαλὴν ταύτην τραπέσθαι. Herodot. l. 2. c 9.

Τῇ μὲν κεφαλῇ τοῦ ἱερείου καταρασάμενοι, καὶ ἀποκόψαντες εἰς τὸν ποταμὸν ἐρρίπτουν πάλαι, νῦν δὲ τοῖς ξένοις ἀποδίδονται. Plutarch. de Iſide.

obſerve, that in a ſolemn Sacrifice for Expiation, the guilt of the Offenders was by this rite of Execration ſuppoſed to be transferred upon the head of the Sacrifice, as it was in the Sacrifices among the Jews, by the laying on of hands; and that nothing was to be eaten of what was ſuppoſed to have that guilt transferred upon it. From hence all Expiatory Sacrifices were at firſt whole Burnt-offerings, as appears by the Patriarchal Sacrifices, and the Cuſtoms of other Nations, and among the Jews themſelves, as we have already proved in all ſolemn offerings for the People. And although in the Sacrifices of private perſons, ſome parts were allowed to be eaten by the Prieſts; yet thoſe which were deſigned for Expiation were conſumed. So that the greater the offering was to God, the more it implied the *Conſumption* of the thing which was ſo offered: How ſtrangely improbable then is it, That the Oblation of Chriſt ſhould not (as under the Law) have reſpect to his death and ſufferings; but to his *entrance into Heaven*, wherein nothing is ſuppoſed to be conſumed, but all things given him with far greater Power, as our Adverſaries ſuppoſe, than ever he had before. But we ſee the *Apoſtle* parallels Chriſt's *ſuffering* with the *burning of the Sacrifices* and his *Blood* with the *Blood* of them, and conſequently his offering up himſelf, muſt relate not to *his entrance into Heaven*, but to that *Act* of his whereby he ſuffered for ſins, and offered up *his Blood* as a *Sacrifice* for the ſins of the World.

Xenoph. Cyropaed. l. 7. 8. Strab. l. 4. Plutarch Symp. l. 6. probl. 8.

Chriſt's entrance into Heaven could not be the Oblation of himſelf mentioned.

XI. From all which it appears; how far more agreeably to the *Oblations* under the Law, Chriſt is ſaid to offer up himſelf for the Expiation of ſins by his *death* and *ſufferings*, than by his *entrance into Heaven*; For it is apparent, that the *Oblations* in Expiatory Sacrifices under the Law, were ſuch upon which the Expiation of ſin did chiefly depend: but by our Adverſaries own Confeſſion, Chriſt's Oblation of himſelf by his entrance into Heaven, hath no immediate Reſpect at all to the Expiation of ſin: only *as the way whereby he was to enjoy that power by which he did expiate ſins*, as *Crellius* ſaith; now, let us conſider, what more propriety there is in making this preſenting of Chriſt in Heaven to have a correſpondency with the Legal Oblations, than the offering up himſelf upon the Croſs. For, 1. on the very ſame reaſon that his entrance into Heaven is made an *Oblation*, his Death is ſo too; viz. *Becauſe it was the way whereby he obtained the power of Expiation*; and far more properly ſo than the other, ſince they make Chriſt's entrance and power the reward of his ſufferings, but they never make his ſitting at the Right-hand of God, the reward of his *entrance into Heaven*. 2. His offering up himſelf to God upon the Croſs, was his own Act, but his entrance into Heaven was *God*'s, as themſelves acknowledge, and therefore could not in any propriety of ſpeech be called *Chriſt's offering up himſelf*. 3. If it were his own Act, it could not have that Reſpect to the *Expiation* of ſins, which his death had; for our Adverſaries ſay, *that his death was by reaſon of our ſins:* and that he ſuffered to purge us from ſin; but his *entrance into Heaven* was upon his own account, to enjoy that Power and Authority, which he was to have at the Right hand of God. 4. How could *Chriſt's entrance into Heaven*, be the way for his enjoying that power which was neceſſary for the Expiation of ſin, when Chriſt before his entrance into Heaven, ſaith, *that all power was given to him in Heaven and Earth:* and the reaſon aſſigned in Scripture of that Power and Authority which God gave him is, *becauſe he humbled himſelf, and became obedient to death,*

Mat. 28. 18.

Phil. 2. 8, 9.

even

even the Death of the Croſs: So that the *entrance of Chriſt into Heaven*, could not be the means of obtaining that Power which was conferred before; but the Death of Chriſt is mentioned on that account in *Scripture.* 5. If the Death of Chriſt were no Expiatory Sacrifice, the entrance of Chriſt into Heaven could be no *Oblation* proper to a *High-Prieſt*; for his *entrance into the Holy of Holies*, was on the account of the *Blood* of the *ſin-offering* which was carried in with him. If there were then no Expiatory Sacrifice before, that was ſlain for the ſins of Men; Chriſt could not be ſaid to make any *Oblation in Heaven*, for the Oblation had Reſpect to a Sacrifice already ſlain; ſo that if Men deny that Chriſt's Death was a proper Sacrifice for ſin, he could make no Oblation at all in Heaven, and Chriſt could not be ſaid to enter thither, as the *High-Prieſt* entred into the Holy of Holies with the Blood of the Sacrifice; which is the thing which the *Author* to the *Hebrews* aſſerts concerning Chriſt.

Chriſt's exerciſe of power in Heaven in no ſenſe an Oblation to God.

XII. 2. There is as great an inconſiſtency in making the Exerciſe of Chriſt's Power in Heaven, an *Oblation* in any ſenſe, as in making Chriſt's entrance into Heaven, to be the Oblation which had correſpondency with the *Oblations* of the Law. For what is there which hath the leaſt reſemblance with an *Oblation* in it? Hath it any Reſpect *to God*, as all the Legal Oblations had? No, *for his interceſſion and power*, *Crellius* ſaith, *Reſpect us, and not God.* Was there any Sacrifice at all in it for *Expiation?* How is it poſſible, that the mere Exerciſe of Power ſhould be called a *Sacrifice?* What Analogy is there at all between them? And how could he be then ſaid *moſt perfectly to exerciſe his Prieſthood*, when there was no Conſideration at all of any *Sacrifice* offered up to *God*? So that upon theſe Suppoſitions the Author to the *Hebrews* muſt argue upon ſtrange Similitudes, and fancy reſemblances to himſelf, which it was impoſſible for the *Jews* to underſtand him in, who were to judge of the Nature of *Prieſthood* and *Oblations* in a way agreeable to the Inſtitutions among themſelves. But was it poſſible for them to underſtand ſuch *Oblations* and a *Prieſthood* which had no Reſpect at all to *God*, but wholly to the People; and ſuch an *entrance into the Holy of Holies* without the *Blood* of an *Expiatory Sacrifice* for the ſins of the People: But ſuch abſurdities do Men betray themſelves into, when they are forced to ſtrain expreſs places of Scripture to ſerve an *Hypotheſis*, which they think themſelves oblig'd to maintain.

Crellius his ſenſe repugnant to the circumſtances of the places.

Heb. 7. 27. 9. 26. 10. 10.

XIII. We now come to ſhew that this interpretation of *Crellius* doth not agree with the Circumſtances of the places before mentioned, which will eaſily appear by theſe brief Conſiderations. 1. That the *Apoſtle* always ſpeaks of the offering of Chriſt *as a thing paſt and once done, ſo as not to be done again*; which had been very improper, if by the Oblation of Chriſt, he had meant the continual appearance of Chriſt in Heaven for us, which yet is, and will never ceaſe to be till all his Enemies be made his Footſtool. 2. That he ſtill ſpeaks in Alluſion to the Sacrifices which were in uſe among the *Jews*, and therefore the Oblation of Chriſt muſt be in ſuch a way as was agreeable to what was uſed in the *Levitical Sacrifices*, which we have already at large proved he could not do in our Adverſaries ſenſe. 3. That the *Apoſtle* ſpeaks of ſuch a *Sacrifice for ſins* to which the *ſitting at the right hand of God* was conſequent; ſo that the Oblation antecedent to it muſt be properly that Sacrifice for ſins which he offered to God; and therefore *the*

Heb. 9. 12, 13. 10. 4, 5.

Exerciſe of his power for Expiation of ſins, which they ſay is meant *by ſitting on the right hand of God*, cannot be that Sacrifice for ſins: Neither can *his entrance into Heaven* be it, Heb. 10. 12. which in what ſenſe it can be called a *Sacrifice for ſins*, ſince themſelves acknowledge it had no immediate Relation to the *Expiation* of them, I cannot underſtand. 4. The *Apoſtle* ſpeaks of ſuch an Offering of Chriſt once, which if it had been repeated, doth imply, that *Chriſt's ſufferings* muſt have been repeated too. *For then muſt he often have ſuffered ſince the Foundation of the World*: Heb. 9.26. But the repeated Exerciſe of *Chriſt's Power* in Heaven doth imply no neceſſity at all of Chriſt's frequent *ſuffering*, nor his frequent entrance into Heaven; which might have been done without *ſuffering*, therefore it muſt be meant of ſuch an offering up himſelf as was implyed in his death and ſufferings. 5. He ſpeaks of the offering up of Heb. 10.5, 10. that Body which God gave him *when he came into the World*; but our Adverſaries deny, that he carried the ſame Body into Heaven, and therefore he muſt ſpeak not off an offering of Chriſt in Heaven, but what was performed here on Earth. But here our Adverſaries have ſhewn us a tryal of their Skill, when they tell us with much Confidence that the *World* into which Chriſt is here ſaid *to come*, is not to be underſtood of *this World*, but of *that to come*, Crell. cap. 10. ſect. 53. which is not only contrary to the general Acceptation of the word when taken abſolutely as it is here, but to the whole Scope and Deſign of the place. For he ſpeaks of that *World* wherein *Sacrifices and Burnt-offerings were uſed, and the Levitical Law* was obſerved, although not ſufficient for perfect Expiation, and ſo rejected for that end; and withal he ſpeaks of that *World* wherein the chearful obedience of Chriſt to the will of his Father was ſeen, for he ſaith, *Low I come to do thy will, O God*, Heb. 10. 7, 9. which is repeated afterwards; but will they ſay, that this *World* was not the place into which Chriſt came to obey the *Will* of his Father? And how could it be ſo properly ſaid of the future World, *Lo I come to do thy will*; when they make the deſign of his Aſcenſion to be the receiving the reward of his doing and ſuffering the will of God upon Earth?

XIV. But yet they attempt to prove from the ſame *Author* to the *Hebrews*, Objections anſwered. that Chriſt's entrance into Heaven, was neceſſary to his being a perfect *High-Prieſt*; for he was to be made *Higher than the Heavens*; Heb. 7.26. 8.4. 7.16. *and if he were on Earth, he ſhould not be a Prieſt; but he was a Prieſt after the Power of an endleſs life: Neither could he*, ſay they, *be a perfect High-Prieſt, till thoſe words were ſpoken to him, Thou art my Son, this day have I begotten thee*; 5. 5. *which as appears by other places, was after the Reſurrection: But all the ſufferings he underwent in the World, were only to qualifie him for this Office in Heaven; therefore it is ſaid, That in all things it behoved him to be made like unto his Brethren, that he might be a merciful and faithful High-Prieſt, &c.* 2. 17. This is the ſubſtance of what is produced by *Crellius* and his *Brethren*, to prove that Chriſt did not become a perfect *High-Prieſt*, Crell. c. 10. ſect. 53. till he *entred into Heaven*: But it were worth the knowing, what they mean by a *Perfect High-Prieſt*; Is it that Chriſt did then begin the Office of a *High-Prieſt*, and that he made no offering at all before? No, that they dare not aſſert at laſt, but that there was no *perfect Sacrifice* offered for ſin, otherwiſe *Socinus* contends, *That Chriſt did offer upon Earth, and that for himſelf too*: Socin. prælect. c. ult. So that all kind of offering is not excluded by themſelves, before Chriſt's entrance into Heaven: But if they mean by *perfect High-Prieſt* in Heaven, that his Office of *High-Prieſt was not conſummated* by what he did on Earth, but that a very conſiderable part of the *Prieſthood* of Chriſt was ſtill remaining to be performed in Heaven; it is no more than we do freely acknowledge, and this is all we ſay is meant by thoſe places: For the *Apoſtles* deſign is to prove, the excellency of the *Prieſthood* of Chriſt above the *Aaronical*; which he doth, not only from the excellency of the Sacrifice which he offered, above *the Blood of Bulls and Goats*; but from the excellency of the *Prieſt*, who did excel the *Aaronical Prieſts*; both in regard of *his calling from God*, which is all the *Apoſtle* deſigns, *Heb.* 5. 5. not at all intending to determine the time *when he was made*, but *by whom* he was made *High-Prieſt*, even by him *that had ſaid, Thou art my Son*, &c. and in regard of the excellency of the *Sanctuary* which he entred into, which was not an *earthly*, but a *heavenly Sanctuary*; and in regard of the perpetuity of his Function there, *Not going in once a year, as the High-Prieſts under the Law did*, but there *ever living to make interceſſion for Us*; Now this being the *Apoſtles* deſign, we may eaſily underſtand why he ſaith, *That he was to be a heavenly High-Prieſt, and if he had been on Earth, he could not have been a Prieſt:* The meaning of which is only this, that if Chriſt's Office had ended in what he did on Earth, he would not have had ſuch an excellency as he was ſpeaking of; for then he had ceaſed to be at all ſuch a *High-Prieſt*, having no *Holy of Holies* to go into, which ſhould as much tranſcend the earthly Sanctuary, as his Sacrifice did the *Blood of Bulls and Goats:* Therefore in correſpondency to that *Prieſthood*, which he did ſo far excel in all the parts of it, he was not to end his *Prieſthood* merely with *the Blood* which was ſhed for a *Sacrifice*, but he was to carry it into Heaven, and preſent it before God, and to be a perpetual interceſſor in the behalf of his People: And ſo was in regard of the perpetuity of his Office, *a Prieſt after the Law of an endleſs Life:* But leſt the People ſhould imagine, that ſo great and excellent a *High-Prieſt*, being ſo far exalted above them, ſhould have no ſenſe or compaſſion upon the Infirmities of his People, therefore to encourage them to adhere to him, he tells them, *That he was made like to his Brethren*; and therefore they need not doubt, but by the ſenſe which he had of the Infirmities of humane Nature, he will have *pity* on the weakneſſes of his People; which is all the *Apoſtle* means by thoſe Expreſſions. So that none of theſe places do deſtroy the *Prieſthood of Chriſt on Earth*, but only aſſert the *excellency*, and the *Continuance* of it *in Heaven:* Which latter, we are as far from denying, as our Adverſaries are from granting the former. And thus much may ſuffice for the ſecond thing, to prove the Death of Chriſt a proper Sacrifice for ſin; viz. *The Oblation which Chriſt made of himſelf to God by it.*

CHAP. VI.

I. *That the Effects of proper Expiatory Sacrifices belong to the Death of Chriſt, which either reſpect the ſin or the perſon. Of the true Notion of Expiation of ſin, as attributed to Sacrifices. Of the importance of* כפר, *as applied to them.* Socinus *his proper ſenſe of it examined.* II. Crellius *his Objections anſwered.* III. *The Jews Notion of* כפר. *The Sacrifices* *not bare Conditions of pardon, nor expiated merely as a ſlight part of Obedience.* IV. *God's expiating ſin, deſtroys not Expiation by Sacrifice.* V. *The importance of* καθαρίζειν *and* ἁγιάζειν *relating to Sacrifice.* VI. *Expiation attributed to the Sacrifice of Chriſt, in the ſame ſenſe that it was to other Sacrifices.* VII. *And from thence, and the places of Scripture which mention it, proved not to be merely declarative. If it had been ſo, it had more properly belonged to his Reſurrection than his Death.* VIII. *The Death of Chriſt not taken Metonymically for all the Conſequents of it; becauſe of the peculiar Effects of the Death of Chriſt in Scripture.* IX. *And becauſe Expiation is attributed to him antecedently to his entrance into Heaven.* X. *No diſtinction in Scripture of the Effects of Chriſt's entrance into Heaven from his ſitting at the right hand of God.* XI. *The Effects of an Expiatory Sacrifice, reſpecting the perſon, belong to the Death of Chriſt, which are Atonement and Reconciliation. Of the ſignification of* ἱλασμὸς *and* ἱλάσκεσθαι XII. *The Reconciliation by Chriſt's Death, doth not merely Reſpect us, but God; why the latter leſs uſed in the New Teſtament. A twofold Reconciliation with God mentioned in Scripture.* Crellius *his Evaſion anſwered.* XIII. *The Objections from God's being reconciled in the ſending his Son.* XIV. *And the inconſiſtency of the Freeneſs of Grace with the Doctrine of Satisfaction anſwered, and the whole concluded.*

Of the true notion of Expiation, as attributed to Sacrifices.

I. THE laſt thing to prove the Death of Chriſt a proper Expiatory Sacrifice, is, That the Effects of a proper Sacrifice for ſin are attributed to it. Which do either reſpect the *ſins* committed, and are then called *Expiation* and *Remiſſion*, or the *perſons*, who were guilty of them, as they ſtand Obnoxious to the diſpleaſure of God, and ſo the Effect of them is *Atonement* and *Reconciliation.* Now theſe we ſhall prove do moſt properly and immediately refer to the Death of Chriſt; and are attributed to it, as the procuring cauſe of them; and not as a bare Condition of Chriſt's entrance into Heaven, or as comprehending in it the conſequents of it. I begin with the *Expiation* and *Remiſſion* of *ſins*; as to which *Socinus* doth acknowledge, *That the great correſpondency doth lie between Chriſt and the Legal Sacrifices.* We are therefore to enquire: 1. What reſpect the Expiation of ſins had to the Sacrifices under the Law. 2. In what ſenſe the Expiation of ſins is attributed to the Sacrifice of Chriſt: For the due Explication of the reſpect which Expiation of ſins had to the Legal Sacrifices, we are to conſider in what ſenſe *Expiation* is underſtood, and in what reſpect it is attributed to them. For this we are to enquire into the importance of the ſeveral Phraſes it is ſet forth by, which are כפר and חטא in the Old Teſtament, καθαρίζειν, ἁγιάζειν, ἱλάσκεσθαι in the New; all which are acknowledged by our Adverſaries to have a peculiar Reſpect to the Expiation made by a *Sacrifice.* We ſhall begin with the former, becauſe *Crellius* objects this againſt *Grotius*, *That he imployed his greateſt diligence in the Explication of the Greek and Latin words for Expiation of ſin, and was contented only to ſay, that the Hebrew words would bear the ſame ſignification: Whereas,* ſaith he, *he ought to have proved, that the Hebrew words do require that ſenſe which he takes them in.* But by *Crellius* his leave, *Grotius* took the beſt courſe was to be taken in words, whoſe ſignification is ſo obſcure as thoſe are in the Hebrew Language. For כפר being ſo very rarely uſed in Scripture in that which *Socinus* and *Crellius* contend to be the proper and natural ſignification of it;

Socin. de Chriſto ſervat. p. 2. l. 13.

Crell. cap. 10. ſect. 26.

Crell. c. 10. ſect. 38.

viz. *To hide or cover*, and ſo frequently in the ſenſe of *Expiation*, what better way could be taken for determining the ſenſe of it, as applied to *Sacrifices*, than by inſiſting upon thoſe words which are uſed in the *New Teſtament*, to the very ſame purpoſe that כפר is uſed in the Old? For they cannot pretend that which they ſay is the moſt proper ſenſe, can be applied to this Subject, *viz.* *To cover* with Pitch, or a bituminous matter, which is called כפר, *Gen.* 6. 14. therefore it muſt of neceſſity be taken in another ſenſe here. But *Socinus* contends, *That it ought to be taken in a ſenſe moſt agreeable to that, which is,* ſaith he, *that the Expiation of ſin be nothing elſe, but the covering of it, by God's Grace and Benignity.* *Thence*, ſaith he, *David ſaith, Bleſſed is the Man whoſe iniquity is covered.* But how can this prove, that the proper ſignification of כפר as applied to ſin, is covered by God's Grace, when neither the word כפר is here uſed, nor is there any Reſpect at all mentioned of an *Expiation* by Sacrifice, which is the thing we are diſcourſing of? And is the *covering of ſin* ſuch an eaſie and intelligible Phraſe, that this ſhould be made choice of to explain the difficulty of כפר by? What is it that they would have us underſtand by *the covering ſin?* Surely not to make it ſtronger and more laſting, as the Ark was covered with that bituminous matter for that end, and yet this would come the neareſt to the proper ſenſe of כפר. So that from their own interpretation it appears, that כפר as applied to the Expiation of ſin by Sacrifices, cannot be taken ſo much as in Alluſion to that other ſenſe; for their ſenſe of Expiation, is either by the deſtruction of ſin, or deliverance of the ſinner from the Puniſhment of it, but what Reſemblance is there between the covering of a thing, in order to its preſervation, and the making it not to be, or at leaſt deſtroying all the Power of it? But ſuppoſing we ſhould grant that it hath ſome Alluſion to the ſenſe of covering, why muſt it neceſſarily be ſuppoſed to be done by the *meer Grace of God*, as excluding all antecedent Cauſes which ſhould move to it? Would not the propriety of the ſenſe remain as well, ſuppoſing a *moving Cauſe*, as excluding it? What ſhould hinder, but that God may be ſaid as well to *cover ſin* upon a Sactiſice as *to forgive it*, and this is very frequently uſed upon a Sacrifice, *That the ſin ſhall be forgiven?* But yet themſelves acknowledge, that the Sacrifices were Conditions required in order to Expiation; if then כפר hath an immediate Reſpect to God's immediate Favour and benignity, how comes it to be uſed where a Condition is neceſſarily ſuppoſed in order to it? Had it not been more agreeable to this Benignity of God to have pardon'd ſin without requiring any Sacrifice for it, than ſo ſtrictly inſiſting upon the offering up Sacrifice in order to it, and then declaring that the *ſin is expiated, and it ſhould be forgiven?* From hence we ſee that there is no neceſſity why כפר ſhould be uſe as applied to Sacrifices in a ſenſe moſt agreeable to that of *covering* with Pitch, nor that it is not poſſible it ſhould have ſuch a ſenſe when applied to *ſins*; and withal that it is very conſiſtent with an antecedent Condition to it, and therefore can by no means deſtroy Satisfaction.

Socin de Servat. p. 2. *c.* 11. Pſal. 32. 1.

Lib. 4. 26. Verſe 31, 35.

II. *Yes*, ſaith *Crellius*, *it doth, for Expiation is explained in the Law by non imputation*, Deut. 21. 8. *Be merciful, O Lord, unto thy people Iſrael whom thou haſt redeemed, and lay not innocent Blood unto the people of Iſrael's Charge; and the Blood ſhall be forgiven them.* *But not to impute*, ſaith he, *and to receive true and full Satisfaction overthrow each other: And ſo Expiation being the ſame with that, will overthrow it too:*

Crellius his Objections anſwered.

Crell. c. 10. *ſect.* 9.

To this I anſwer, 1. I grant that כפר is here uſed both as applied *to God*, and *to the ſin*, and that the ſenſe of it is uſed as *to the people*, when the Prayer is *that God would not lay it to their Charge*, which is the ſame with *expiating* of it. 2. We are to conſider, what the Foundation of this Prayer was, viz. *The ſlaying of the Heifer for Expiation of the uncertain Murder*; and when the Elders had waſhed their Hands over the head of the Heifer, then they were to proteſt their own innocency, and to uſe this Prayer. כפר למעך ושראל *Expiate thy people Iſrael*, &c. i. e. accept of this Sacrifice as an Expiation for them, and ſo charge not on them the innocent Blood, *&c.* and upon doing of this it is ſaid, ונכפר להם הדם, *and the Blood ſhall be expiated*, i. e. as the *Vulgar Latin* explains it, *the guilt of the Blood ſhall be taken from them.* But how then ſhould the expiating ſin upon a Sacrifice ſlain in order thereto, deſtroy that Satisfaction which we aſſert by the Blood of Chriſt being ſhed in order to the Expiation of our ſins? Nay, it much rather ſheweth the conſiſtency and agreeableneſs of theſe one with another. For we have before proved, that the Sacrifice here did expiate the ſin by a Subſtitution, and bearing the guilt which could not have been expiated without it. But *Crellius* further urgeth, *That God himſelf is here ſaid to expiate, and therefore to expiate cannot ſignifie to atone or ſatisfie; in which ſenſe Chriſt may be ſaid to expiate too, not by atoning or ſatisfying, but by not imputing ſins, or taking away the Puniſhment of them by his power.* To which we need no other anſwer than what *Crellius* himſelf elſewhere gives, *viz. That* Socinus *never denies but that* כפר *doth ſignifie to appeaſe or atone*; which is moſt evidently proved from the place mention'd by *Grotius*, Gen. 32. 20. אכפרה פניו במנחה *Expiabo faciem ejus in munere*, ſaith the interlineary Verſion, *placabo illum muneribus*, the Vulg. Lat. ἐξιλάσομαι τὸ πρόσωπον αὐτοῦ, the LXX. and all the Circumſtances of the place make it appear to be meant in the proper ſenſe of *appeaſing* the anger of a perſon by ſomething which may move him to ſhew Favour. And if *Crellius* will yield this to be the ſenſe of *Expiation* as applied to the Sacrifice of Chriſt, he need not quarrel with the word *Satisfaction.* But why ſhould he rather attribute that ſenſe of Expiation to Chriſt, which is alone given to God, wherein the *Expiation* is attributed to him that receives the Sacrifice, rather than to him that offers the Sacrifice in order to the Atonement of another? Since it is acknowledged that Chriſt did offer a *Sacrifice*; and therefore there can be no reaſon why that ſenſe of Expiation ſhould not belong to him, which was moſt peculiar to that; which we ſhall now ſhew to be of the ſame kind with what is here mentioned, *viz.* an *appeaſing* by a Gift offered up to God. So we find the word uſed to the ſame ſenſe, 2 *Sam.* 21. 3. ובמה אכפר ἐν τίνι ἐξιλάσομαι, *and wherewith ſhall I make the Atonement*, i. e. wherewith ſhall I ſatisfie you for all the wrong which *Saul* hath done unto you? And we ſee afterwards it was *by the Death of* Saul'*s Sons.* In which place it cannot be denied but that כפר not only ſignifies to *appeaſe*, but ſuch a kind of Satisfaction as is by the Death of ſome for the faults of others; and ſo comes home, not only to the importance of the *Expiation* belonging to a Sacrifice in general; but to ſuch a kind of Expiation as is by the ſuffering of ſome in the place of others. Which though it be more clear and diſtinct, where one man ſuffers for others, yet this was ſufficiently repreſented in the Sacrifices under the Law, in which we have already proved that there was a Subſtitution of them in the place of the Offenders.

Cum non neget Socinus hoc verbum placandi ſignificationem habere. Crell. c. 20. *ſect.* 38.

III. And

The *Jews* notion of כפר.

Buxtorf. Lexic. Talmud. v. כפר.

III. And in this ſenſe the *Jews* themſelves do underſtand כפר, *viz.* ſuch an *Expiation* as is made by the Subſtitution of one in the place of another. Of which many inſtances are collected by *Buxtorf*, wherein כפרה is taken by the *Rabbinical* Writers for ſuch an *Expiation*, whereby one was to undergo a Puniſhment in the place of another. So when in the Title *Sanhedrin* the people ſay to the High-Prieſt לו אנו כפרתך *ſimus nos expiatio tua, let us be for an Expiation for you*, the *Gloſs* explains it thus, *hoc eſt, in nobis fiat expiatio tua, noſque ſubeamus tuo loco quicquid tibi evenire debet.* And when they tell us how Children ought to honour their Parents after their Death, they ſay when they recite any memorable Speech of their Fathers, they are not barely to ſay, *My Father ſaid ſo:* But *my Lord and Father ſaid ſo, would I had been the Expiation of his Death:* i. e. as they explain it themſelves, *would I had undergone what he did*, and they give this general rule, *where ever it is ſaid, behold I am for Expiation, it is to be underſtood, behold I am in the place of another to bear his Iniquities.* So that this ſignifies the ſame with λύτρον or a price of Redemption for others. Hence כפר is taken for a *Price of Redemption of the life of another*, and rendred by λύτρον, Exod. 21. 30.——30. 12. Numb. 35. 31, 32. where we render it Satisfaction, and by ἐξίλασμα, Pſal. 48. 7. and thereby we fully underſtand, what our Saviour meant when he ſaid, that he gave his Soul, λύτρον ἀντὶ πολλῶν, *a ranſome for many*, and to this day the *Jews* call the Cock which they kill for Expiation on the day of Atonement, by the name of *Cappara*; and when they beat the Cock againſt their heads thrice, they every time uſe words to this purpoſe, *Let this Cock be an Exchange for me, let him be in my Room, and be made an Expiation for me: Let death come to him, but to me and all Iſrael Life and Happineſs.* I inſiſt on theſe things, only to let us underſtand, that the *Jews* never underſtood כפר in the ſence our Adverſaries contend for, when applied to an Expiatory Sacrifice, but as implying a *Commutation*, and a *Subſtitution* of one in the place of another, ſo as by the Puniſhment of that, the other in whoſe room he ſuffers, may obtain deliverance. Which is the ſenſe we plead for. But the utmoſt which * *Socinus* and *Crellius* will allow to the Sacrifices in order to Expiation, is barely this, *That the offering of them is to be conſidered as a meer Condition* (that hath no other Reſpect to the Expiation of ſins, than the paring a Mans Nails would have had, if God had required it) *upon which ſlight obedience, the pardon of ſome light ſins might be obtained.* But can any one imagine, that this was all that was deſigned by the Sacrifices of old, who conſiders the Antiquity and Univerſality of them in the World in thoſe elder times before the Law, the great ſeverity by which they were requir'd under the Law, the punctual Preſcriptions that were made in all Circumſtances for them, the vaſt and almoſt ineſtimable Expence the People were at about them, but above all, the reaſon that God himſelf aſſigns in the Law, *That the Blood was given for Expiation, becauſe it was the Life*, and the correſpondency ſo clearly expreſſed in the New Teſtament, between the Sacrifice of Chriſt, and thoſe Levitical Sacrifices? Can any one, I ſay, imagine upon theſe Conſiderations, that the Sacrifices had no other Reſpect to the Expiation of ſin, than as they were a ſlight Teſtimony of their obedience to God? Why were not an inward ſorrow for ſin, and Tears and Prayers rather made the only Conditions of Expiation than ſuch a burthenſome and chargeable Service impoſed upon them, which

Matt. 20. 28.

* *Socin. l. 2. c. 11. Docet Socinus victimarum oblationem obedientiam quandam Deo præſtandam, quanquam levem continuiſſe, quam ex promiſſo Dei levium quorundam erratorum ac peccatorum venia conſequeretur.* Crell. c. 10. ſect. 10.

which at laſt ſignified nothing, but that a command being ſuppoſed; they would have ſinned if they had broken it? But upon our Suppoſition a reaſonable account is given of all the expiatory Sacrifices; *viz.* That God would have them ſee, how highly he eſteemed his Laws, becauſe an Expiation was not to be made for the breach of them, but by the ſacrificing of the Life of ſome Creature which he ſhould appoint inſtead of the Death of the Offender; and if the breach of thoſe Laws which he had given them muſt require ſuch an Expiation, what might they then think would the ſins of the whole World do, which muſt be expiated by a Sacrifice infinitely greater than all thoſe put together were; *viz.* The death and ſufferings of the Son of God for the ſins of Men? But if the offering Sacrifice had been *a bare Condition required of the perſon who committed the fault, in order to Expiation*; Why is it never ſaid, That the perſon who offered it, did expiate his own fault thereby? For that had been the moſt proper ſenſe; for if the Expiation did depend on the offering the Sacrifice, as on the Condition of it, then the performing the Condition, gave him an immediate right to the benefit of the Promiſe. If it be ſaid, *That his own act was not only neceſſary in bringing the Sacrifice, but the Prieſts alſo in offering up the Blood:* This will not make it at all the more reaſonable; becauſe the pardon of ſin ſhould not only depend upon a Man's own Act, but upon the Act of another, which he could not in reaſon be accountable for, if he miſcarried in it. If the Prieſt ſhould refuſe to do his part, or be unfit to do it, or break ſome Law in the doing of it, how hard would it ſeem that a Mans ſins could not be expiated, when he had done all that lay in his own power in order to the Expiation of them, but that another perſon, whoſe Actions he had no command over, neglected the doing his Duty? So that if the Sacrifice had no other influence on Expiation, but as a part of obedience, in all reaſon the Expiation ſhould have depended on no other Conditions but ſuch as were under the Power of him, whoſe ſins were to be expiated by it.

IV. But *Crellius* urgeth againſt our ſenſe of Expiation, *That if it were by Subſtitution, then the Expiation would be moſt properly attributed to the Sacrifices themſelves; whereas it is only ſaid, that by the Sacrifices the Expiation is obtained; but that God or the Prieſt do expiate and to God it belongs properly, becauſe he takes away the Guilt and Puniſhment of ſin; which is,* ſaith he, *all meant by Expiation; to the Prieſt only conſequently, as doing what God requires in order to it; and to the Sacrifices only as the Conditions by which it was obtained.* But if the Expiation doth properly belong to God, and implies no more than bare pardon, it is hard to conceive that it ſhould have any neceſſary Relation to the *Blood* of the Sacrifice: But the Apoſtle to the *Hebrews* tells us, that Remiſſion had a neceſſary Reſpect to the *ſhedding of Blood,* ſo that *without that there was no Remiſſion.* How improperly doth the *Apoſtle* diſcourſe throughout that *Chapter,* wherein he ſpeaks ſo much concerning the *Blood* of the *Sacrifices purifying,* and in correſpondency to that, *the Blood of Chriſt purging our Conſciences;* and that *all things under the Law, were purified with Blood:* Had all this no other ſignification, but that this was a bare Condition that had no other importance, but as a mere Act of obedience when God had required it? Why doth not the *Apoſtle* rather ſay, *without God's Favour* there is no Remiſſion, than *without the ſhedding of Blood;* if all the Expiation did properly

God's expiating ſin deſtroys not expiation by ſacrifices. Crell. ib. *ſect.* 39.

Heb. 9.22.

Ver 13,14. Ver. 18, 19,20,21, 23.

belong to that, and only very remotely to the *Blood* of the Sacrifice? What imaginable neceſſity was there, that Chriſt muſt ſhed his *Blood* in order to the *Expiation* of our ſins, if all that *Blood* of the Legal Sacrifices did ſignifie no more than a bare Condition of Pardon, though a ſlight part of obedience in it ſelf? Why muſt Chriſt lay down his Life in correſpondency to theſe *Levitical Sacrifices*? For that was ſurely no *ſlight part* of his obedience. Why might not this Condition have been diſpenſed with in him, ſince our *Adverſaries* ſay, that in it ſelf it hath no proper Efficacy on the Expiation of ſin? And doth not this ſpeak the greateſt Repugnancy to the kindneſs and *Grace* of *God* in the *Goſpel*, that he would not diſpenſe with the ignominious Death of his Son, although he knew it could have no influence of it ſelf on the Expiation of the ſins of the World? But upon this Suppoſition, that the *Blood* of Sacrifices under the *Law* had no proper influence upon Expiation, the *Apoſtles* diſcourſe proceeds upon weak and inſufficient Grounds. For what neceſſity in the thing was there, becauſe the Blood of the Sacrifices was made a Condition of pardon under the *Law*, therefore the *Blood* of *Chriſt* muſt be ſo now; although in it ſelf it hath no proper Efficacy for that end? But the *Apoſtles* words and way of Argumentation doth imply, that there was a peculiar Efficacy both in the one and the other, in order to Expiation; although a far greater in the *Blood* of Chriſt, than could be in the other; as the thing typified, ought to exceed that which was the Repreſentation of it. From hence we ſee, that the *Apoſtle* attributes what Expiation there was under the Law, not immediately to God, as belonging properly to him, but *to the Blood of Bulls and Goats, and the Aſhes of an Heifer, ſprinkling the unclean.* Which he had very great reaſon to do, ſince *God* expreſly ſaith to the *Jews*, that the Blood was given them לכפר *ad expiandum, to expiate for their Souls, for the Blood*
Lev. 17. 11. כנפש כפר *ſhall expiate the Soul.* Than which words, nothing could have been more plainly ſaid to overthrow *Crellius* his Aſſertion, that Expiation is not properly or chiefly attributed to the Sacrifices, but primarily to *God*, and conſequentially to the *Prieſt:* Who is never ſaid to *expiate*, but by the *Sacrifice* which he offered, ſo that his Office was barely Miniſterial in it. But from this we may eaſily underſtand, in what ſenſe *God* is ſaid to *expiate* ſins, where it hath Reſpect to a Sacrifice (which is that we are now diſcourſing of, and not in any larger or more improper uſe of the word) for ſince *God* himſelf hath declared, that the *Blood* was given for Expiation, the Expiation which belongs to *God*, muſt imply his acceptance of it for that end, for which it was offered. For the Execution or diſcharge of the Puniſhment belonging to him, he may be ſaid in that ſenſe to expiate, becauſe it is only in his power to diſcharge the ſinner from that Obligation to puniſhment he lies under by his ſins. And we do not ſay, that where expiating is attributed *to him that accepts the Atonement*, that it doth imply his undergoing any Puniſhment which is impoſſible to ſuppoſe; but that where it is attributed to a *Sacrifice*, as the means of *Atonement*, there we ſay it doth not imply a bare Condition, but ſuch a Subſtitution of one in the place of another, that on the account of that, the fault of the Offender himſelf is expiated thereby.

The importance of καθαρίζειν, and ἁγιάζειν, relating to ſacrifices.

V. And to this ſenſe the other word חטא doth very well agree; for *Socinus* and *Crellius* cannot deny, *But that* Gen. 31. 39. *it properly ſignifies* Luere, *or to bear Puniſhment*; although they ſay, *it no where elſe* *ſignifies ſo, and the reaſon is, becauſe it is applied to the Altar, and ſuch other things, which are not capable of it*; but doth it hence follow, that it ſhould not retain that Signification where the matter will bear it, as in the caſe of Sacrifices. And although it be frequently render'd by ἁγιάζειν, καθαρίζειν, ἐξιλάσκεσθαι, yet that will be no prejudice to the ſenſe we plead for in reſpect of Sacrifices, becauſe thoſe words when uſed concerning them, do ſignifie Expiation too. “ *Grotius* proves, “ that they do from their own nature and conſtant uſe in *Greek Authors*, not only ſignifie an antecedency of order, but a peculiar Effi- “ cacy in order to Expiation. Thence Expiatory Sacrifices among the “ *Greeks* were called ἱλαστικὰ, ἁγνιστικὰ, καθαρτικὰ and ἱλάσκεσθαι, fre- “ quently in *Homer*, applied to Sacrifices, ἁγνίζειν τὴν πόλιν καθαρμοῖς “ in *Plutarch*, and ἁγιάζειν uſed in the ſame ſenſe; an Expiatory Sa- “ crifice in *Herodotus* is call'd καθάρσιον, and to the ſame purpoſe it is “ uſed in *Hermogenes*, *Plato* and *Plutarch*: As among the *Latins*, *pla- “ care*, *purgare*, *purificare*, *conciliare*, *luſtrare* in the ſame ſenſe, and “ *piare* when uſed in Sacrifices; he proves to ſignifie *Luere per ſucceſſio- “ nem rei alterius in locum pœnæ debitæ*. “ Thence *piaculum* uſed for an “ Expiatory Sacrifice, and *expiare* is to appeaſe by ſuch a Sacrifice, ſo “ *Cereris numen expiare* is uſed in *Cicero*; *filium expiare* in *Livy*. So “ that all theſe Sacrifices among them were ſuppoſed ſtill to pertain to “ the atoning the Deity, and obtaining a Remiſſion of ſins committed “ by them. And from hence (becauſe where there was a greater Equa- “ lity and Nearneſs, there might be the greater Efficacy of the Sacrifice “ for Expiation) came the cuſtom of ſacrificing Men, which *Grotius* at “ large ſhews to have almoſt univerſally obtained before the coming of “ Chriſt. We are now to conſider what *Crellius* anſwers to this; the ſubſtance of which lies in theſe two things. 1. He denies not *but that* καθαρίζειν and ἁγιάζειν *do in their proper uſe in the* Greek *Tongue ſignifie the purging of guilt, and the Averſion of the wrath of* God *and Puniſhment, but that thoſe and ſuch other words are attributed to Sacrifices, becauſe thoſe were ſuppoſed to be the Effects of them among the Heathen; but the attributing ſuch Effects to them, did ariſe from their Superſtition, whereby greater things were attributed to Sacrifices, than* God *would have given to them, either before or under the Law.* 2. *He denies not, but that thoſe words,* καθαρίζειν *and* ἁγιάζειν, *being uſed by the Author to the* Hebrews *more than once with reſpect to the Sacrifices and Prieſthood of Chriſt, were taken in the ſame ſenſe in which they are uſed in the* Greek *Tongue*, viz. *For the purging of guilt, and the Averſion of the Wrath of* God, *and the* Puniſhment *conſequent upon it*: But all that he contends for is, *That there is a difference in the manner of effecting it, which he acknowledges the words themſelves do not imply*; and the reaſons he gives for it are, *That the other were proper, but Chriſt's an improper Sacrifice; and that the other Sacrifices were offered by Men to God, but the Sacrifice of Chriſt was given by God to Men, and therefore he muſt be ſuppoſed to be reconciled before.* From whence he would at leaſt have other ſenſes of theſe words joyned together with the former; *viz.* Either *for purging away the filth of ſin*, or *for a declaration of a deliverance from guilt and puniſhment*, in imitation of the *Idiom of the Hebrew*, in which many words are uſed in the *New Teſtament*. From hence it follows, that *Crellius* doth yield the main cauſe, if it appear, that Chriſt did offer up an *Expiatory*

Crell. c. 10. ſect. 13, & 24.

Itaque quod ad voces Græcas καθαρίζειν *&* ἁγιάζειν *attinet, quibus in hoc argumento non ſemel utitur D. ſcriptor ad Heb. eæ ad Chriſti Sacrificium & Sacerdotii functionem relatæ eo etiam ſenſu uſurpantur quem Græca lingua receperat, h. e. de expurgatione reatus & averſione iræ numinis aut pœnæ.* Crell. c. 10. p. 499.

tory Sacrifice to *God* in his Death, for then he grants that καθαρίζειν and ἁγιάζειν being applied to the Sacrifice of *Chriſt*, are to be taken *for the purging away of guilt*, and the *Averſion of the Wrath of God*, and *the puniſhment of ſin*. And it is to no purpoſe to ſay, that it is not a proper Sacrifice, for if the Effects of a proper Sacrifice do belong to it, that proves that it is ſo; for theſe words being acknowledged to be applied to the Sacrifice of Chriſt by the Author to the *Hebrews*, what could more evince that *Chriſt's* was a proper *Sacrifice*, than that thoſe things are attributed to it, which by the conſent of all Nations, are ſaid to belong to proper *Sacrifices*, and that in the very ſame ſenſe in which they are uſed by thoſe who underſtood them in the moſt proper ſenſe. And what reaſon could *Crellius* have to ſay, *that it was only the Superſtition of the Heathens, which made them attribute ſuch Effects to Sacrifices*; when himſelf acknowledges that the very ſame ſenſe doth belong to the Sacrifice of Chriſt under that Notion? And as to the Jews we have already proved that the ſenſe of Expiation among them was by virtue of the Law to be taken in as proper a ſenſe as among the *Heathens*, for the purging of guilt, and the Averſion of the Wrath of God. And why ſhould *Crellius* deny that effect of the Sacrifice of Chriſt as to the Atonement of God, *becauſe God's love was ſeen in giving him who was to offer the Sacrifice?* Since that effect is attributed to thoſe *Sacrifices* under the Law which God himſelf appointed to be offered, and ſhewed his great kindneſs to the People in the Inſtitution of ſuch a way, whereby their ſins might be expiated, and they delivered from the Puniſhment of them. But of the conſiſtency of theſe two, I ſhall ſpeak more afterwards, in the Effect of the Sacrifices as relating to Perſons.

Expiation attributed to the Sacrifice of Chriſt in the ſame ſenſe that it was to other Sacrifices.

VI. We now come to conſider in what ſenſe the *Expiation* of ſins is in *Scripture* attributed to the Sacrifice of Chriſt, and therein I ſhall prove theſe two things. 1. That the Expiation is attributed to the Sacrifice of Chriſt in the ſame ſenſe that it is attributed to other Sacrifices, and as the words in themſelves do ſignifie. 2. That what is ſo attributed doth belong to the Sacrifice of Chriſt in his Death, antecedent to his entrance into Heaven. 1. That the *Expiation* is to be taken in a proper ſenſe, when it is attributed to the Sacrifice of Chriſt. *Crellius* tells us, *The controverſie is not about the thing*, viz. *Whether Expiation in the ſenſe we take it in for purging away guilt, and Averſion of the Wrath of God, doth belong to the Sacrifice of Chriſt, for he acknowledges it doth, but all the queſtion is about the manner of it:* Which in the next Section he thus explains: *There are three ſenſes in which Chriſt may be ſaid to expiate ſins; either by begetting Faith in us, whereby we are drawn off from the Practice of ſin, in which ſenſe*, he ſaith, *it is a remoter antecedent to it; or as it relates to the Expiation by actual deliverance from Puniſhment*, ſo he ſaith, *it is an immediate antecedent to it: Or as he declares that they are expiated, but this*, he ſaith, *doth not ſo properly relate to Chriſt as a Sacrifice, but as a Prieſt.* But never a one of theſe ſenſes comes near to that which *Crellius* grants to be the proper importance of καθαρίζειν and ἁγιάζειν, as applied to a Sacrifice, *viz. The purging away guilt, and the Averſion of the Wrath of God, and Puniſhment*, not any way, but by the means of the Sacrifice offered. For in the *Legal Sacrifices* nothing can be more plain than that the Expiation was to be by the Sacrifice offered for *Atonement:* Suppoſing then that in ſome other way (which could be by no means proper to thoſe Sacrifices) Chriſt may

Crell. c. 10. *ſect.* 24.

be ſaid to expiate ſins, what doth this prove that there was an Expiation belonging to his Sacrifice agreeable to the Sacrifices of old? But as I urged before in the caſe of *Chriſt*'s being *High-Prieſt*, that by their Aſſertions the *Jews* might utterly deny the force of any Argument uſed by the *Author* to the *Hebrews* to prove it: So I ſay as to the Expiation by Chriſt's Sacrifice, that it hath no Analogy or Correſpondency at all with any Sacrifice that was ever offered for the Expiation of ſins. For by that they always underſtood ſomething which was immediately offered to God for that end, upon which they obtained Remiſſion of ſins; but here is nothing anſwerable to it in their ſenſe of Chriſt's Sacrifice; for here is no Oblation at all made unto God for this end; all the Efficacy of the Sacrifice of Chriſt, in order to Expiation doth wholly and immediately Reſpect us; ſo that if it be a proper Sacrifice to any, it muſt be a Sacrifice to us, and not to God: For a Sacrifice is always ſaid to be made to him whom it doth immediately Reſpect; but Chriſt in the planting Faith, in actual deliverance, in declaring to us this deliverance, doth wholly Reſepect us, and therefore his Sacrifice muſt be made to Men, and not to God. Which is in it ſelf a groſs abſurdity, and repugnant to the nature and deſign of Sacrifices from the firſt inſtitution of them; which were always eſteemed ſuch immediate parts of Divine Worſhip, that they ought to reſpect none elſe but God, as the object to which they were directed, though for the benefit and advantage of Mankind. As well then might Chriſt be ſaid *to pray for us*, and by that no more be meant but that *he doth teach us to underſtand our duty*; as be made an Expiatory Sacrifice for us, and all the Effect of it only reſpect us and not God. And this is ſo far *from adding to the perfection of Chriſt's Sacrifice above the Legal* (which is the thing pleaded by *Crellius*) that it deſtroys the very nature of a *Sacrifice*, if ſuch a way of Expiation be attributed to it (which though conceived to be more excellent in itſelf) yet is wholly incongruous to the end and deſign of a *Sacrifice* for *Expiation*. And the excellency of the manner of Expiation ought to be in the ſame kind, and not quite of another nature; for, will any one ſay, that a *General* of an *Army* hath a more *excellent Conduct* than all that went before him, becauſe he can make *finer Speeches*; or that the *Aſſomanæan* Family diſcharg'd the Office of *Prieſthood* beſt, becauſe they had a *greater Power* over the People; or that *Nero* was the moſt *excellent Emperour* of *Rome* becauſe he excelled the reſt in *Muſick* and *Poetry*: By which we ſee that to aſſert an excellency of one above another, we muſt not go to another kind, but ſhew its excellency in *that* wherein the Compariſon lies: So that this doth not prove the excellency of the *Sacrifice* of *Chriſt*, becauſe he hath a greater Power to perſwade, deliver and govern, than any *Sacrifice* under the Law; for theſe are things quite of another nature from the Conſideration of a *Sacrifice*: But therein the excellency of a *Sacrifice* is to be demonſtrated, that it excells all other in the proper end and deſign of a *Sacrifice*, *i. e.* if it be more effectual towards God for obtaining the Expiation of ſin; which was always thought to be the proper end of all *Sacrifices* for Expiation. Although then Chriſt may be allowed to excel all other *Sacrifices* in all imaginable Reſpects but that which is the proper intention of a *Sacrifice*; it may prove far greater excellency in Chriſt, but it doth withall prove a greater Imperfection in his Sacrifice, if it fail in that which is the proper end of it. So that if we ſhould grant that the Expiation attributed to Chriſt's Sacrifice ſignified no more than reclaiming

Crell c.10 ſect. 26.

claiming Men from their ſins, or their deliverance by his Power, or a Declaration of God's decree to pardon, this may prove that there are better Arguments to believe the Remiſſion of our ſins now under the Goſpel; but they do not in the leaſt prove that *Chriſt* is to be conſider'd as a *Sacrifice*; much leſs that he doth far excell in the notion of an Expiatory Sacrifice all thoſe which were offered up to God for that end under the Law.

Expiation by Chriſt not meerly declarative.

VII. But we muſt now further conſider, whether this be all attributed to Chriſt in order to Expiation in *Scripture*; *i. e.* Whether thoſe words which of themſelves do imply *the Averſion of the Wrath of God*, when uſed concerning other Sacrifices, when applied to the Sacrifice of Chriſt, do only imply the begetting Faith in us, or a Declaration of Pardon. The words which are uſed to this purpoſe, are καθαρίζειν, ἁγιάζειν, ῥαντίζειν, λούειν, which are all applied to the Blood of Chriſt, and the diſpute is, whether they ſignifie no more but a Declaration of Pardon, or a means to beget Faith in us. *The firſt words* καθαρίζειν *and* ἁγιάζειν Crellius *acknowledgeth do frequently ſignifie deliverance from guilt and puniſhment*; *but*, he ſaith, *they may likewiſe ſignifie a Declaration of that deliverance, as decreed by God, or a purging from the ſins themſelves, or from the Cuſtom of ſinning.* So that by *Crellius* his own Confeſſion, the ſenſe we contend for is moſt proper and uſual, the other are more remote, and only poſſible; why then ſhould we forſake the former ſenſe, which doth moſt perfectly agree to the nature of a *Sacrifice*, which the other ſenſes have no ſuch Relation to, as that hath? For theſe being the words made uſe of in the *New Teſtament*, to imply the Force and Efficacy of a *Sacrifice*, why ſhould they not be underſtood in the ſame ſenſe which the *Hebrew* words are taken in, when they are applied to the *Sacrifices* under the Law? We are not enquiring into all poſſible ſenſes of words, but into the moſt natural and agreeable to the ſcope of them that uſe them: And that we ſhall make it appear to be the ſame, we plead for in the places in diſpute between us; as, 1 John 1. 7. *The Blood of Jeſus Chriſt his Son*, καθαρίζει ἡμᾶς ἀπὸ πάσης ἁμαρτίας, *purgeth us from all ſin*, Heb. 9. 13, 14. *If the Blood of Bulls, and of Goats, and the Aſhes of an Heifer, ſprinkling the unclean,* ἁγιάζει πρὸς τὴν τῆς σαρκὸς καθαρότητα *ſanctifieth to the purifying of the fleſh, How much more ſhall the Blood of Chriſt purge your Conſciences from dead works,* καθαρίζει τὴν συνείδησιν? Heb. 1. 3. δι' ἑαυτοῦ καθαρισμὸν ποιησάμενος τῶν ἁμαρτιῶν ἡμῶν, *when he had by himſelf purged our ſins.* So ῥαντίζειν *and* λούειν are uſed with a Reſpect to the Blood of Chriſt, *Heb.* 10. 22. *Apocalyp.* 1. 5. And becauſe Remiſſion of ſin was looked on as the conſequent of Expiation by Sacrifice under the Law; therefore that is likewiſe attributed to the Blood of Chriſt, *Matth.* 26. 28. *This is the Blood of the New Teſtament which was ſhed for many,* εἰς ἄφεσιν ἁμαρτιῶν, *for the Remiſſion of ſins*, Eph. 1. 7. *In whom we have Redemption through his Blood, the Remiſſion of ſins*, and to the ſame purpoſe, *Coloſſ.* 1. 14. And from hence we are ſaid *to be juſtified by his Blood*, Rom. 5. 9. and Chriſt is ſaid to be *a Propitiation through faith in his Blood*, Rom. 3. 25. The ſubſtance of all that *Crellius* replies to theſe places is, *That thoſe words which do properly ſignifie the thing it ſelf, may very conveniently be taken only for the Declaration of it, when the performance of the thing doth follow by virtue of that Declaration: Which then happens, when the Declaration is made of the thing decreed by another, and that in the name and by the command of him who did decree it. And in this ſenſe,* Chriſt

Crell. cap. 10. ſect. 28. p. 506.

Crell. c. 10. ſect. 28.

Chriſt by his Blood may be ſaid to deliver us from the Puniſhment of our ſins, by declaring or teſtifying to us the will and decree of God for that purpoſe. But this anſwer is by no means ſufficient, upon theſe Conſiderations; 1. Becauſe it doth not reach the proper and natural ſenſe of the words, as *Crellius* himſelf confeſſeth; and yet he aſſigns no reaſon at all, why we ought to depart from it, unleſs the bare poſſibility of another meaning be ſufficient. But how had it been poſſible for the Efficacy of the *Blood* of Chriſt for *purging away the guilt of our ſins*, to have been expreſſed in clearer and plainer terms than theſe, which are acknowledged of themſelves to ſignifie as much as we aſſert? If the moſt proper Expreſſions for this purpoſe, are not of Force enough to perſwade our Adverſaries, none elſe could ever do it: So that it had been impoſſible for our Doctrine to have been delivered in ſuch terms, but they would have found out ways to evade the meaning of them. It ſeems very ſtrange, that ſo great an Efficacy ſhould not only once or twice, but ſo frequently be attributed to the Blood of Chriſt for Expiation of ſin, if nothing elſe were meant by it, but that Chriſt by his Death did only declare that God was willing to pardon ſin? If there were danger in underſtanding the words in their proper ſenſe, why are they ſo frequently uſed to this purpoſe? Why are there no other places of Scripture that might help to undeceive us, and tell us plainly, that Chriſt dyed only to declare his Father's will? But what ever other words might ſignifie, this was the only true meaning of them. But what miſerable ſhifts are theſe, when Men are forced to put off ſuch Texts which are confeſſed to expreſs our Doctrine, only by ſaying that they may be otherwiſe underſtood? Which deſtroys all kind of certainty in words; which by reaſon of the various uſe of them, may be interpreted to ſo many ſeveral ſenſes, that if this liberty be allowed, upon no other pretence, but that *another meaning is poſſible*, Men will never agree about the intention of any perſon in ſpeaking. For upon the ſame reaſon, if it had been ſaid, *That Chriſt declared by his death God's readineſs to pardon*, it might have been interpreted, *That the Blood of Chriſt was therefore the Declaration of God's readineſs to pardon, becauſe it was the Conſideration upon which God would do it:* So that if the words had been as expreſs for them, as they are now againſt them, according to their way of anſwering places, they would have been reconcileable to our Opinion. 2. The Scripture in theſe Expreſſions, doth attribute ſomething *peculiar* to the *Blood of Chriſt*; but if all that were meant by it were no more, than the *declaring God's* Will to pardon, this could in no ſenſe be ſaid to be peculiar to it. For this was the deſign of the Doctrine of Chriſt, and all his Miracles were wrought to confirm the truth of that part of his Doctrine, which concerned Remiſſion of ſins as well as any other: But how abſurd would it have been to ſay, that the *Miracles* of Chriſt *purge us from all ſin*, that through *Chriſt healing the ſick*, *raiſing the dead*, &c. We have *Redemption, even the forgiveneſs of ſins*, which are attributed to the *Blood of Chriſt*? But if no other Reſpect, than as a Teſtimony to the truth of the Doctrine of Remiſſion of ſins, they were equally applicable to one as to the other. Beſides, if this had been all intended in theſe Expreſſions, they were the moſt incongruouſly applied to the *Blood* of Chriſt; nothing ſeeming more repugnant to the Doctrine of the Remiſſion of ſins, which was declared by it, than that very thing by which it was declared, if no more were intended by it: For how unſuitable

ſuitable a way was to it declare the pardon of the guilty Perſons, by ſuch Severities uſed towards the moſt Innocent! Who could believe, That God ſhould declare his willingneſs to pardon others, by the Death of his own Son; unleſs that Death of his be conſidered as the *meritorious Cauſe* for procuring it? And in that ſenſe we acknowledge, That the Death of Chriſt was a *Declaration* of God's will and decree to pardon, but not meerly as it gave *Teſtimony* to the truth of his Doctrine (for in that ſenſe the *Blood* of the *Apoſtles* and *Martyrs* might be ſaid *to purge us from ſin*, as well as the *Blood of Chriſt*) but becauſe it was the *Conſideration* upon which God had decreed to pardon. And ſo as the acceptance of the Condition required, or the price paid, may be ſaid to declare or manifeſt, the intention of a perſon to releaſe or deliver a Captive: So God's acceptance of what Chriſt did ſuffer for our ſakes, may be ſaid to *declare* his readineſs to pardon us upon his account. But then this *Declaration* doth not belong properly to the Act of Chriſt in ſuffering; but to the Act of God in accepting: And it can be no other ways known, than *God*'s acceptance is known; which was not by the *Sufferings*, but by the *Reſurrection* of *Chriſt*. And therefore the declaring God's will and decree to pardon, doth properly belong to that: And if that had been all which the *Scripture* had meant, by *purging of ſin by the Blood of Chriſt*, it had been very incongruouſly applied to that, but moſt properly to his *Reſurrection*. But theſe Phraſes being never attributed to that which moſt properly might be ſaid *to declare* the Will of God; and being peculiarly attributed to the *Death* of Chriſt, which cannot be ſaid properly to do it; nothing can be more plain, than that theſe Expreſſions ought to be taken in that which is confeſſed to be their proper ſenſe; *viz.* That *Expiation* of ſin, which doth belong to the Death of Chriſt, as a *Sacrifice* for the ſins of the World.

The death of Chriſt not taken Metonymically for all the conſequents of it.

Crell. c. 1. *ſect.* 103. *ſect.* 119. *c.* 10. *ſect.* 45. *p.* 527.

Crell. c. 1. *ſect.* 112.

VIII. But yet *Socinus* and *Crellius* have another ſubterfuge, (for therein lies their great art, in ſeeking rather by any means to eſcape their Enemies, than to overcome them.) For being ſenſible, that the main ſcope and deſign of the *Scripture* is againſt them, they ſeldom, and but very weakly aſſault: But ſhew all their ſubtlety in avoiding by all imaginable arts, the force of what is brought againſt them. And the *Scripture* being ſo plain in attributing ſuch great Effects to the Death of Chriſt, when no other anſwer will ſerve turn, then they tell us, *That the Death of Chriſt is taken Metonymically for all the conſequents of his Death*; viz. *His Reſurrection, Exaltation, and the Power and Authority which he hath at the right hand of his Father.* But how is it poſſible to convince thoſe, who by *Death*, can underſtand *Life*: by *ſufferings*, can mean *Glory*; and by the *ſhedding of Blood*, *ſitting at the right hand of God?* And that the *Scripture* is very far from giving any Countenance to theſe bold Interpretations, will appear by theſe Conſiderations; 1. Becauſe the *Effect* of *Expiation of our ſins*, is attributed to the *Death of Chriſt*, as diſtinct from his *Reſurrection*; viz. *Our Reconciliation with God*, Rom. 5. 10. *For if when we were Enemies, we were reconciled to God by the Death of his Son; much more being reconciled, we ſhall be ſaved by his Life.* To which *Crellius* anſwers, *That the Apoſtle doth not ſpeak of the Death of Chriſt alone, or as it is conſidered diſtinct from the conſequences of it; but only that our Reconciliation was effected by the Death of Chriſt intervening.* But nothing can be more evident to any one, who conſiders the Deſign of the *Apoſtles* diſcourſe,

than that he ſpeaks of what was peculiar to the Death of Chriſt: For Rom. 5. 6.
therefore it is ſaid, that *Chriſt died for the ungodly. For ſcarcely for a* 7.
righteous Man will one die: But God commendeth his love towards us, in 8.
that while we were yet ſinners, Chriſt died for us. Much more then being 9.
now juſtified by his Blood, we ſhall be ſaved through him; upon which
thoſe words follow, *For if when we were Enemies, we were reconciled to* 10.
God by the Death of his Son, &c. The Reconciliation here mentioned, is attributed to the Death of Chriſt in the ſame ſenſe, that it is mentioned before; but there it is not mentioned as a *bare Condition intervening* in order to ſomething farther; but as the great inſtance of the love both of *God and Chriſt*, of God, in ſending his Son; of Chriſt, in laying down his life for ſinners, in order to their being juſtified by his Blood. But where is it that St. *Paul* ſaith, that the Death of Chriſt had no other influence on the Expiation of our ſins, but as a bare Condition intervening in order to that Power and Authority whereby he would expiate ſins? What makes him attribute ſo much to the Death of Chriſt, if all the benefits we enjoy depend upon the Conſequences of it; and no otherwiſe upon that, than meerly as a Preparation for it? What peculiar *Emphaſis* were there in Chriſt's *dying for ſinners, and for the ungodly*; unleſs his Death had a particular Relation to the Expiation of their ſins? Why are Men ſaid *to be juſtified by his Blood*, and and not much rather by his *glorious Reſurrection*, if the Blood of Chriſt be only conſidered as antecedent to the other? And that would have been the great Demonſtration of the love of God which had the moſt immediate influence upon our advantage: Which could not have been the Death in this ſenſe, but the Life and Glory of Chriſt. But nothing can be more abſurd than what *Crellius* would have to be the meaning of this place, viz. *That the Apoſtle doth not ſpeak of the proper force of the Death of Chriſt diſtinct from his Life; but that two things are oppoſed to each other, for the effecting of one of which the Death of Chriſt did intervene, but it ſhould not intervene for the other*; viz. *It did intervene for our Reconciliation, but it ſhould not for our Life.* For did not the Death of Chriſt equally intervene for our *Life* as for our *Reconciliation?* Was not our eternal deliverance the great thing deſigned by Chriſt, and our Reconciliation in order to that end? What oppoſition then can be imagined, that it ſhould be neceſſary for the Death of Chriſt to intervene in order to the one than in order to the other? But he means, *that the Death of Chriſt ſhould not intervene any more*; what need that, when it is acknowledged by themſelves, that Chriſt died only for this end before, that he might have Power to beſtow eternal Life on them that obey him? But the main force of the Apoſtles Argument lies in the Compariſon between *the Death of Chriſt* having Reſpect to us *as Enemies* in order to *Reconciliation*, and the *Life of Chriſt* to us conſidered as *reconciled*; ſo that if he had ſo much kindneſs for Enemies, to die for their Reconciliation, we may much more preſume that he now living in Heaven will accompliſh the end of that Reconciliation, in the eternal Salvation of them that obey him. By which it is apparent that he ſpeaks of the Death of Chriſt, in a notion proper to it ſelf, having influence upon our Reconciliation; and doth not conſider it *Metonymically* as comprehending in it, the conſequents of it.

Expiation attributed to Chriſt antecedently to his entrance into heaven.

IX. 2. Becauſe the Expiation of ſins is attributed to Chriſt antecedently to the great conſequents of his Death, viz. *his ſitting at the right hand of God*, Heb. 1. 3. *When he had by himſelf purged our ſins, ſate* *down on the right hand of his Majeſty on high*, Heb. 9. 11. *But by his own Blood he entred in once into the Holy Place, having obtained eternal Redemption for us.* To theſe places *Crellius* gives a double anſwer, Crell.c.10. ſect. 50. 1. *That indefinite Particles* (εὑράμενος and ποιησάμενος) *being joyned with Verbs of the preterperfect tenſe do not always require that the Action expreſſed by them, ſhould precede that which is deſigned in the Verbs to which they are joyned; but they have ſometimes the force of Particles of the preſent or imperfect tenſe; which ſometimes happens in Particles of the preterperfect tenſe*, as Matth. 10. 5. ἀπέστειλαν παραγγείλας αὐτοῖς, ſo ἀποκριθεὶς εἶπεν; and ſeveral other inſtances produced by him: According to which manner of Interpretation the ſenſe he puts upon thoſe words, *Heb.* 9. 12. is *Chriſt by the ſhedding of his Blood entred into the Holy of Holies, and in ſo doing he found eternal Redemption, or the Expiation of ſins.* But not to diſpute with *Crellius* concerning the importance of the *Aoriſt* being joyned with a *Verb* of the *preterperfect* tenſe, which in all reaſon and common Acceptation doth imply the Action paſt by him who writes the words antecedent to his writing of it, as is plain in the inſtances produced by *Crellius*; but according to his ſenſe of Chriſt's Expiation of ſin, it was yet to come after Chriſt's entrance into Heaven, and ſo it ſhould have been more properly εὑρησόμενος than εὑράμενος; not I ſay to inſiſt upon that, the *Apoſtle* manifeſts, that he had a Reſpect to the Death of Chriſt in the obtaining this *eternal Redemption*, by his following diſcourſe: For *v.* 14. he compares the *Blood of Chriſt* in point of Efficacy for Expiation of ſin, with the *Blood* of the Legal Sacrifices: Whereas if the Expiation meant by him had been found by *Chriſt's Oblation* of himſelf in Heaven, he would have compared *Chriſt's entrance into Heaven* in order to it, with the *entrance of the High-Prieſt into the Holy of Holies*, and his Argument had run thus. For if the *High-Prieſt* under the Law did expiate ſins by entring into the Holy of Holies; How much more ſhall the Son of God entring into Heaven expiate the ſins of Mankind? But we ſee the *Apoſtle* had no ſooner mention'd the *Redemption* obtained for us; but he preſently ſpeaks of the Efficacy of the *Blood* of Chriſt in order to it, and as plainly aſſerts the ſame, v. 15. *And for this cauſe he is the Mediator of the New Teſtament, that by means of death, for the Redemption of the Tranſgreſſions which were under the firſt Teſtament, they which were called might receive the promiſe of eternal Inheritance.* Why doth the *Apoſtle* here ſpeak of the ἀπολυτρώσεως τῶν παραβάσεων, *the Expiation of ſins by the means of Death*; if he had ſo lately aſſerted before that the Redemption or Expiation was found not by his death, but by his entrance into Heaven? And withal the *Apoſtle* here doth not ſpeak of ſuch a kind of Expiation as wholly Reſpects the *future*, but of *ſins that were under the firſt Teſtament*, not barely ſuch as could not be expiated by virtue of it, but ſuch as were committed during the time of it, although the Levitical Law allowed no Expiation for them. And to confirm this ſenſe, the *Apoſtle* doth not go on to prove the neceſſity of *Chriſt's entrance into Heaven*; but *of his dying*, v. 16, 17, 18. But granting that he doth allude to the *High-Prieſt's* entring into the *Holy of Holies*, yet that was but the Repreſentation of a Sacrifice already offer'd, and he could not be ſaid to find Expiation by his entrance; but that was already found by the *Blood* of the Sacrifice, and his entrance was only to accompliſh the end for which the Blood was offer'd up in Sacrifice. And the benefit which came to Men is attributed to the *Sacrifice*, and not to the *ſprinkling of Blood* before the *Mercy-ſeat:* And whatever effect was conſequent upon his entrance into the Sanctuary, was by virtue of the Blood which he carried in with him, and was before ſhed at the Altar. Neither can it with any reaſon be ſaid, that if the Redemption were obtained by the Blood of Chriſt, *there could be no need of his entrance into Heaven*; ſince we do not make the *Prieſthood* of Chriſt to expire at his Death; but that he is in Heaven a merciful High-Prieſt in negotiating the Affairs of his People with God, and *there ever lives to make interceſſion for them.*

No diſtinction in Scripture of the effects of Chriſt's entrance into Heaven from his ſitting at the right hand of God. Crell. c. 10. ſect. 50. p. 537.

X. *Crellius* anſwers, *That granting the Aoriſt being put before the Verb,* ἐκάθισεν *ſhould imply ſuch an Action which was antecedent to Chriſt's ſitting at the right hand of God, yet it is not there ſaid, that the Expiation of ſins was made before Chriſt's entrance into Heaven; for thoſe,* ſaith he, *are to be conſidered as two different things; for a Prince firſt enters into his Palace, before he ſits upon his Throne. And therefore,* ſaith he, *Chriſt may be ſaid to have made Expiation of ſins, before he ſate down at the right hand of his Father, not that it was done by his death but by his entrance into Heaven, and offering himſelf to God there, by which means he obtained his ſitting on the right hand of the Majeſty on High, and thereby the full Power of Remiſſion of ſins, and giving eternal Life.* To which I anſwer, 1. That the *Scripture* never makes ſuch a diſtinction between *Chriſt's entrance into Heaven, and ſitting at the right hand of God*; which latter implying no more but the glorious ſtate of Chriſt in Heaven, his entrance into Heaven doth imply it: For therefore *God exalted him to be a Prince and a Saviour:* And the reaſon of the Power and Authority given him in Heaven is no where attributed to his *entrance* into it as the means of it; but our Saviour before that tells us, *that all Power and Authority was committed to him*; and his very entrance into Heaven was a part of his Glory; and given him in Conſideration of his Sufferings; as the *Apoſtle* plainly aſſerts; *and he became obedient to death, even the death of the Croſs, wherefore God hath highly exalted him,* &c. There can be then no imaginable reaſon to make the entrance of Chriſt into Heaven, and preſenting himſelf to God there, a Condition or means of obtaining that Power and Authority which is implyed in his *ſitting at the right hand of God.* 2. Suppoſing, we ſhould look on theſe as diſtinct, there is as little reaſon to attribute the Expiation of ſin to his *entrance,* conſidered as diſtinct from the other: For the Expiation of ſins in Heaven being by *Crellius* himſelf confeſſed to be by the Exerciſe of Chriſt's Power, and this being only the means to that Power, how could Chriſt expiate ſins by that power which he had not? But of this I have ſpoken before, and ſhewed that in no ſenſe allowed by themſelves the Expiation of ſins can be attributed to the entrance of Chriſt into Heaven as diſtinct from his ſitting at the right hand of God. Thus much may ſuffice to prove, that thoſe effects of an Expiatory Sacrifice, which do reſpect the ſins committed, do properly agree to the Death of Chriſt.

Matth. 28. 18.

Phil. 2. 8, 9.

Of the Atonement made by Chriſt's death.

XI. I now come to that which reſpects the Perſon, conſidered as obnoxious to the Wrath of God by reaſon of his ſins: And ſo the Effect of an Expiatory Sacrifice is *Atonement* and *Reconciliation.* By the *Wrath of God,* I mean, the reaſon which God hath from the Holineſs and juſtice of his nature, to puniſh ſin in thoſe who commit it: By the means of *Atonement* and *Reconciliation,* I mean, that in Conſideration of which, God is willing to releaſe the ſinner from the Obligation to Puniſhment he lies under by the Law of God, and to receive him into favour upon the terms which are declared by the Doctrine of Chriſt. And that the Death of Chriſt was ſuch a means of *Atonement* and *Reconciliation* for us, I ſhall prove by thoſe places of Scripture which Crell. c. 7. ſect. 3. ſpeak of it. But *Crellius* would ſeem to acknowledge, *That if* Grotius *ſeem to contend for no more, than that Chriſt did avert that Wrath of God which Men had deſerved by their ſins, they would willingly yield him all that he pleads for:* But then he adds, *That this deliverance from the Wrath to come, is not by the Death, but by the Power of Chriſt.* So that the queſtion is, Whether the *Death of Chriſt* were the means of Atonement and Reconciliation between God and us? And yet *Crellius* would ſeem willing to yield too, *that the Death of Chriſt may be ſaid to avert the Wrath of God from us, as it was a Condition in order to it*; for in that ſenſe it had no more influence upon it than his *Birth* had: But we have already ſeen, that the Scripture attributes much more to the *Death and Blood of Chriſt*, in order to the Expiation of ſin. We do not deny, that the Death of Chriſt may be called a Condition, as the performance of any thing in order to an end, may be called the Condition upon which that thing is to be obtained; but we ſay, that it is not a *bare Condition*, but ſuch a one as implies a *Conſideration*, upon which the thing is obtained, being ſuch as anſwers the end of him that grants it: By which means it doth propitiate or atone him, who had before juſt reaſon to puniſh, but is now willing to forgive and be reconciled to them, who have ſo highly offended him. And in this ſenſe we aſſert, that Chriſt is ſaid to be ἱλασμὸς, *a propitiation for our ſins*, 1 Joh. 2. 2——4. 10. which we take in the ſame ſenſe that ἱλασμὸς is taken for the *ſin-offering*, *for Atonement*, Ezek. 44. 27. προσοίσουσι ἱλασμὸν, *they ſhall offer a ſin-offering*; for ſo חטא there ſignifies, and in the ſame ſenſe ἐξιλασμὸς is taken, *Ezek.* 45. 19. and *the Ram for Atonement* is called κριὸς τοῦ ἱλασμοῦ, *Numb.* 5. 8. And thence the *High-Prieſt* when he made an *Atonement*, is ſaid ποιεῖν τὸν ἱλασμὸν, 2 *Maccab.* 3. 33. which is of the greater conſequence to us, becauſe Crellius *would not have the* Crell. 7. ſect. 10. *ſenſe either of* ἱλασμὸς or ἱλάσκεσθαι, *to be taken from the common uſe of the word in the Greek Tongue; but from that which ſome call the Helleniſtical uſe of it*; viz. *That which is uſed in the Greek of the New Teſtament, out of the LXX. and the Apocryphal Greek*; in both which we have found the word ἱλασμὸς; in a ſenſe fully correſpondent to what we plead for. But he yet urges, and takes a great deal of pains to prove, that ἱλάσκεσθαι and ἐξιλάσκεσθαι *do not always ſignifie to be appeaſed by another, but ſometimes ſignifies to be Propitious and Merciful in pardoning; and ſometimes to expiate, and then ſignifies the ſame with* καθαρίζειν and ἁγιάζειν: Which if it be granted, proves nothing againſt us, having already proved, that thoſe words do ſignifie the *Averſion of the Wrath of God by a Sacrifice*, and that there is no reaſon to recede from that Signification, when they are applied to the *Blood* of *Chriſt*. And we do not contend, that when the word ἱλασμὸς or ἱλάσκεσθαι is applied to him that doth forgive, it doth imply *appeaſing*; but the effect of it, which is *pardoning*; but that which we aſſert, is, that when it is applied to a third perſon, or a thing made uſe of in order to forgiveneſs, then we ſay it ſignifies the propitiating him that was juſtly diſpleaſed: So as by what was done or ſuffered for that end, he is willing to pardon what he had juſt reaſon to puniſh. So *Moſes is ſaid, to make Atonement for the People by his Prayers*, καὶ ἱλάσθη κύριος περὶ τῆς κακίας, *Exod.* 34. 14.

and we may ſee *Verſe* 11. how much God was diſpleaſed before. *And* Moſes *beſought the Lord his God*, and ſaid, *Why doth thy Wrath wax hot againſt thy People?* And Verſe 12. *Turn from thy fierce Wrath, and repent of this evil againſt thy People*, and then it is ſaid, Verſe 14. *The Lord was atoned for the evil which he thought to do unto his People.* I would therefore willingly know, why *Moſes* might not here properly be ſaid, ἱλάσκεσθαι θεὸν περὶ τῆς κακίας, as it is ſaid ἱλάσθη κύριος περὶ τῆς κακίας, and therefore ſince it is ſo very often ſaid in the Levitical Law, ἱλάσκεσθαι and ἐξιλάσκεσθαι περί τινος, as περὶ αὐτῶν, περὶ τῆς οἰκίας, περὶ ψυχῶν, and the Accuſative caſe ſcarce ever put but in two Caſes; (*viz.* When theſe words are applied to inanimate things, as the Altar, *&c.* or when to God himſelf, implying forgiveneſs) what reaſon can we aſſign more probable for this different Conſtruction, than that when περὶ is uſed, the Verb hath a Reſpect to the offended party as the Accuſative underſtood? As *Chriſt* is ſaid in the places mentioned to be ἱλασμὸς περὶ ἁμαρτιῶν, which ought in reaſon to be underſtood as thoſe words after *Moſes* his interceſſion, καὶ ἱλάσθη κύριος περὶ τῆς κακίας. But *Crellius* asks, *Why then do we never read once concerning the Prieſt, that he did* ἱλάσκεσθαι τὸν θεὸν περὶ ἁμαρτιῶν or περί τινος, *but we read that he did* ἐξιλάσκεσθαι τὸ ἅγιον τὸ θυσιαστήριον, *and* God *is ſaid*, ἐξιλάσκεσθαι τὰς ἁμαρτίας. To this I anſwer, 1. That the reaſon why the perſon propitiated, is not expreſſed, is, becauſe it was ſo much taken for granted, that the whole Inſtitution of Sacrifices did immediately Reſpect God, and therefore there was no danger of miſtaking, concerning the perſon who was to be atoned. 2. I wonder *Crellius* can himſelf produce no inſtance where ἐξιλάσκεσθαι τὰς ἁμαρτίας is uſed with a Reſpect to the Sacrifices, and the Perſons whoſe Offences are remitted by the Atonement; but where ἱλάσκεσθαι hath a Relation to that, it is ſtill joyned with a Prepoſition relating either to the Perſon or to the Offences; if no more were underſtood when it is ſo uſed, than when God himſelf is ſaid to do it, why is not the Phraſe ἐξιλάσκεσθαι τὰς ἁμαρτίας as well ſaid of the Prieſt, as it is of God? From whence *Grotius* his ſenſe of *Heb.* 2. 17. εἰς τὸ ἱλάσκεσθαι τὰς ἁμαρτίας for ἱλάσκεσθαι θεὸν περὶ τῶν ἁμαρτιῶν, is far more agreeable to the uſe of the Phraſe in the Old Teſtament, than that which *Crellius* would put upon it. Therefore ſince the ἱλασμὸς περὶ τῶν ἁμαρτιῶν is attributed to Chriſt, we ought to take it in the ſenſe proper to a Propitiatory Sacrifice: So it is ſaid by *Moſes*, where God is left out, but is neceſſarily underſtood, after the People had provoked God by their Idolatry; *Ye have ſinned a great ſin: And now I will go up unto the Lord*, ἵνα ἐξιλάσωμαι περὶ τῆς ἁμαρτίας ὑμῶν, *That I may make an Atonement for your ſin:* What way could *Moſes* be ſaid to make this *Atonement*, but by propitiating God; yet his name is not there expreſſed, but neceſſarily underſtood. So ἐξιλάσκεσθαι τὸ πρόσωπον is uſed in the moſt proper ſenſe for appeaſing the anger of a Perſon, *Gen.* 32. 20. And ἐν τίνι ἐξιλάσομαι, 2 *Sam.* 21. 3. Which places have been already inſiſted on, in the Signification of the word כפר. And that thoſe places wherein Chriſt is ſaid to be a propitiation for our ſins, are capable of no other ſenſe, will appear from the Conſideration of Chriſt, as a middle perſon between God and us; and therefore his being ἱλασμὸς περὶ τῶν ἁμαρτιῶν, cannot be parallel with that Phraſe, where God himſelf is ſaid, ἐξιλάσκεσθαι τὰς ἁμαρτίας, for Chriſt is here conſidered as interpoſing between God and us, as *Moſes* and the *Prieſts* under the Law did between

God and the People in order to the averting his Wrath from them. And when one doth thus interpoſe in order to the Atonement of the offended party, ſomething is always ſuppoſed to be done or ſuffered by him, as the means of that Atonement. As *Jacob* ſuppoſed the preſent he made to his Brother would propitiate him; and *David* appeaſed the *Gibeonites* by the Death of *Saul's Sons*, both which are ſaid ἐξιλάσκεσθαι. So the *ſhedding of the Blood of Sacrifices* before and under the Law, was the means of *atoning God* for the ſins they committed. What reaſon can there be then why ſo receiv'd a ſenſe of *Atonement*, both among the *Jews*, and all other Nations at that time when theſe words were Written, muſt be forſaken; and any other ſenſe be embraced, which neither agrees with the Propriety of the Expreſſion, nor with ſo many other places of Scripture, which make the Blood of Chriſt to be a Sacrifice for the Expiation of ſin?

Of Reconciliation by Chriſt's death.

XII. Neither is it only our Atonement, but our Reconciliation is attributed to Chriſt too, with a Reſpect to his Death and Sufferings. As in the place before inſiſted on. *For if when we were Enemies, we were reconciled to God by the Death of his Son*; (Rom. 5. 10.) and more largely in the ſecond Epiſtle to the *Corinthians*. (2 Cor. 18, 19, 21.) *And all things are of God, who hath reconciled us to himſelf by Jeſus Chriſt, and hath given to us the miniſtry of Reconciliation: To wit, that God was in Chriſt reconciling the World unto himſelf, not imputing their Treſpaſſes unto them, and hath committed to us the Word of Reconciliation For he hath made him to be ſin for us who knew no ſin, that we might be made the Righteouſneſs of God in him.* (Eph. 2. 16.) And to the *Epheſians*, *And that he might reconcile both unto God in one body by his Croſs, having ſlain the enmity thereby.* To the ſame purpoſe (Col. 1. 20, 21, 22.) to the *Coloſſians*, *And having made peace through the Blood of his Croſs, by him to reconcile all things to himſelf, by him I ſay whether they be things in Heaven or in Earth; and you that were ſometimes alienated and Enemies in your mind by wicked works, yet now hath he reconciled, in the body of his fleſh through Death.* Two things the ſubſtance of *Crellius* his (Crell. c. 7. ſect. 15, 16, 17, 18, &c.) anſwer may be reduced to concerning theſe places. 1. *That it is no where ſaid that God was reconciled to us, but that we are reconciled to God, and therefore this Reconciliation doth not imply any averting of the anger of God.* 2. *That none of theſe places do aſſert any Reconciliation with God antecedent to our Converſion, and ſo that the Reconciliation mention'd implies only the laying aſide our Enmity to God by our ſins.* I begin with the firſt of theſe, concerning which we are to conſider not barely the Phraſes uſed in Scripture, but what the nature of the thing implies; as to which a difference being ſuppoſed between God and Man on the account of ſin, no Reconciliation can be imagined but what is mutual. For did Man only fall out with God, and had not God juſt reaſon to be diſpleaſed with Men for their Apoſtaſie from him? If not, what made him ſo ſeverely puniſh the firſt ſin that ever was committed by Man? What made him puniſh the old World for their impieties by a Deluge? What made him leave ſuch Monuments of his anger againſt the ſins of the World in ſucceeding Ages? What made him add ſuch ſevere Sanctions to the Laws he made to the People of the *Jews*? What made the moſt upright among them ſo vehemently to deprecate his Wrath and Diſpleaſure upon the ſenſe of their ſins? (Pſal. 6. 1. 38. 1. Pſal. 5. 5. 7. 11. 11. 5. Levit. 26. 30.) What makes him declare not only his hatred of the ſins of Men, but of the Perſons of thoſe who commit them; ſo far as to expreſs the greateſt abhorrency of them? Nay, what makes our Adverſaries themſelves to ſay, (Crell. de Deo & Attrib. l. 1. c. 30.) *that impiety is in* *its own nature hateful to God, and ſtirs him up to anger againſt all who commit it?* What means, I ſay, all this, if God be not angry with Men on the account of ſin? Well then; ſuppoſing God to be averſe from Men by reaſon of their ſins, ſhall this diſpleaſure always continue or not? If it always continues, Men muſt certainly ſuffer the deſert of their ſins; if it doth not always continue, then God may be ſaid to be *reconciled* in the ſame ſenſe that an offended party is capable of being reconciled to him who hath provoked him. Now there are two ways whereby a party juſtly offended may be ſaid to be *reconciled* to him that hath offended him. Firſt, when he is not only willing to admit of terms of agreement, but doth declare his acceptance of the Mediation of a third Perſon, and that he is ſo well ſatisfied with what he hath done in order to it, that he appoints this to be publiſhed to the World to aſſure the offender, that if the breach continues, the fault wholly lies upon himſelf. The ſecond is, when the offender doth accept of the terms of agreement offered, and ſubmits himſelf to him whom he hath provoked, and is upon that received into Favour. And theſe two we aſſert muſt neceſſarily be diſtinguiſhed in the Reconciliation between God and us. For upon the Death and ſufferings of Chriſt, God declares to the World he is ſo well ſatisfied with what Chriſt hath done and ſuffered in order to the Reconciliation between himſelf and us, that he now publiſhes Remiſſion of ſins to the World upon thoſe terms which the Mediator hath declared by his own Doctrine, and the *Apoſtles* he ſent to preach it: But becauſe Remiſſion of ſins doth not immediately follow upon the Death of Chriſt, without ſuppoſition of any Act on our part, therefore the ſtate of Favour doth commence from the performance of the Conditions which are required from us. So that upon the Death of Chriſt *God* declaring his acceptance of Chriſt's Mediation, and that the Obſtacle did not lie upon his part; therefore thoſe Meſſengers who were ſent abroad into the World to perſwade men to accept of theſe terms of Agreement, do inſiſt moſt upon that which was the remaining Obſtacle, *viz.* The ſins of Mankind, that Men by laying aſide them, would be now reconciled to God, ſince there was nothing to hinder this Reconciliation, their obſtinacy in ſin excepted. Which may be a very reaſonable account why we read more frequently in the Writings of the *Apoſtles*, of Mens duty in being reconciled to God; the other being ſuppoſed by them as the Foundation of their preaching to the World, and is inſiſted on by them upon that account, as is clear in that place to the *Corinthians*, *That God was in Chriſt reconciling the World to himſelf, not imputing unto Men their Treſpaſſes, and hath committed to us the word of Reconciliation*; and therefore adds, *Now then we are Ambaſſadors for Chriſt, as though God did beſeech you by us, we pray you in Chriſt's ſtead be ye reconciled to God:* And leſt theſe words ſhould ſeem dubious, he declares that the Reconciliation in Chriſt was diſtinct from that Reconciliation he perſwades them to; for the Reconciliation in Chriſt he ſuppoſeth paſt, *v.* 18. *All things are of God, who hath reconciled us to himſelf by Jeſus Chriſt*, and *v.* 21, he ſhews us how this Reconciliation was wrought. *For he hath made him to be ſin for us who knew no ſin, that we might be made the Righteouſneſs of God in him.* *Crellius* here finds it neceſſary to acknowledge a twofold Reconciliation, but hopes to eſcape the force of this place by a rare Diſtinction *of the Reconciliation as preached by Chriſt, and by his Apoſtles; and ſo God's having reconciled the World to himſelf by Jeſus Chriſt is nothing*

2 Cor. 5. 19, 20.

Crell. c. 1. *ſect.* 118. *cap.* 7. *ſect.* 24.

elſe but Chriſt's preaching the Goſpel himſelf, who afterwards committed that Office to his Apoſtles. But if ſuch ſhifts as theſe will ſerve to baffle Mens underſtandings, both *they* were *made*, and the *Scriptures* were *written* to very little purpoſe; for if this had been all the *Apoſtle* had meant, that Chriſt preached the ſame Doctrine of Reconciliation before them, what mighty matter had this been to have ſolemnly told the World, that *Chriſt's Apoſtles* preached no other Doctrine, but what their *Maſter* had preached before? Eſpecially if no more were meant by it, but that Men ſhould leave their ſins, and be reconciled to God. But beſides, why is *the Miniſtry of Reconciliation*, then attributed only to the *Apoſtles*, and not to *Chriſt*, which ought in the firſt place to have been given to him, ſince the *Apoſtles* did only receive it from him? Why is that *Miniſtry of Reconciliation* ſaid to be, viz. *That God was in Chriſt reconciling the World to himſelf?* Was this all the Subject of the *Apoſtles* preaching, to tell the World, that Chriſt perſwaded Men to leave off their ſins? How comes God to reconcile the World to himſelf by the preaching of *Chriſt*, ſince *Chriſt* himſelf ſaith, he was not ſent to preach to the World; but *to the loſt ſheep of the houſe of Iſrael?* Was the World reconciled to God by the preaching of Chriſt, before they had ever heard of them? Why is God ſaid not to *impute to Men their Treſpaſſes* by the preaching of Chriſt, rather than his *Apoſtles*; if the not imputing were no more than declaring God's readineſs to pardon; which was equally done by the *Apoſtles* as by *Chriſt* himſelf? Laſtly, what force or dependence is there in the laſt words, *For he made him to be ſin for us, who knew no ſin,* &c. If all he had been ſpeaking of before had only related to Chriſt's preaching? How was he *made ſin* more than the *Apoſtles*, if he were only *treated as a ſinner* upon the account of the ſame Doctrine which they preached equally with him? And might not Men be ſaid to be made *the Righteouſneſs of God in the Apoſtles*, as well as in *Chriſt*, if no more be meant, but being perſwaded to be *Righteous*, by the Doctrine delivered to them?

In the two latter places, *Eph.* 2. 16. *Coloſſ.* 1. 20, &c. it is plain, that *a twofold Reconciliation* is likewiſe mentioned, the one of the *Jews* and *Gentiles* to one another, the other of both of them *to God.* For nothing can be more Ridiculous than the Expoſition of *Socinus*, *who would have* τῷ Θεῷ *not to be joyned with the Verb* ἀποκαταλλάξῃ, *but to ſtand by it ſelf, and to ſignifie that this Reconciliation of the Jews and Gentiles did*
Crell. c. 7. ſect. 30. *tend to the Glory of God.* And *Crellius*, who ſtands out at nothing, hopes to bring off *Socinus* here too; by ſaying, *that it is very common, for the end to which a thing was appointed to be expreſſed by a Dative Caſe following the Verb*; but he might have ſpared his pains in proving a thing no one queſtions; the ſhorter anſwer had been to have produced one place where ἀποκαταλλάσσειν Θεῷ ever ſignifies any thing but to be reconciled to God as the offended Party; or where-ever the Dative of the perſon following the Verb importing Reconciliation, did ſignifie any thing elſe but the Party with whom the Reconciliation was to be made. As for that objection concerning *things in Heaven being reconciled*; that Phraſe doth not import ſuch a Reconciliation of the *Angels* as of Men, but that Men and Angels upon the Reconciliation of Men to God, become one body under Chriſt, and are gathered together in him, as the *Apoſtle* expreſſeth it, *Eph.* 1. 10.

Objections anſwered. XIII. 1. Having thus far proved, that the Effects of an Expiatory Sacrifice do belong to the Death of Chriſt, nothing now remains but an anſwer to be made to two Objections, which are commonly inſiſted on by our Adverſaries. The firſt is, *That God was reconciled before he ſent his Son, and therefore Chriſt could not die to reconcile God to us.* The ſecond is, *That the Doctrine of Satisfaction aſſerted by us, is inconſiſtent with the freeneſs of God's Grace in the Remiſſion of ſins:* Both which will admit of an eaſie Solution upon the Principles of the foregoing Diſcourſe. To the firſt I anſwer, That we aſſert nothing inconſiſtent with that love of God, which was diſcovered in ſending his Son into the World; we do not ſay, That God hated Mankind ſo much on the account of ſin, that it was impoſſible he ſhould ever admit of any terms of Reconciliation with them, which is the only thing inconſiſtent with the greatneſs of God's Love in ſending Chriſt into the World; but we adore and magnifie the infiniteneſs and unexpreſſible greatneſs of his Love, that notwithſtanding all the contempt of the former kindneſs and mercies of Heaven, he ſhould be pleaſed to ſend his own Son to die for ſinners, that they might be reconciled to him. And herein was the great Love of God manifeſted, that *while we were Enemies and Sinners, Chriſt died for us*, and that for this end, that we might be reconciled to God by his Death. And therefore ſurely, not in the ſtate of Favour or Reconciliation with God then. But it were worth the while, to underſtand what it is our Adverſaries mean, when they ſay, *God was reconciled when he ſent his Son, and therefore he could not die to reconcile God to us.* Either they mean, that God had decreed to be reconciled upon the ſending his Son, or that he was actually reconciled when he ſent him: If he only decreed to be reconciled, that was not at all inconſiſtent with Chriſt's dying to reconcile God and us in purſuance of that decree: If they mean, he was actually reconciled, then there was no need for Chriſt to die to reconcile God and us; but withal, actual Reconciliation implies pardon of ſin; and if ſin were actually pardoned before Chriſt came, there could be no need of his coming at all, and ſins would have been pardoned before committed; if they were not pardoned, notwithſtanding that Love of God, then it can imply no more, but that God was willing to be reconciled. If therefore not-remiſſion of ſins were conſiſtent with that Love of God, by which he ſent Chriſt into the World, then notwithſtanding that he was yet capable of being reconciled by his Death. So that our Adverſaries are bound to reconcile that Love of God, with not preſently pardoning the ſins of the World, as we are to reconcile it with the ends of the Death of Chriſt, which are aſſerted by us.

The freeneſs of Grace aſſerted in Scripture, deſtroys not ſatisfaction.

XIV. To the other Objection, *concerning the inconſiſtency of the Freeneſs of God's Grace with the Doctrine of Satisfaction*, I anſwer, Either God's Grace is ſo free as to exclude all Conditions, or not: If it be ſo free, as to exclude all Conditions, then the higheſt *Antinomianiſm* is the trueſt Doctrine; for that is the higheſt degree of the Freeneſs of Grace, which admits of no Conditions at all. If our Adverſaries ſay, *That the Freeneſs of Grace is conſiſtent with Conditions required on our part*, Why ſhall it not admit of Conditions on God's part? Eſpecially, when the Condition required, tends ſo highly to the end of God's governing the World, in the manifeſtation of his hatred againſt ſin, and the Vindication of the Honour of his Laws by the Sufferings of the Son of God in our ſtead, as an Expiatory Sacrifice for our ſins. There are two things to be conſidered in ſin, the diſhonour done to God, by the breach of his Laws, and the injury Men do to themſelves by it; now Remiſſion of ſins, that Reſpects the injury which Men bring upon themſelves by it; and that is *Free*, when the Penalty is wholly forgiven, as we aſſert it is by the Goſpel to all penitent ſinners: But ſhall not God be free to vindicate his own Honour, and *to declare his Righteouſneſs to the World*, while he is *the Juſtifier of them that believe?* Shall Men in caſe of Defamation, be bound to vindicate themſelves, though they freely forgive the Authors of the ſlander, by our *Adverſaries own Doctrine?* And muſt it be repugnant to *God's Grace*, to admit of a *Propitiatory Sacrifice*, that the World may underſtand, that it is no ſuch eaſie thing to obtain pardon of ſin committed againſt God; but that as often as they conſider the bitter Sufferings of Chriſt, in order to the obtaining the forgiveneſs of our ſins, that ſhould be the greateſt Argument to diſſwade them from the Practice of them? But why ſhould it be more inconſiſtent with the Sacrifice of Chriſt, for God freely to pardon ſin, than it was ever preſumed to be in all the Sacrifices of either *Jews* or *Gentiles?* Who all ſuppoſed Sacrifices neceſſary in order to *Atonement*; and yet thought themſelves obliged to the Goodneſs of God in the Remiſſion of their ſins? Nay we find that God himſelf, Gen. 20.7. in the caſe of *Abimelech*, appointed *Abraham to pray for him*, in order to his pardon; and will any one ſay, this was a derogation to the Job 42.7. Grace of God in his Pardon? Or to the Pardon of *Job's* Friends, becauſe *Job* was apponited to Sacrifice for them? Or to the pardon of the *Iſraelites*, becauſe God out of kindneſs to them, directed them by the *Prophets*, and appointed the means in order to it? But although God appointed our *High-Prieſt* for us, and out of his great Love ſent him into the World, yet his Sacrifice was not what *was given him*, but what he *freely underwent himſelf*; he gave us Chriſt, but *Chriſt* offered up himſelf *a full, perfect and ſufficient Sacrifice, Oblation and Satisfaction for the ſins of the World.*

Thus, Sir, I have now given you a larger account of what I then more briefly diſcourſed of concerning *the true Reaſon of the Sufferings of Chriſt*; and heartily wiſhing you a *right underſtanding in all things*, and requeſting from you an *impartial Conſideration* of what I have Written, C

I am, SIR, Yours, &c.

Jan. 6. 166$\frac{8}{9}$.

E. S.

The *Myſteries* of the *Chriſtian* Faith Aſſerted and Vindicated: In a SERMON Preached at *St.* Laurence-Jewry *in* London, *April* the 7th. 1691.

135:2:0.

1 TIM. I. 15.

This is a faithful ſaying and worthy of all acceptation, That Chriſt Jeſus came into the World to ſave Sinners, of whom I am chief.

IF theſe Words were to be underſtood without any Reſtriction or Limitation *that Chriſt Jeſus came into the World to ſave ſinners*, they would overthrow the great Deſign of the Goſpel, and make its Excellent Precepts Uſeleſs and Ineffectual. For, to what purpoſe ſhould Men be put upon the ſevere Practice of Repentance, Mortification

tion and a continued Courſe of a Holy Life, if the meer being *Sinners* did ſufficiently qualifie them for Salvation? This indeed would be thought a Doctrine *worthy of all Acceptation* by the *greateſt Sinners*; but it could not be *a faithful ſaying*, being not agreeable either to the Nature of God, or Revelation of his Will by *Chriſt Jeſus*. But St. *Paul* ſpeaks of ſuch *Sinners* as himſelf had been, *i. e.* ſuch as had been great ſinners, but had truly and ſincerely Repented. *Of whom I am chief*, What then? Muſt we look on him as the Standard and Meaſure of ſuch *Sinners* whom *Chriſt Jeſus* came to ſave? What will then become of all thoſe who have been Sinners of a higher Rank than ever he was? It's true in the Verſes before the Text, he ſets out his Sins, as a humble Penitent is wont to do, with the worſt Colours and deepeſt Aggravations, *Who was before a Blaſphemer and a perſecutor, and injurious*; but yet he adds, *that he obtained Mercy becauſe he did it ignorantly, in unbelief*. How then is St. *Paul* the *Chief of Sinners?* Are Sins of *Ignorance* and *Miſtake* the greateſt of Sins, for which Chriſt died? Is there no *Expiation* for any other by *Jeſus Chriſt?* What will become then of all ſuch who ſin againſt Knowledge and Conſcience, and not *in Ignorance and Unbelief?* Can none of theſe hope for Mercy by *Chriſt Jeſus*, although they do truly Repent? But *the Blood of Chriſt* is ſaid elſewhere *to cleanſe us from all Sin*; not, while we continue in them, but if we repent and forſake them. And *Jeſus Chriſt* is ſaid *to be a Propitiation for our Sins; and not for ours only, but for the Sins of the whole World*. And therefore this Expreſſion of St. *Paul* notes his great Humility and and deep Senſe of his own Sins; but doth not exclude others from the hopes of Pardon whoſe Sins have other Aggravation than his had. For, if we leave out the laſt words as peculiar to his Caſe, yet the other contain in them a true Propoſition and of the greateſt Importance to Mankind; *This is a faithful ſaying and worthy of all Acceptation, that Chriſt Jeſus came into the world to ſave ſinners.*

Ver. 13.

1 Joh. 1. 7.

Ch. 2. v. 2.

This, you may ſay, is a matter out of all doubt among all ſuch who hope for Salvation by *Chriſt Jeſus*; for all are agreed, that one way or other we are to be *ſaved by him*. But there is great Difficulty as to the Way of *ſaving Sinners* by *Chriſt Jeſus*; whether by *the Doctrine and Example of the Man Chriſt Jeſus, by the Power he attained through his Sufferings*; Or, *by the Eternal Son of God's aſſuming our Nature and Suffering in our ſtead in order to the Reconciling God to us and making a Propitiation for our Sins*. Theſe are two very diffent *Hypotheſes* or Notions of *Chriſt's coming to ſave Sinners*; and the former ſeems more eaſie to be underſtood and believed; and the other ſeems to have inſuperable Difficulties in point of Reaſon; and to run our Religion into *Myſteries*, which expoſe our Faith and make Chriſtianity appear Contemptible to Men of Senſe and Underſtanding. Is it not therefore better much to embrace ſuch a Scheme of it, as will have the leaſt Objection againſt it, that ſo Men of Reaſon may not be tempted to Infidelity, and Men of Superſtition may not under the Colour of *Myſteries* bring in the moſt Abſurd and Unreaſonable Doctrines?

Theſe are plauſible Inſinuations, and would be apt to prevail on conſidering Mens Minds, if they were to form and make a Religion that might be moſt accommodated to the *Genius* and *Humour* of the Age they live in. And truly no Men (by their own Authority) can pretend to a Right to impoſe on others any *Myſteries of Faith*, or any ſuch things which are above their Capacity to underſtand. But that is not our caſe; for we all profeſs to believe and receive *Chriſtianity* as a *Divine Revelation*; and God (we ſay) may require from us the belief of what we may not be able to comprehend, eſpecially if it relates to himſelf, or ſuch things which are Conſequent upon the Union of the Divine and Human Nature. Therefore our buſineſs is to conſider, whether any ſuch things be contained in that *Revelation* which we all own; and if they be, we are bound to believe them, although we are not able to comprehend them.

Now here are two Remarkable *Characters* in theſe Words, by which we may examin theſe different *Hypotheſes* concerning the way of *Salvation by Jeſus Chriſt*.

I. *It is a faithful ſaying*, and therefore muſt be contained in that Revelation which God hath made concerning our Salvation by Chriſt.

II. *It is worthy of all Acceptation*; *i. e.* moſt uſeful and beneficial to Mankind.

Now by theſe two I ſhall proceed in the Examination of them.

I. Which is moſt agreeable to the Revealed Will of God,

II. Which doth offer faireſt for the Benefit and Advantage of Mankind.

I. Which is moſt agreeable to the revealed Will of God. For that we are ſure is the moſt *faithful ſaying*; ſince Men of Wit and Reaſon may deceive us, but God cannot. When the Apoſtles firſt preached this Doctrine to the World, they were not bound to believe what they affirmed to be a *faithful ſaying* till they gave ſufficient Evidence of their Authority from God, by the wonderful Aſſiſtance of the Holy Ghoſt. But now this *faithful ſaying* is contained in the Books of the *New Teſtament*, by which we are to judge of the Truth of all *Chriſtian* Doctrines. And when two different Senſes of Places of Scripture are offer'd, we are to conſider, which is moſt Reaſonable to be preferr'd. And herein we are allow'd to Exerciſe our Reaſon as much as we pleaſe; and the more we do ſo, the ſooner we ſhall come to Satisfaction in this matter.

Now according to Reaſon we may judge that Senſe to be preferr'd,

(1.) Which is moſt plain and eaſie and agreeable to the moſt receiv'd Senſe of Words: not that which is forced and intricate, or which puts improper and *Metaphorical* Senſes upon Words which are commonly taken in other Senſes; eſpecially when it is no Sacramental thing, which in its own Nature is Figurative.

(2.) That which ſuits moſt with the Scope and Deſign not only of the particular Places, but of the whole *New Teſtament*; which is, to magnifie God and to depreſs Man? To ſet forth the infinite Love and Condeſcenſion of God *in giving his Son to be a Propitiation for our Sins*; to ſet up the Worſhip of one *true God* in Oppoſition to *Creatures*; to Repreſent and Declare the mighty Advantages Mankind receive by the *Sufferings* of *Chriſt Jeſus*.

(3.) That which hath been generally receiv'd in the *Chriſtian Church* to be the Senſe of thoſe places. For, we are certain, this was always look'd on as a matter of great Concernment to all Chriſtians; and they had as great Capacity of underſtanding the Senſe of the Apoſtles: And the Primitive Church had greater Helps for knowing it than others at ſo much greater Diſtance. And therefore the Senſe is not to be taken from modern *Inventions*, or *Criticiſms*, or Pretences to *Revelation*; but that which was at firſt deliver'd to the *Chriſtian Church*, and hath been ſince received and embraced by it in the ſeveral Ages; and hath been moſt ſtrenuouſly aſſerted, when it hath met with Oppoſition, as founded on *Scripture* and the *general Conſent* of the *Chriſtian Church*.

(4.) That which beſt agrees with the *Characters* of thoſe Perſons from whom we receive the Chriſtian Faith; and thoſe are *Chriſt Jeſus* and his *Holy Apoſtles*. For, if their *Authority* be loſt, our Religion is gone; and their Authority depends upon their *Sincerity* and *Faithfulneſs*, and Care to inform the World aright in matters of ſo great Importance.

(1.) I begin with the Character which the Apoſtles give of *Chriſt Jeſus* himſelf; which is, that he was a Perſon of the greateſt Humility and Condeſcenſion, that he did not aſſume to himſelf that which he might juſtly have done. For let the words of St. *Paul* be underſtood either as to the *Nature*, or *Dignity* of Chriſt, it is certain that they muſt imply thus much, that when Chriſt Jeſus was here on Earth, he was not of a vain aſſuming humour, that he did not boaſt of himſelf, nor magnifie his own Greatneſs, but was contented to be look'd on as other Men; although he had at that time far greater and Diviner Excellency in him than the World would believe. Leſs than this, cannot be made of thoſe Words of the Apoſtle, *Who being in the form of* Phil. 2. 6, 7. *God, he thought it not Robbery to be equal with God, but made himſelf of no Reputation, and took upon him the form of a Servant.*

Now this being the *Character* given of him, let us conſider what he doth affirm concerning himſelf. For although he was far from drawing the People after him, by ſetting forth his own Perfections; yet upon juſt Occaſions, when the *Jews* conteſted with him, he did Aſſert ſuch things, which muſt ſavour of Vanity and Oſtenation, or elſe muſt imply that he was the *Eternal Son of God*. For, all Mankind are agreed that the higheſt degree of Ambition lies in Affecting Divine Honour, or for a meer Man to be thought a *God*. How ſeverely did God puniſh *Herod* for being pleaſed with the Peoples folly in crying out, *the Voice of God and not of Man?* Act. 12. 22. And therefore he could never have born with ſuch poſitive Aſſertions and ſuch repeated Defences of his being *the Son of God* in ſuch a manner as implied his being ſo from Eternity. This in his Diſputes with the *Jews* he affirms ſeveral times, *that he came down from Heaven*, not in a *Metaphorical* but in a proper Joh. 6. 32, 33. Senſe, as appears by thoſe words, *What and if ye ſhall ſee the Son of Man aſcend up where he was before?* 38. 50. 58 62. In another *Conference* he aſſerted, *that he was before Abraham.* Joh. 8. 58. Which the *Jews* ſo literally underſtood, that without a *Metaphor they went about to ſtone him*; v. 59. little imagining that by *Abraham* the calling of the *Gentiles* was to be underſtood. But above all, is that Expreſſion which he uſed to the *Jews* at another Conference, *I and my Father are one*; Joh. 10. 30. which they underſtood in ſuch a manner that immediately *they took up ſtones to have ſtoned him.* v. 31. What means all this Rage of the *Jews* againſt him? What? for ſaying *that he had Unity of Conſent with his Father?* No certainly. *But the Jews miſunderſtood him.* Let us ſuppoſe it; would not our *Saviour* have immediately explained himſelf to prevent ſo dangerous a Miſconſtruction? But he asked them, what it was they ſtoned him for? They anſwer him directly and plainly, *becauſe that thou being a man makeſt thy ſelf God.* v. 32, 33. This was home to the purpoſe. And here was the time for him to have denied it, if it had not been ſo. But doth he deny? Doth he ſay, it would be *Blaſphemy* in him to own it? No; but he goes about to defend it; and proves it to be no *Blaſphemy for him to ſay that he was the* v. 36. *Son*

Son of God; *i. e.* ſo *as to be God*, as the *Jews* underſtood it. Can we
imagine that a *meer Man* knowing himſelf to be ſuch, ſhould aſſume
this to himſelf; and yet God to bear witneſs to him not only by *Miracles*
Mat. 3. 17. but by a *Voice from Heaven*, wherein he was called his *beloved
Son in whom he was well pleaſed?* Could God be pleaſed with a mortal,
finite, deſpicable Creature, as the *Jews* thought him, that aſſumed to
himſelf to be *God*, and maintained and defended it among his own People,
in a ſolemn *Conference* at a very Publick Place, in one of the *Portico's*
of the Temple? And this he perſiſted in to the laſt. For, when
Matth. 26. 63. *the High Prieſt adjured him by the living God to tell, whether he were the
Chriſt the Son of God*, (for he, no doubt, had heard of the *Reſult* of
v. 64. this *Conference* in *Solomon's Porch*) *Jeſus ſaid unto him, Thou haſt ſaid*,
Mark 14. 62. *St. Mark*, more expreſly, *Jeſus ſaid, I am.* And this was the *Blaſphemy*,
v. 64. for which they put him to death; as appears by the *Evangeliſts*.
Matth. 26. 66. So that this ought to be a Diſpute only between *Jews* and *Chriſtians*;
ſince it was the very point, for which they condemned him to death.
And in his laſt moſt Divine Prayer juſt before his Suffering, he owns the
Luk. 22. 71. *Glory* which he had *with the Father* before the World had a Being. *And
now, O Father, glorifie thou me with the Glory which I had with thee, before
Joh. 17. 5. the World was.* Was this nothing but the *Glory* which *God* had
deſigned to give him? This is ſo far from being peculiar to Chriſt, that
it is common to all whom *God* deſigns to glorifie; and takes away the
diſtinction between the *Decree* and the *Execution* of it.

(2.) As to the *Apoſtles*, the Reaſon we believe their Teſtimony is,
that they were Men of great Sincerity and Plainneſs, and of great Zeal
for the Honour and Glory of God. And according to this *Character*,
let us examine what they ſay concerning *Chriſt Jeſus*.

He that was moſt converſant with him, and beloved by him, and
lived to ſee his *Divinity* conteſted by ſome, and denied by others, is
Joh. 1. 1, 2, &c. moſt ample in ſetting it forth in his Admirable, Sublime, and Divine
Introduction to his Goſpel. Which all the Wit of Mankind can never
make tolerable Senſe of, if they deny *Chriſt's* being the *Eternal Son of
God*; and it is he, that hath preſerved thoſe *Conferences* with the *Jews*,
wherein he aſſerts his own *Divinity*.

S. *Paul* was a Stranger to him while he lived; but at the ſame time
when he was ſo zealous to perſwade the *Gentiles* to the *Worſhip* of *God*
Rom. 9. 5. and not of *Creatures*, he calls him *God over all, bleſſed for evermore.*
Rom. 1. 20. And when he ſaith, that *the Eternal Power and Godhead are known
Col. 1. 16. by the Creation of the World*, he attributes *the Creation of all things to
Heb. 1. 2, 10. Chriſt*, applying to him thoſe words of the *Pſalmiſt. Thou Lord in the
beginning haſt laid the Foundation of the Earth and the Heaven, the
Work of thy hands.* Which cannot be underſtood of any *Metaphorical
Creation.*

And after the ſtricteſt Examination of Copies, thoſe will be found
the beſt, which have that Reading on which our Tranſlation is grounded.
1 Tim. 3. 16. *And without Controverſie great is the Myſtery of Godlineſs, God was
manifeſt in the Fleſh.* So that *God's being manifeſt in the Fleſh* is made
a great part of the *Myſtery* of *Chriſtianity*.

But here ariſes a Difficulty, which deſerves to be conſidered; *i. e.*
" If there were nothing in the Chriſtian Doctrine, but the Way of *ſaving
" Sinners* by the Doctrine and Example of Chriſt, there would be
" little Objection to be made to it; ſince the obtaining Eternal Life is
" certainly the beſt thing can be propoſed to Mankind, and the Precepts

“cepts of Chriſt are Divine and Spiritual, Plain and Eaſie to be Underſtood, and Agreeable to the Reaſon of Mankind; but many other things are impoſed on Men as neceſſary to be believed concerning *Chriſt Jeſus*, as to his *Divinity*, *Incarnation*, and the *Hypoſtatical Union* of both Natures, which perplex and confound our underſtandings; and yet theſe things are not only deliver'd as *Myſteries of the Chriſtian Faith*; but the Belief of them is required as neceſſary to the Salvation of Sinners; whereas, if they are Revealed they are no longer *Myſteries*; and if they are not Revealed, how come they to be made Articles of Faith? The Scripture knows of no other *Myſteries of Faith* but ſuch as were hidden before the Revelation of them, but ſince they are Revealed they are plain and open to all Mens Capacities; and therefore it is a great Injury to the Plainneſs and Simplicity of the Goſpel to impoſe ſuch incomprehenſible Myſteries, as Neceſſary Articles of Faith; and it is abuſing the Credulity of Mankind, to make ſuch things neceſſary to be believed, which are impoſſible to be underſtood. But thoſe who have ever loved to deceive and abuſe the reſt of the World, have been always fond of the Name of *Myſteries*; and therefore all ſuch things are to be ſuſpected which come under that Name. For, all ſuch Points which will not bear Examination, muſt be wrapt up and Reverenced under the Name of *Myſteries*, that is, of things to be ſwallow'd without being underſtood. *But the Scripture never calls that a Myſtery which is Incomprehenſible in it ſelf, though never ſo much revealed.*

Diſcourſe of the Word Myſtery, *&c.* p. 5.

This is the main force of the Objection, which I ſhall endeavour to remove by ſhewing,

(1.) That God may juſtly require from us in general, the Belief of what we cannot comprehend.

(2.) That which way ſoever the Way of Salvation by *Chriſt* be explained, there will be ſomething of that Nature found in it; and that thoſe who Reject the Myſteries of Faith run into greater Difficulties than thoſe who aſſert them.

(3.) That no more is required as a Neceſſary Article of Faith than what is plainly and clearly Revealed.

(1.) That God may juſtly require from us in general, the Belief of what we cannot comprehend. It is to very little purpoſe to enquire whether the Word *Myſtery* in *Scripture* be applied to ſuch particular Doctrines, whoſe Subſtance is revealed, but the manner of them is incomprehenſible by us; for why may not we make uſe of ſuch a Word whereby to expreſs things truly revealed, but above our Comprehenſion? We are certain the Word *Myſtery* is uſed for things far leſs difficult and abſtruſe; and why may it not then be fitly applied to ſuch matters, which are founded on Divine Revelation, but yet are too deep for us to go to the bottom of them? Are there not *Myſteries* in Arts, *Myſteries* in Nature, *Myſteries* in Providence? And what Abſurdity is there to call thoſe *Myſteries*, which in ſome Meaſure are known, but in much greater unknown to us? Although therefore in the Language of Scripture it be granted, that the word *Myſtery* is moſt frequently applied, *to things before hidden, but now revealed*, yet there is no Incongruity in calling that a *Myſtery*, which being revealed, hath yet ſomething in it which our underſtandings cannot reach to. But it is meer Cavilling to inſiſt on a Word, if the thing it ſelf be granted. The chief thing therefore to be done is, to ſhew that God may require from us the belief of ſuch things which are incomprehenſible by us. For, *God* may require any thing from us, which it is reaſonable for us to do; if it be then reaſonable for us to give Aſſent where the manner of what *God* hath revealed is not comprehended, then *God* may certainly require it from us. Hath not God revealed to us, that *in ſix days he made Heaven and Earth and all that is therein?* But is it not reaſonable for us to believe this, unleſs we are able to comprehend the manner of *God's* Production of things? Here we have ſomething revealed and that plainly enough, *viz.* That *God created all things*, and yet, here is a *Myſtery* remaining as to the manner of doing it. Hath not God plainly revealed that there ſhall be a *Reſurrection* of the Dead? And muſt we think it unreaſonable to believe it, till we are able to comprehend all the Changes of the Particles of Matter from the *Creation* to the General *Reſurrection?* But it is ſaid *that there is no Contradiction in this, but there is in the Myſtery of the Trinity and Incarnation.* It is ſtrange Boldneſs in Men to talk thus of *Monſtrous Contradictions* in things above their Reach. The *Atheiſts* may as well ſay, *Infinite Power* is a *Monſtrous Contradiction*; and *God's Immenſity* and his other unſearchable Perfections are *Monſtrous Paradoxes* and *Contradictions.* Will Men never learn to diſtinguiſh between *Numbers* and the Nature of *Things?* For *three* to be *one* is a *Contradiction* in *Numbers*; but whether an Infinite Nature can communicate it ſelf to three *different Subſtances* without ſuch a *Diviſion* as is among Created Beings, muſt not be determined by bare *Numbers*, but by the Abſolute *Perfections* of the Divine Nature; which muſt be owned to be above our Comprehenſion.

Obſervations on Dr. Wallis *his four Letters*, p. 4.

For let us examine ſome of thoſe *Perfections* which are moſt clearly revealed and we ſhall find this true. The *Scripture* plainly reveals, that *God* is from *everlaſting to everlaſting*; *that he was and is and is to come*; but ſhall we not believe the Truth of this till we are able to fathom the *Abyſs* of God's *Eternity?* I am apt to think (and I have ſome thoughtful Men concurring with me) that there is no greater Difficulty in the Conception of the *Trinity* and *Incarnation*, than there is of *Eternity.* Not, but that there is great Reaſon to believe it; but from hence it appears that our Reaſon may oblige us to believe ſome things which it is not poſſible for us to comprehend. We know that either God muſt have been for ever, or it is impoſſible he ever ſhould be; for if he ſhould come into Being when he was not, he muſt have ſome Cauſe of his Being; and that which was the firſt Cauſe would be God. But, if he was for ever he muſt be from himſelf; and what Notion or Conception can we have in our Minds concerning it? And yet, *Atheiſtical* Men can take no Advantage from hence; becauſe their own moſt abſurd *Hypotheſis* hath the very ſame Difficulty in it. For ſomething muſt have been for ever. And it is far more reaſonable to ſuppoſe it of an Infinite and Eternal Mind, which hath Wiſdom and Power and Goodneſs to give Being to other things, than of dull, ſtupid and ſenſleſs Matter, which could never move it ſelf, nor give Being to any thing beſides. Here we have therefore a thing which muſt be owned by all; and yet ſuch a thing which can be conceived by none. Which ſhews the narrowneſs and ſhortneſs of our Underſtandings, and how unfit they are to be the Meaſures of the Poſſibilities of things. *Vain Men would be Wiſe*; they would fain go to the very bottom of things, when alas! They ſcarce underſtand the very Surface of them. They will allow no *Myſteries* in Religion; and yet every thing

Pſal. 90.2. Revel. 1.4. c. 11. v. 17. *Biſterfield* c. Crell. p. 50. *Petav.* de Trinit. l. 3. c. 9. ſect. 15.

is a *Myſtery* to them. They cry out of *Cheats* and *Impoſtures* under the Notion of *Myſteries*; and yet there is not a Spire of Graſs but is a *Myſtery* to them; they will bear with nothing in *Religion* which they cannot comprehend, and yet there is ſcarce any thing in the World which they can comprehend. But above other things the *Divine Perfections*, even thoſe which are moſt Abſolute and Neceſſary are above their Reach. For let ſuch Men try their Imaginations about God's *Eternity*, not meerly how he ſhould be from himſelf, but how God ſhould coexiſt with all the Differences of Times, and yet there be no Succeſſion in his own Being. I do not ſay there is ſuch Difficulty to conceive a Rock ſtanding ſtill when the Waves run by it; or the *Gnomon* of a Dial when the Shadow paſſes from one Figure to another; becauſe theſe are groſs unactive things; but the Difficulty is far greater where the Being is Perfect and always Active. For, where there is Succeſſion there is a paſſing out of not being in ſuch a duration into being in it; which is not conſiſtent with the Abſolute Perfection of the Divine Nature. And therefore God muſt be all at once what he is, without any Reſpect to the Difference of time paſt, preſent or to come. From whence *Eternity* was defined by *Boethius* to *be a perfect and complete Poſſeſſion of all at once of everlaſting Life*. De Conſol. l. 3. But how can we from any Conception in our Minds of that being all at once, which hath ſuch different Acts as muſt be meaſur'd by a long Succeſſion of Time? As, the Creating and Diſſolving the Frame of the World; the promiſing and ſending the *Meſſias*; the Declaring and Executing a general Judgment; how can theſe things be conſiſtent with a Permanent Inſtant, or a Continuance of being without Succeſſion? For, it is impoſſible for us in this Caſe, as to God's Eternity, to form a clear and diſtinct *Idea* in our Mind, of that which both *Reaſon* and *Revelation* convince us muſt be. The moſt we can make of our Conception of it is, that God hath neither Beginning of Being, nor end of Days; but that he always was and always muſt be. And this is rather a neceſſary Concluſion from Reaſon and Scripture, than any diſtinct Notion or Conception of Eternity in our Minds. From whence it evidently follows, that God may reveal ſomething to us, which we are bound to believe, and yet after that Revelation the Manner of it may be incomprehenſible by us, and conſequently a *Myſtery* to us.

Hath not God Revealed to us in *Scripture* the *Spirituality* of his own Nature? That *he is a Spirit*, and therefore will *be worſhipped in Spirit and in Truth*; S. Joh. 4 24. For, that is a true Reaſon why Spiritual Worſhip ſhould be moſt agreeable to him. Now, if we could have a clear, diſtinct, poſitive Notion in our Minds of God's Spiritual Nature, we might then pretend that there is nothing *Myſterious* in this, ſince it is revealed.

But let ſuch Men Examine their own thought about this matter; and try, whether the utmoſt they can attain to, be not ſomething *Negative*, viz. becauſe great Abſurdities would follow if we attributed any thing *Corporeal* to God; for, then he muſt be compounded of Parts, and ſo he may be diſſolv'd; then he muſt be confined to a certain place, and not every-where preſent; he cannot have the Power of Acting and Self-determining which a meer Body hath not. For the cleareſt Notion we can have of *Body*, is; that it is made up of ſome things as parts of it, which may be ſeparated from each other; and is confined to a certain place, and hath no Power to move or act from it ſelf. But ſome of theſe Men who cry down *Myſteries* and magnifie Reaſon, to ſhew how ſlender their pretences to Reaſon are, have aſſerted a *Corporeal God*, with *Shape* and *Figure.* It was indeed, well thought of by thoſe who would make *a Man* to be *God*, to bring *God* down as near to *Man* as might be. But how to Reconcile the Notion of a Body with Infinite Perfections, is a *Myſtery* to me, and far above my Comprehenſion. But if it be no *Myſtery* to ſuch Men, they muſt either deny God's Infinite Perfections or ſhew how a bodily Shape can be capable of them. But ſome Men can confound *Finite* and *Infinite*, *Body* and *Spirit*, *God* and *Man*, and yet are for no *Myſteries*; whereas theſe things are farther from our Reach and Comprehenſion, than any of thoſe Doctrines which they find fault with. But to proceed,

If we believe *Prophecy*, we muſt believe *God's fore-knowledge of future Events:* For, how could they be foretold if he did not fore-know them? And if he did fore-know thoſe which he did fore-tell, then it was either becauſe thoſe only were revealed to him which is inconſiſtent with the Divine Perfections; or that he doth fore-know all other Events and only thought fitting to reveal theſe: But how can they ſolve the Difficulties about *Divine Preſcience?* Is there no *Myſtery* in this? Nothing above their Comprehenſion? What then made their great Maſter deny it, as a thing above his Comprehenſion? Becauſe nothing can be fore-known but what hath a certain Cauſe, and therefore, if evil Actions be fore-told, God muſt be the Cauſe of them, and Men will not be free Agents in them. And yet it is moſt certain, that the Sufferings of Chriſt by the Wickedneſs of Men, were fore-told. What then? Muſt we make God the Author of Sin? God forbid. Will the Righteous Judge of all the Earth, puniſh Mankind for his own Acts, which they could not avoid? Then we muſt yield, that there is ſomething in the manner of the *Divine Preſcience*, which is above our Comprehenſion. And the moſt Searching and Inquiſitive Men have been forc'd to yield it at laſt, as to the Connection between the Certainty of Preſcience and the Liberty of humane Actions. Is it not then much better to ſit down quietly at firſt, Adoring the Infiniteneſs of God's incomprehenſible Perfections, than after all the Huffings and Diſputings of Men to ſay, *In Ignorantiâ ſolâ quietem invenio*, as the great School-man did? Surely then, here is ſomething plainly revealed, and yet the manner of it is ſtill a *Myſtery* to us.

Socin. Præl. c. 11.

Cajetan in 1. q. 22. art. 4.

I ſhall not now inſiſt on any more of the particular Attributes of God, but only in general I deſire to know, whether they believe them to be *finite* or *infinite?* If to be *finite*, then they muſt have certain bounds and limits which they cannot exceed; and that muſt either be from the imperfection of Nature, or from a Superiour Cauſe, both which are repugnant to the very Being of God. If they believe them to be *infinite* how can they comprehend them? We are ſtrangely puzled in plain, ordinary, finite things; but it is madneſs to pretend to comprehend what is *Infinite*; and yet if the Perfections of God be not *Infinite* they cannot belong to him.

I ſhall only add, in Conſequence to this Aſſertion, *That if nothing is to be believed, but what may be comprehended*, the very *Being of God* muſt be rejected too. And therefore I deſire all ſuch who talk ſo warmly againſt any *Myſteries in Religion*, to conſider whoſe work it is they are doing; even theirs who under this pretence go about to overthrow all Religion. “ For, ſay they, *Religion* is a *Myſtery* in its own Nature;

" not this or that, or the other Religion; but *they are all alike*, all " is *Myſtery*; and that is but another Name for *Fraud* and *Impoſture*. " What were the *Heathen Myſteries* but tricks of *Prieſt-craft*; and ſuch " are maintained and kept up in all kinds of Religion. If therefore " theſe Men, who talk againſt *Myſteries* underſtand themſelves, they " muſt in purſuance of their Principles reject *one God*, as well as *three* " *Perſons*; For, as long as they believe an Infinite and Incomprehenſible Being, it is Nonſenſe to reject any other Doctrine, which relates " to an *Infinite Being*, becauſe it is *Incomprehenſible*.

But yet theſe very Men, who ſeem to purſue the Conſequence of this Principle to the utmoſt, muſt aſſert ſomething more incomprehenſible than the *Being of God*. For, I appeal to any Man of common Underſtanding, whether it be not more agreeable to Reaſon to ſuppoſe Works of Skill, Beauty and Order to be the Effects of a Wiſe and Intelligent Being, than of Blind Chance and Unaccountable Neceſſity; whether it be not more agreeable to the Senſe of Mankind to ſuppoſe an Infinite and Eternal Mind endued with all poſſible Perfections to be the Maker of this viſible World; than that it ſhould ſtart out from it ſelf, without Contrivance, without Order, without Cauſe? Certainly ſuch Men have no Reaſon to find fault with the *Myſteries of Religion* becauſe they are *incomprehenſible*, ſince there is nothing ſo Abſurd and Incomprehenſible, as their darling *Hypotheſis*; And, there is nothing which can make it prevail, but to ſuppoſe Mankind to be as Dull and Inſenſible as the firſt *Chaos*.

Thus I have ſhewn that it is not unreaſonable for *God* to require from us the Belief of ſomething which we cannot comprehend.

(2.) I now come to conſider, whether thoſe who are ſo afraid of *incomprehenſible Myſteries* in our *Faith*, have made it ſo much more eaſie in the Way they have taken. And notwithſtanding all the Hectoring talk againſt *Myſteries* and things incomprehenſible in Religion, I find more inſuperable Difficulties in point of Reaſon in their Way than in ours. As for inſtance,

(1.) It is a more Reaſonable thing to ſuppoſe ſomething *Myſterious* in the Eternal Son of God's *being with the Father before the World was made by him*; (as St. *John* expreſſes it in the beginning of his Goſpel) than in ſuppoſing that although *John* the *Baptiſt* were born ſix Months before *Jeſus Chriſt*; that yet Chriſt was in Dignity before him. What a wonderful *Myſtery* is this? Can Men have the Face to cry down *Myſteries* in deep Speculations, and matters of a high and abſtruſe Nature, when they make ſuch *Myſteries* of plain and eaſie things? And ſuppoſe the *Evangeliſt* in profound Language and lofty Expreſſions to prove a thing, which was never diſputed, *viz.* although *Chriſt Jeſus* were born ſix Months after *John*, yet he was in Dignity before him?

(2.) It is a more Reaſonable thing to ſuppoſe that a *Divine Perſon* ſhould aſſume humane Nature, and ſo the *Word to be made Fleſh*; than to ſay, that an Attribute of God, his *Wiſdom* or *Power* is *made Fleſh*, which is a *Myſtery* beyond all Comprehenſion; There may be ſome Difficulties in our Conception of the other, but this is a thing beyond all Conception or Imagination; For an *Accident* to be made a *Subſtance* is as abſurd, as to imagine it to *ſubſiſt* without one.

(3.) It is more reaſonable to ſuppoſe that the Son of God ſhould *come down from Heaven* and take our Nature upon him, than that a Man ſhould be rapt up into Heaven, that it might be ſaid that he came down from thence. For in the former Suppoſition we have many other places of Scripture to ſupport it, which ſpeak of his *being with God*, and *having Glory with him before the World was*; whereas there is nothing for the other, but only that it is neceſſary to make ſome tolerable Senſe of thoſe words.

(4.) It is more more Reaſonable to believe that *God* ſhould become *Man* by taking our Nature upon him, than that *Man* ſhould become *God*. For in the former, there is nothing but the Difficulty of conceiving the Manner of the Union, which we all grant to be ſo between Soul and Body; but in the other there is a Repugnancy in the very Conception of a *Created God*, of an *Eternal Son of Adam*, of *Omnipotent Infirmity*, of an *Infinite finite Being*. In the former Caſe, an *Infinite* is united to a *Finite*; but in the other a *Finite* becomes *Infinite*.

(5.) It is more Reaſonable to believe that *Chriſt Jeſus* ſhould ſuffer as he did *for our ſakes* than *for his own*. We are all agreed that the *Sufferings* of *Chriſt* were far beyond any thing he deſerved at *God's* hands; but what Account then is to be given of them? We ſay that he made himſelf a voluntary Sacrifice for Expiation of the Sins of Mankind; and ſo there was a great and noble end deſigned, and no Injury done to a willing Mind; and the *Scripture* as plainly expreſſes this, as it can do in Words. But others deny this, and make him to ſuffer as one wholly Innocent; for what Cauſe? To make the moſt Innocent Perſons as apprehenſive of Suffering as the moſt Guilty; and the moſt righteous God to put no difference between them, with Reſpect to Suffering.

(6.) It is more Reaſonable to ſuppoſe ſuch a Condeſcenſion in the Son of *God* to take upon him the Form of a Servant for our Advantage; than that a *meer Man* ſhould be exalted to the *Honour* and *Worſhip* which belongs only *to God*. For, on the one ſide, there is nothing but what is agreeable to the Divine Nature, viz. *Infinite Love* and *Condeſcenſion* and *Pity* to Mankind; on the other, there is the greateſt Deſign of *Self-Exaltation* that ever was in *Humane Nature*, viz. for a *meer Man* to have the moſt *Eſſential Attributes* and *Incommunicable Honour* which belongs to *God*. And whether of theſe two is more agreeable to the Spirit and Deſign of the New Teſtament, let any Man of underſtanding judge. For as it is evident, that the great Intention of it is to magnifie the wonderful Love of God in the ſending of his Son; ſo it is as plain that one great end of the Chriſtian Doctrine was to take Mankind off from giving Divine Worſhip to Creatures; and can we then ſuppoſe that at the ſame time it ſhould ſet up the *Worſhip* of a *meer Man* with all the *Honour* and *Adoration* which belongs to *God*? This is to me an *incomprehenſible Myſtery* indeed, and far beyond all that is implied in the *Myſteries* of the *Trinity* and *Incarnation*. For it ſubverts the very Foundation of the Deſign of Chriſtianity as to the Reforming *Idolatry* then in being: it lays the Foundation for introducing it into the World again; for ſince the Diſtance between God and his Creatures is taken away, in the matter of Worſhip, there is nothing left but the Declaration of his Will; which doth not exclude more *Mediators* of *Interceſſion* but upon this Ground, that the *Mediation* of *Redemption* is the Foundation of that of *Interceſſion*. And it is far more eaſie for us to ſuppoſe there may be ſome things too hard for us to underſtand in the Myſtery of our *Redemption by Jeſus Chriſt*, than that at the ſame time it ſhould be both a *Duty* and *a Sin* to worſhip any but the *true God* with proper Divine Worſhip.

ſhip. For if it be Idolatry to give it to a Creature, then it is a great Sin; for ſo the Scripture ſtill accounts it; but if we are bound to give it to Chriſt who is but a Creature, then that which in it ſelf is a Sin, is now become a neceſſary Duty; which overthrows the natural Differences of Good and Evil, and makes *Idolatry* to be a meer *Arbitrary* thing. And I take it for granted, that in Matters of Religion, *Moral* Difficulties are more to be regarded than *Intellectual*; becauſe Religion was far more deſigned for a Rule of our Actions, than for the Satisfaction of our Curioſity. And upon due Examination we ſhall find that there is no ſuch frightful Appearances of Difficulties in the *Myſtery* of the *Incarnation*, as there is in giving *Divine Worſhip* to a *Creature*.

And it ought to be obſerved, that thoſe very Places which are ſuppoſed to exclude Chriſt from being the *true God*; muſt, if they have any force exclude him from *Divine Worſhip*. For they are ſpoken of God, as the *Object* of our *Worſhip*; but if he be not excluded from *Divine Worſhip*, then neither is he from being the *true God*; which they grant he is *by Office*, but not *by Nature*.

S. Joh. 17. 3.
1 Cor. 6. 6.
Socin. de *Eutrop.* p. 96. c.
Wick. c. 11. *Catech. Racov.* p. 65.

But a *God by Office* who is not ſo *by Nature* is a new and *incomprehenſible Myſtery*. A *Myſtery hidden from Ages and Generations* as to the Church of God; but not *made known by the Goſpel of his Son.*

This is ſuch a kind of *Myſtery* as the *Heathen* Prieſts had, who had *Gods many and Lords many*, as the *Apoſtle* ſaith, *i. e.* many by *Office* although but one *by Nature*. But if the Chriſtian Religion had owned *one God by Nature* and only *one by Office*, the Heathens had been to blame chiefly in the Number of their Gods by *Office*, and not in the Divine Worſhip which they gave to them. But S. *Paul* blames the Heathens for *doing Service to them which by Nature are no Gods*; not for doing it without Divine Authority, nor for miſtaking the Perſon who was God by Office, but in giving Divine Worſhip to them who *by Nature were no Gods*; which he would never have ſaid, if by the Chriſtian Doctrine, Divine Worſhip were to be given to one who was not *God by Nature*.

1 Cor. 8. 5.
Gal. 4. 8.

But theſe are indeed *incomprehenſible Myſteries* how a Man by Nature can be a God *really* and *truly* by *Office*; how the Incommunicable Perfections of the Divine Nature can be communicated to a Creature; how God ſhould *give his Glory to another*, and by his own Command require that to be given to a Creature, which himſelf had abſolutely forbidden to be given to any beſides himſelf. It is ſaid by a famous *Jeſuit* (I will not ſay how agreeably to their own *Doctrines* and *Practices* about Divine Worſhip) *that the Command of God cannot make him worthy of Divine Worſhip, who without ſuch a Command is not worthy of it. And it is very abſurd to ſay, that he that is unworthy of it without a Command, can become worthy by it; for it makes God to command Divine Honour to be given to one who cannot deſerve it.* (For no meer Man can deſerve to be made God.) *But it is more agreeable to the Divine Nature and Will not to give his Honour to a Creature.*

Smiglec. de Divin. Verb. Incarn. Nat. p. 45.
Nova Monſtra, &c. p. 42.

(3.) But after all the Invectives of theſe Enemies to *Myſteries*, we do not make that which we ſay is *Incomprehenſible* to be a *Neceſſary Article of Faith* as it is *Incomprehenſible*; but we do aſſert that what is *Incomprehenſible* as to the *Manner*, may be a *Neceſſary Article* as far as it is plainly Revealed. As in the Inſtances I have already mentioned of the *Creation* and *Reſurrection of the Dead*; would they in earneſt have Men turn *Infidels* as to theſe things till they are able to comprehend all the difficulties which relate to them? If not, why ſhould this Suggeſtion be allow'd as to the *Myſteries* which relate to our *Redemption* by *Jeſus Chriſt?* If it be ſaid, *the Caſe is not alike for thoſe are clearly Revealed and theſe are not*; this brings it to the true and proper Iſſue of this matter, and if we do not prove a *clear Revelation*, we do not aſſert their being *Neceſſary Articles of Faith*; but my preſent buſineſs was only to take off this Objection, That the *Myſteries* were Incomprehenſible and therefore not to be received by us.

II. And ſo I come to the ſecond Way, by which we are to Examine the ſeveral Senſes of *Chriſt Jeſus coming to ſave Sinners:* Which of them tends more to the Benefit and Advantage of Mankind; or which is *more worthy of all Acceptation.*

And that will appear by conſidering theſe things;

(1.) Which tends moſt to the raiſing our *Eſteem* and *Love* of *Chriſt Jeſus.*

(2.) Which tends moſt to the begetting in us a greater *Hatred of Sin.*

(3.) Which tends moſt to the ſtrengthning our *Hope* of *Salvation by Jeſus Chriſt.*

(1.) As to the raiſing in us a greater *Eſteem* and *Love of Chriſt.* We are certain that the Infinite Love and Condeſcenſion of *Chriſt Jeſus* in undertaking ſuch a Work as *the ſaving of Sinners* makes it moſt worthy of all Acceptation. Some Men may pleaſe themſelves in thinking that by taking away all *Myſteries* they have made their *Faith* more eaſie, but I am certain they have extremely leſſen'd the Argument for our *Love*, *viz.* the Apprehenſions of the wonderful Love and Condeſcenſion of Chriſt in coming into the World *to ſave Sinners.* And yet this is the great Argument of the New Teſtament to perſwade Mankind to the Joh. 3. 16. *Love of God* and of his Son: *God ſo loved the World that he gave his only begotten Son*, &c. This is indeed a mighty Argument of Love, if v. 13. by *the only begotten Son* be meant the Eternal Son of God, *who came down from Heaven*, as S. *John* ſpeaks juſt before; but if no more be meant but only that God made a *meer Man* to be his Son, and after he had preached a while here on Earth and was ill uſed and crucified by his own People, he Exalted him to be *God* and gave him Divine Attributes and Honours; this were an Argument of great Love to the Perſon of Chriſt, but not to the reſt of Mankind. But *God's Love* in *Scripture* is magnified with Reſpect to *the World* in the ſending of his 1 Joh. 4. 9. Son. *In this was manifeſted*, ſaith the Apoſtle, *the Love of God towards us, becauſe that God ſent his only begotten Son into the World that we* v. 10. *ſhould live through him. Herein is love, not that we loved God, but that he loved us, and ſent his Son to be a Propitiation for our Sin.* The great Love we ſtill ſee is *toward us, i. e.* towards Mankind; but according to the other Senſe it muſt have been, herein was the Love of God manifeſted to his Son, that for his Sufferings he exalted him above all Crea- Rom. 8. 32. tures. *He that ſpared not his own Son*, ſaith S. *Paul*, *but delivered him up for us all.* If he were the *Eternal Son of God* who came to ſuffer for us, there is a mighty force and *Emphaſis* in this Expreſſion, and very apt to raiſe our Admiration and our Love; But what *not ſparing his own Son* is there, if nothing were meant but that he deſigned by Sufferings to Exalt him? For *not ſparing him* ſuppoſes an Antecedent Relation of the higheſt Kindneſs, but the other is only deſigning extraordinary Kindneſs for the ſake of his Sufferings. Therefore, the Argument

for the *Love* of *God* is taken from what his *Son* was, when he deliver'd him up for us all; he was his *own Son*; not by *Adoption* as others are;
S. John calls him, his *only begotten Son*; and God himſelf, *his beloved* Joh. 1. 14.
Son in the Voice from Heaven; and this before his Sufferings, imme- ch. 3. v. 16.
diately after his Baptiſm, when as yet, there was nothing extraordina- Luk. 3. 22.
ry done by him, as to the great Deſign of his coming. Which ſhews, that there was an Antecedent Relation between him and the Father; and that therein the Love of God and of Chriſt was manifeſted, that being the *only begotten Son of the Father*, he ſhould take our Nature upon him and for our ſakes do and ſuffer what he did. This is indeed an Argument great enough to raiſe our Admiration, to excite our Devotion, to inflame our Affections; but how flat and low doth it appear, when it comes to no more than this, that there was a *Man*, whom, after his Sufferings *God* raiſed from the Dead and made him a *God by Office?* Doth this carry any ſuch Argument in it for our Eſteem and Love and Devotion to him as the other doth upon the moſt ſerious Conſideration of it?

(2.) Which tends moſt to beget in us a greatter *Hatred of Sin.* For that is ſo contrary to the Way of our *Salvation* by *Jeſus Chriſt*, that what tends moſt to our *Hatred* of it, muſt conduce moſt to our Happineſs, and therefore be *moſt worthy of all Acceptation.* It is agreed on all hands, that *Chriſt* did ſuffer very much both in his Mind and in his
Body. In his Mind, when it is ſaid, *that he was troubled in Spirit*; that
he began to be ſorrowful and very heavy; and ſoon after, *My Soul is ex-* John 13. 21.
ceeding ſorrowful, even unto death. S. *Luke* ſaith, *that he was in an Agony*; Matt. 26.
wherein he not only *prayed more earneſtly, but his ſweat was as it were* 37, 38.
great Drops of Blood falling to the Ground. What made this Amazement, Mark 14.
and dreadful Agony in the mind of the moſt innocent Perſon in the 33, 34.
World? Was it meerly the Fear of the Pains of Death which he was Luke 22. 44.
to undergo? That is impoſſible, conſidering the Aſſurance which he had of ſo glorious a Reward ſo ſoon following after; when ſo many Martyrs endured ſuch exquiſite Torments for his ſake without any ſuch Diſturbance or Conſternation. But the Apoſtles give us another Account of it. St. *Peter* ſaith, he was *to bear our Sins in his own Body on* 1 Pet. 2.
the Tree; that *Chriſt ſuffered for Sins, the juſt for the unjuſt.* S. *Paul, that* 24. 3. 18.
God made him to be Sin for us who knew no Sin, that we might be made the 2 Cor. 5.
Righteouſneſs of God in him. Hereby we underſtand how ſo innocent a 21.
Perſon came to ſuffer; *he ſtood in our ſtead*; *he was made Sin for us*; and therefore was to be treated as a Sinner; and to ſuffer that on our Account, which he could not deſerve on his own. If he ſuffer'd on his own Account, this were the way to fill our Minds with Perplexity concerning the Juſtice of Providence with Reſpect to his dealings with the moſt innocent and holy Perſons in this World; if he ſuffer'd on our Account, then we have the Benefit of his Sufferings, and therein we ſee how diſpleaſing to God ſin is, when even his own Son ſuffer'd ſo much by taking the guilt of our Sins upon him. And what can tend more to the begetting in us a due hatred of Sin, than to conſider what *Chriſt* himſelf ſuffer'd on the Account of it? What can make us have more dreadful thoughts of it, than that the great and merciful God when he deſigned *to ſave Sinners*, yet would have his own Son to become *a Propitiation for the Sins of Mankind?* And unleſs we allow this, we muſt put force upon the plaineſt Expreſſions of *Scripture*; and make *Chriſt* to ſuffer meerly to ſhew God's Power over a moſt innocent

Perſon, and his Will and Pleaſure to inflict the moſt ſevere Puniſhment without any Reſpect to *Guilt*. And ſurely ſuch a Notion of *God*, cannot be *worthy of all Acceptation*.

(3.) Which tends moſt to ſtrengthen our *Hope* of *Salvation by Chriſt Jeſus*. If we believe that he ſuffer'd for our Sins, then we have great Reaſon to hope for the Forgiveneſs of them; although they have been many and great, if we ſincerely Repent; becauſe the moſt prevailing Argument for Deſpair will be removed; which is taken from the *Juſtice of God*, and his declared *Hatred* of *Sin* and *Diſpleaſure* againſt *Sinners*. If God be ſo much in earneſt diſpleaſed with the Sins of Mankind, and his Juſtice be concerned in the Puniſhment of Sinners, how can they ever hope to eſcape, unleſs there be a way for his Diſpleaſure to be removed, and his Juſtice to be ſatisfied? And this the *Scripture* tells us is done by *Chriſt*, who died that he might be a *Sacrifice of Atonement to Reconcile us to God by his Death*; as S. *Paul* expreſly affirms. And by this means, we may have ſtrong Conſolation from the Hopes of Forgiveneſs of our Sins. Whereas, if this be taken away, either Men muſt believe that *God* was not in earneſt diſpleaſed with the Sins of Mankind; which muſt exceedingly leſſen our Eſteem of the *Holineſs* and *Juſtice of God*; or if he were ſo diſpleaſed, that he laid aſide his Diſpleaſure, without any *Atonement* or *Sacrifice* of *Expiation*. And ſo, as many as look on *God's Juſtice* and *Holineſs* as neceſſary and eſſential Attributes of God, will be in danger of ſinking into the Depths of Deſpair, as often as they Reflect ſeriouſly on the Guilt of their Sins. But on the other ſide, if we believe that while we were *Enemies we were reconciled to God by the death of his Son*; then we may *have Peace with God through our Lord Jeſus Chriſt*; and have reaſon to believe that there will be *no Condemnation to them that are in Chriſt Jeſus* by a lively Faith and ſincere Repentance; then they may with Comfort look up to God as a Reconciled Father, through *Jeſus Chriſt our Mediator*: Then they may with inward Satisfaction look beyond the Grave, and ſtedfaſtly hope for that Salvation which Chriſt purchaſed on Earth and will at laſt beſtow on all ſuch as Love and Obey him. To which God of his Infinite Mercy bring us all through *Jeſus Chriſt*. For, *This is a faithful ſaying and worthy of all Acceptation, that he came into the World to ſave Sinners.*

Rom. 5. 10.
2 Cor. 5. 19.
Heb. 9. 15.

O

A DIS-

A
DISCOURSE
CONCERNING
The DOCTRINE of *Chriſt's* SATISFACTION: Wherein the *Antinomian* and *Socinian* Controverſies about it are truly ſtated and explained. In Anſwer to Mr. *Lobb's Appeal*, and to ſeveral Letters from the *Diſſenting Parties* in *London*.

PART II.

THE BOOKSELLER TO THE READER.

THIS Second Diſcourſe concerning the Doctrine of Chriſt's Satisfaction, *was left prepared for the Preſs, by the Right Reverend and Learned Author, under his own Hand-writing, except the two laſt Heads mentioned in the Third Chapter of the Contents, which he was prevented from finiſhing by that Diſtemper he laboured under, and which at laſt put an end to his Life. However, it was thought convenient that this ſhould be publiſhed as it is, rather than the World ſhould be deprived of any thing written by ſo great a Man; and as this finds Acceptance, it may encourage the Printing of ſome other Manuſcripts his Lordſhip left.*

Henry Mortlock.

A LETTER *from the Right Reverend Dr.* Stillingfleet, *late Biſhop of* Worceſter, *in Anſwer to one from Mr.* Williams, *who deſired his Judgment as to the following Queſtions; becauſe his Lordſhip's Book is in the firſt Paper, and the Report pleaded againſt Mr.* Williams.

SIR,

I Return you Thanks for the Papers you were pleaſed to ſend me, by which I am able to underſtand ſomething more than formerly of the preſent State of the Difference about *the Change of Perſons between Chriſt and us:* But I ſhall meddle no farther in it, than I am obliged to do in Anſwer to the Queſtions you propoſe to me. And I wiſh I may be able to do any Service therein.

The firſt is about *my Senſe of Commutation of Perſons.* It is ſaid in the firſt Paper, *That I do with* Grotius *expreſſy affirm, and irrefragably prove it with the common Sentiment of Proteſtants, and that the Doctrines of Juſtification and Chriſt's Satisfaction, cannot be duly explained and defended conſiſtently with the Denial of any Commutation of Perſons between Chriſt and Believers.*

This had been fairly repreſented, in Caſe there could be no other Senſe of *Commutation of Perſons* than what is aſſerted by Dr. *Criſp*, but there is a threefold Senſe of it, very different from each other.

1. Such a Change of Perſons, as implies that one is appointed and allowed to act on behalf of others, and for their Advantage; and this ſort of Commutation of Perſons the *Socinians* never denied, as I have ſhewed in the Diſcourſe of *Satisfaction*, p. 62, 190, 191. It is not therefore the uſe of the Words, but the Senſe of them is to be enquired into. For ſome may affirm a Change of Perſons, and yet be *Socinians*; and others may deny a Change, and be far enough from *Socinianiſm*, according to the Senſe in which they are underſtood.

In 8vo. *Second Edit.*

2. Such a Change of Perſons as ſuppoſes one to be ſubſtituted in the Place of others, to become an Atonement for them in order to their Redemption and Deliverance. And when ſuch a Subſtitution is by the Will of God, and Conſent of the Perſon who ſuffers, here is a real Change of Perſons, as to that particular End which is deſigned by it. And in this Senſe I did aſſert a Change of Perſons between Chriſt and us, becauſe by the Will of the Father, and his own Conſent, he became a Sacrifice of Propitiation for our Sins, in order to their Remiſſion, and our Reconciliation with God on ſuch Terms as are declared in the Goſpel; as may be ſeen at large in the Diſcourſe already mentioned, particularly *Ch.* 4. *Sect.* 4.

3. Such a Change of Perſons as implies an actual Tranſlation of the Perſonal Guilt of all the Sins of Believers on Chriſt, and his Perſonal Righteouſneſs on them, without regard to any Conditions on their Part, but merely by the free Grace and Favour of God. And this I take to be Dr. *Criſp*'s Senſe of the Change of Perſons; of which I ſhall diſcourſe when I come to the laſt Queſtion.

But the Authors of *the firſt Paper*, and of *the Report*, p. 4. ſeem to take it for granted, that there can be but one Senſe of Commutation of Perſons, wherein they do not diſcover their profound Knowledge in theſe Matters, if they thought ſo; or their Ingenuity, if they knew otherwiſe, and deſigned to impoſe upon thoſe who did not. For it appears that there is a Senſe in which it may and ought to be denied, without the leaſt prejudice to the Doctrine of Chriſt's Satisfaction. Although *that cannot be explained or defended without* ſome kind of *Commutation of Perſons*; yet it very well may and ought to be defended without and againſt Dr. *Criſp*'s Senſe of it, as will be made appear afterwards.

The Author of the *Report*, p. 5. ſaith, *This is the very Hinge on which the Controverſy between the Orthodox and* Socinian *doth turn*; which ſhews him to be not very deeply skilled in it; for *the Hinge of the Controverſy* is not about the Words, but the Senſe of *Commutation of Perſons*: And even the Senſe is not the Original Controverſy, but conſequential upon our aſſerting Chriſt's Sacrifice to be a Propitiation for our Sins; for upon this they ask how the Act of one Perſon can be ſo beneficial to others? And to that we anſwer, That although one Man's Act cannot become anothers, yet if by Conſent both of the Father and Son, he becomes our Mediator, and ſuffers in our ſtead, in order to our Reconciliation, then as to that End and Purpoſe, here is *a Change of Perſons*: for whereas in ſtrictneſs we ought to have ſuffered the Deſert of our own Sins, God was pleaſed to accept of his Suffering inſtead of ours, and ſo by vertue of that Propitiation, we hope for the Remiſſion of Sins, and the Favour of God, according to the Terms of the Goſpel. And therein conſiſts the true Controverſy between the *Socinians* and us, *viz.* Whether the Sufferings of Chriſt were to be conſidered as a Puniſhment for our Sins, and as a propitiatory Sacrifice to God for them, or only as an Act of Dominion over an innocent Perſon in order to his Advancement to glory.

But it is ſaid in the *Report*, p. 5. *That if there be no Change of Perſons between Chriſt and us, there can be no Tranſlation of the Guilt, nor a juſt Infliction of the Puniſhment of our Sins on Chriſt; that is, there can be no proper Satisfaction.*

To this I anſwer, That there is a twofold Tranſlation of Guilt to be conſidered.

1. Of the Perſonal Guilt, which reſults from the Acts of Sin committed by ſuch Perſons. If this Guilt be tranſlated, Chriſt muſt become the very Perſon who committed the Sins; and ſo he muſt be looked on not only as an actual Sinner, but as the Perſon that committed all the Sins of thoſe for whom he died: Which comes ſo near to horrid Blaſphemy, that I wonder Perſons that bear any Reverence to our Bleſſed Saviour do not abhor the very Thoughts of it.

2. Of *Legal Guilt*, which lies in the Obligation to Puniſhment, by vertue of the Sanction of the Divine Law. Now this Guilt implies two things:

1. The Deſert of Puniſhment which follows perſonal Guilt, and cannot be transferred by a Change of Perſons; for no Man can ceaſe to deſerve Puniſhment for his own Faults, nor deſerve that another ſhould be puniſhed for them.

2. The Obligation to undergo the deſerved Puniſhment: But becauſe the Execution of Puniſhment depends both on the Wiſdom and Juſtice of the Legiſlator, therefore here a Change of Perſons may intervene, and by the Wiſdom and Juſtice of God a Mediator may be accepted in ſuch a

manner as himſelf determines, and upon the Acceptance of his Sacrifice the Offenders may be pardoned, and received into the Grace and Favour of God, on ſuch Terms as he hath declared in the Goſpel. And in this Senſe the Guilt of our Sins was charged upon Chriſt as our Mediator, who was to bear the Puniſhment of our Sins, ſo as by vertue of his Sufferings, we may not only hope to eſcape the juſt Puniſhment of our Offences, but to be admitted into the Privileges of the Children of God.

But the *Reporter*, out of a certain *Manuſcript*, gives another Account of *Commutation of Perſons*, viz. *That Commutation in a legal Senſe is the ſame with a proper Surrogation, where the Surety puts on the Perſon, and ſtands in the Quality, State and Condition of the Debtor, and lies under the ſame Obligation to anſwer for him.*

But this I have ſhewed long ſince to be a very wrong Notion of Chriſt's Satisfaction, and which in effect gives up the Cauſe to the *Socinians*; for if Sins be conſidered as Debts, God may freely forgive them (without Diſparagement to his Wiſdom and Juſtice) without any Satisfaction; and the right of Puniſhment then depends on God's abſolute Dominion, and Satisfaction muſt be by way of Compenſation; of which I have treated at large, *Ch.* 1. *Sect.* 2. *ult.* But I cannot but wonder at the learned Author of the *MS.* that he doth at the ſame time aſſert our Sins to be conſidered as *Debts*, and the *Neceſſity of vindictive Juſtice*; for what *vindictive Juſtice* belongs to a *Creditor*? May not a *Creditor* part with his own Right, and forgive what and whom he pleaſes, without any Violation of Juſtice? I can hardly think, that thoſe who write ſo rudely and inconſiſtently, ever penetrated into theſe Matters in their own Thoughts, but only take up with a Set of Phraſes and common Expreſſions among thoſe they converſe with, which they look on as the Standard and Meaſure of Truth about theſe Matters.

But he finds fault with ſome Men, *who hold that Chriſt only ſuffered in the Perſon of a Mediator, and not in the Perſon of Sinners.* What is the Meaning of this? I had thought that a Mediator interpoſing for that end, that by his Sufferings there might be a Propitiation for Sins, did ſo far *ſuſtain the Perſon of Sinners*, as to take upon himſelf the Puniſhment of their Sins, and procure Grace and Favour for them. But if he means any thing beyond this, he muſt explain himſelf. *Chriſt ſuffered in the Perſon of Sinners.* Is it that he ſuffered that others might not ſuffer? That is not denied by thoſe who *ſay that Chriſt ſuffered in the Perſon of a Mediator.* For a Mediator is a publick Perſon, and acts in the ſtead, and on the behalf of others; and if this be called *ſuſtaining the Perſon of Sinners*, I ſuppoſe they will not quarrel with the Expreſſion. But if more be meant by it, *viz.* That the perſonal Guilt of Sinners, in Dr. *Criſp*'s Senſe, is transferred upon Chriſt, that they have to deny; as I hope to make it appear in Anſwer to the third Queſtion.

The ſecond Queſtion is, *Whether the Author of Goſpel-Truth ſtated*, viz. *Mr.* Williams, *be chargeable with* Socinianiſm, *in what he ſaid*, p. 37, 40?

The Charge ſtands thus in the *Report*, p. 4. *That he ſaith, there is no Change of Perſons between Chriſt and Sinners*; which is there ſaid to be *inconſiſtent with the Doctrine of Chriſt's Satisfaction, which muſt ſuppoſe a Commutation of Perſons. And therefore he that denies any Change, cannot aſſert the Doctrine of Satisfaction.*

This is the Force of the Objection. And being deſired to give my Opinion of it, I examin'd and compar'd ſeveral Paſſages in that Book, that I might judge truly and impartially concerning it. And I found the Author, *p.* 3. ſaying concerning the Difference with Dr. *Criſp*, *That it was not whether Chriſt had made full Atonement for Sin*; which he thereby owned to be his Senſe. And, *p.* 7. more fully he owns, *That our Sins were imputed to Chriſt, with reſpect to the Guilt thereof; ſo that he by the Father's Appointment, and his own Conſent, became obliged as Mediator, to bear the Puniſhments to the full Satisfaction of Juſtice, and to our actual Remiſſion when we believe.* Can any thing be more clear and expreſs againſt *Socinianiſm* than this? There are other Paſſages, *p.* 10, 19, 28, *&c.* to the ſame purpoſe; but theſe are ſufficient to ſhew, that he could not abſolutely deny any Commutation of Perſons.

But in what Words doth he deny it? For it is poſſible there may be ſuch Words uſed as may reſtrain and limit the Senſe; and then it is very hard to force ſuch a Senſe upon them, as is inconſiſtent with what he had ſaid before; for no Man loves to contradict himſelf, eſpecially when he knows what Advantage will be taken by it. The Words are theſe, *p.* 40. *The Difference lies in theſe Points.* 1. *Whether there be a Change of Perſon between Chriſt and the Elect? Yea, or betwixt Chriſt and Believers. This the Doctor affirms, and I deny.* How can any Perſons, in common Ingenuity, underſtand this otherwiſe than that he denied ſuch Change of Perſons, as Dr. *Criſp* affirmed? But againſt this it is urged by the Author of the *MS.* in the *Report*, p. 81. *That his Denial of a Change of Perſons is ſo expreſs and full, as leaves no room for any Diſtinction, Limitation or Reſtriction, or for an owning it in any ſenſe.* What! not in the Senſe that himſelf had owned it in before? This is very hard, eſpecially when he mentions *what the Doctor affirmed, and he denied.* There is a very good Paſſage to this Purpoſe in the firſt Paper, mentioned in the *Report*, p. 12. *Not thinking it reaſonable or juſt to charge upon any Brother ſuch Conſequences of any Expreſſion or Opinion of his, which he himſelf ſhall diſown.* Why then ſhould ſuch a Senſe be charged upon him, which he diſowns at the ſame time? There muſt be ſomething farther in this Matter, than appears to an indifferent and impartial Reader; what it is, is no part of my Buſineſs to enquire.

But that which muſt give the beſt light into it, will be the Reſolution of the laſt Queſtion.

The third Queſtion is, concerning Dr. *Criſp*'s Senſe of the *Change of Perſons*, whether it be true or falſe? Which, I ſuppoſe, is truly ſet down by the Author of *the Goſpel Truth ſtated*, in theſe Words, *p.* 38. *Mark it well, Chriſt himſelf is not ſo compleatly righteous, but we are as righteous as he; nor we ſo completely ſinful, but Chriſt became, being made Sin, as ſinful as we: Nay more, we are the ſame Righteouſneſs; for we are made the Righteouſneſs of God; that very Sinfulneſs that we were, Chriſt is made that very Sinfulneſs before God. So that here is a direct Change, Chriſt takes our Perſon and Condition, and ſtands in our ſtead, and we take Chriſt's Perſon, and ſtand in his ſtead.*

Here is indeed *a Change of Perſons* ſuppoſed, but I do not find it proved; and therefore is only to be looked on as an *imaginary Change*, which it is poſſible for Men to fanſy: But that is no ground to build a matter of Faith upon, and ſuch as the Salvation of their Souls is ſo nearly concerned in. But to deliver my Opinion freely and diſtinctly about it, I ſhall ſhew,

1. That it hath no Foundation in Scripture.

2. That it is contrary to the Tenor of it, and the Terms of Salvation contained in the Goſpel.

3. That it is attended with very bad Conſequences, which naturally follow from it.

1. That it hath no Foundation in Scripture. For which I deſire it may be conſidered, that our bleſſed Saviour himſelf in all his Preaching, who came to reveal the Will of God to Mankind, ſaith nothing at all of it; and can any poſſibly think, that he would omit ſuch a Point, wherein, I perceive, ſome do think *the Subſtance of the Goſpel* is contained? All that our Saviour ſaith to this Purpoſe, is, *That he came to give his Life a Ranſom for many*, Mat. 20 28. and that *his Blood was ſhed for many for the Remiſſion of Sins*, Mat. 26. 28. What other *Change of Perſons* is here implied, but that of *a Ranſom*, and *a Sacrifice of Propitiation?* He that knew beſt for what end he ſuffered, ſaith not one Word of his taking upon himſelf the *Perſon of Sinners*, in any other Senſe than as he ſuffered in their ſtead, and for their Advantage. Here is nothing like *his being as compleatly ſinful as we; and our being made as righteous as he.* And yet certainly he communicated to his Diſciples thoſe Points on which their Juſtification and Salvation depended. But how could they apprehend any ſuch *Change of Perſons* in this Senſe, from any Words uſed by himſelf to them? And all neceſſary Points of Faith were delivered by our Saviour to his Diſciples: And therefore to make ſuch a Change of Perſons neceſſary, and yet not mentioned by him, is to charge him with failing in his prophetical Office, which all thoſe ought to conſider, who lay ſuch a ſtreſs upon this Matter.

But doth not St. *Paul* ſay, *that God hath made him to be Sin for us, who knew no Sin, that we might be made the Righteouſneſs of God in him?* 2 Cor. 5. 21. I grant he doth ſo. *But do not theſe Words imply ſuch a Change of Perſons, as Dr.* Criſp *aſſerts?* By no means: Which I thus prove: Dr. *Criſp*'s Notion of *the Change of Perſons*, ſuppoſes the Benefits of this Change to be antecedent to any Conditions on our ſide, *viz.* that it was by a Tranſaction between the Father and the Son, without regard to any Act of ours: But when the Apoſtle ſpeaks of *Chriſt's being made Sin for us, and our being made the Righteouſneſs of God in him*, he ſuppoſes, that before we can have the Benefit of it, we muſt be firſt *reconciled to God*, which is an Act on our part. For to this purpoſe he ſaith, *ver.* 18, 19. that after *the Reconciliation* made by Chriſt at his Death, he had given to the Apoſtles *the Miniſtry of Reconciliation.* To what purpoſe? Was it only to let them know what Chriſt had already done for Mankind? That were to ſet up a *Miniſtery of Conſolation for Believers*, but not of *Reconciliation.* But the Apoſtle lays great Force upon it, *that God had committed to them the Word of Reconciliation. Now then,* ſaith he, *we are Ambaſſadors for Chriſt, as though God did beſeech you by us, we pray you in Chriſt's ſtead, be ye reconciled to God*, ver. 20. They were by this *Miniſtry of Reconciliation*, after what Chriſt had done and ſuffered, *prayed*, and with great Earneſtneſs, *to be reconciled to God:* To what end? If according to *this Change of Perſons*, they were *more than reconciled to God already*, if they were true Believers; for they were *as righteous as Chriſt himſelf*, and therefore muſt be in the Grace and Favour of God. If they were not Believers, then, according to this Scheme of *the Change of Perſons*, they could have no Benefit by it; and conſequently *this Miniſtery of Reconciliation* is wholly ſubverted, as to the great

Purpoſe and Deſign of it. For either they were *reconciled* already, or they never could be. And yet the Apoſtle, after thoſe Words, *ver.* 21. immediately ſubjoins, *ch.* 6. 1. *We then as Workers together with him, beſeech you alſo, that ye receive not the Grace of God in vain.* What can the meaning of theſe Words be, if Dr. *Criſp*'s Senſe of the *Change of Perſons* hold good? Can they who are *compleatly righteous*, ever *receive the Grace of God in vain*? And to what purpoſe doth he ſpeak of *their working together with God*, and *beſeeching them* not to do a thing utterly impoſſible? For it would be to undo what had long ſince been done between the Father and the Son in *the Change of Perſons.* So that this Notion of *the Change of Perſons* is as different from St. *Paul*'s as may be; for that ſuppoſes no Conditions on our ſide; and the *Miniſtery of Reconciliation in St.* Paul, is wholly founded upon it, and really ſignifies nothing, as to the ends he propoſes without it. For to what purpoſe is that appointed to perſwade Men to be *reconciled to God*, if all that ever ſhall be admitted to Heaven, were long ſince reconciled at the Death of Chriſt, and they were made as *compleatly righteous as Chriſt himſelf*?

It may be ſaid, *That the Miniſtery of Reconciliation is not uſeleſs, becauſe it is the Means whereby God doth effectually convey his Grace into the Hearts of Believers.* But this cannot ſatisfy any one that conſiders St. *Paul*'s Expreſſions: For his Words are, *We pray you in Chriſt's ſtead, be ye reconciled to God* If he had ſaid, *That God had made Chriſt to be Sin for you already, and you as righteous as Chriſt was*; how would it have looked to have ſaid after this, *We pray you to be reconciled to God*? For what need they any *Reconciliation*, who were already ſo much in his Favour?

But is there no Change of Perſons then implied in thoſe Words of St. Paul; *Who made him to be Sin for us, who knew no Sin, that we might be made the Righteouſneſs of God in him?* Yes certainly. Such a *Change*, whereby Chriſt did undergo *the Puniſhments of our Sins*; and ſo *Eraſmus* obſerves, *that Chriſt is not called a Sinner here*, as Dr. *Criſp* would have it, but *Sin*; i. e. *a Sacrifice for Sin, according to the Scripture-ſenſe: And we are made the Righteouſneſs of God in him*, i. e. That God upon the account of his Sacrifice, and our Reconciliation to him, would treat us as Righteous Perſons, or receive us into his Grace and Favour; which is all that I can find that St. *Paul* underſtood by this Expreſſion.

2. I am now to ſhew, that this Notion of the *Change of Perſons*, which Dr. *Criſp* aſſerts, is contrary to the whole Tenor of the Scripture, and the Terms of Salvation contained in the Goſpel. I am ſenſible how large a Field I am entred upon: And if I ſhould purſue this matter as it deſerves, it would take up much more room than I can allow this to Anſwer. I could eaſily prove that in all the Tranſactions between God and Mankind, ſome Conditions on our ſide were required in order to his Favour. So it was in the ſtate of Innocency; ſo it continued after Man's Fall, as appears by thoſe remarkable Words of God to *Cain*; *If thou doſt well, ſhalt thou not be accepted? If thou doſt not well, Sin lieth at thy Door*, *Gen.* 4. 7. So it was in God's Dealing with the *Patriarchs*, and the moſt excellent Perſons in the Old Teſtament, *Abraham*, *Moſes*, *David*, *Job*, &c. But I paſs over theſe, (although I ſuppoſe they will not be denied to have been of the *Elect*, and to have had the Benefit of *Chriſt's Righteouſneſs* as well as Chriſtians) and come to the Terms of Salvation, as declared by Chriſt himſelf. Let any one ſeriouſly peruſe the Doctrine which he preached from the time, *when he began to preach, and to ſay, Repent, for the Kingdom of Heaven is at hand*, Mat. 4. 17. And he ſhall

find the main Buſineſs of his Preaching was to put Men upon performing ſuch Conditions as were neceſſary to their Salvation, and for that reaſon; as may be ſeen in his Sermon on the Mount, in which he begins with promiſing Bleſſedneſs to the *humble*, *merciful*, *pure in Heart*, Mat. 5. 3, 4, *&c.* What do theſe things mean, if they be not Conditions on our parts neceſſary in order to Happineſs? And that they are conſidered by God as ſuch? Why doth he ſay, *Except your Righteouſneſs exceed the Righteouſneſs of the Scribes and Phariſees, ye ſhall in no caſe enter into the Kingdom of Heaven*, Mat. 5. if ſuch a Righteouſneſs be not a Condition required in order to ſuch Entrance? And if it be, no *Change of Perſons* without inward and real Righteouſneſs, can be ſufficient. Our Saviour doth not ſpeak of what will be *eventually* ſome Perſons, but of what is required to be done in order to an end. And therefore he concludes his Sermon with ſaying, *Whoſoever heareth theſe Sayings of mine, and doth them, I will liken him to a wiſe Man, who built his Houſe upon a Rock*, &c. *Mat.* 7. 24. Not he that believes that he is one of thoſe who is made *compleatly righteous by a Change of Perſons*, without any Change of Temper, or Diſpoſition of Mind: He never promiſes the leaſt degree of Happineſs to ſuch; but ſtill inſiſts on our own Endeavours, *By ſtriving to enter in at the ſtrait Gate, which St.* Paul *calls, working out our own Salvation with Fear and Trembling, and St.* Peter, *giving all diligence to make our Calling and Election ſure. For*, ſaith he, *If ye do theſe things ye ſhall never fall.*

Do not theſe Expreſſions note the Neceſſity of the performance of Conditions on our ſide? And therefore all imaginary Notions of ſuch a *Change of Perſons*, as hath no regard to any Acts of ours, is wholly repugnant to the main Scope and Deſign of the Goſpel. I meddle not with the Diſpute about the Moral Law, which muſt continue to oblige us, as long as the Reaſon of it continues; but the main Argument to me is from the Goſpel, as it is delivered by Chriſt and his Apoſtles, who certainly underſtood the *Subſtance and Deſign* of it far better than Dr. *Criſp*, or the *Reporter* doth. What was tranſacted between the Father and the Son, we know no more than they have revealed to us; and we know they had no deſign to impoſe upon Mankind, by laying ſo much Weight upon ſuch Conditions as God had no regard to, and by concealing from them ſuch a *Change of Perſons*, as made them *compleatly righteous* without any Act of theirs. Men could never be reconciled to the juſt Veneration and Eſteem we have of the Sacred Penmen of the Scriptures, nor to their Knowledge of the Myſteries of the Goſpel, nor to their Fidelity in declaring them for the good of Mankind. So that if we find nothing of this *Change of Perſons* in their Writings, and ſo much as is utterly inconſiſtent with it, we have all the reaſon in the World to reject it.

This Notion of the *Change of Perſons* is attended with very bad Conſequences. Which I do not charge on thoſe who do not ſee them, or are carried by ſome higher Principles above them; but we are not to judge of Perſons, but of Things, and the natural Tendency of Principles.

And ſo the *Change of Perſons*, in this Senſe, hath theſe very bad Conſequences: That it is apt to leſſen our Reverence of the Divine Perfections; our juſt Senſe of the Differences of Good and Evil; our Obligations to all ſorts of Duties: It tends to the Diſparagement of that *free Grace* they pretend to exalt; and expoſes the Goſpel to the Reproach and Contempt of Infidels; and leaves the

Minds of thoſe who embrace it, under great Temptations to *Preſumption.*

Theſe things I can only mention, becauſe you deſired a ſhort Anſwer to your Queſtions; and I have brought it into as narrow a Compaſs as I could.

I am, SIR,

Nov. 10. 97. *Your Faithful Friend and Servant,*

ED. WIGORN.

Mr. St. Lobb's *Firſt Letter,* Nov. 18. 1697.

My Lord,

THere being a Controverſy among Diſſenters about the Doctrine of Chriſt's Satisfaction, ſome of the moſt eminent among them, ſuch as Dr. *B.* Mr. *H.* &c. did, in a Paper ſent to ſome other Brethren for Conciliation, mention your Lordſhip's Senſe about the aſſerting a Commutation of Perſons between Chriſt and Us, as neceſſary to a due Explanation and Defence of the ſaid Doctrine: And on the other hand, there is another of Eſteem among us, who is for caſting off the Phraſe of a Change of Perſons between Chriſt and Us, allowing only a Change of Perſon; upon which, he ſaith, your Lordſhip hath put an honeſt Senſe, *viz.* a Subſtitution of one Perſon in the room and place of another. Your Lordſhip's Judgment therefore being referr'd unto, it will be a moſt Chriſtian part, if you ſhall condeſcend to give us your impartial Thoughts of this point, as being likely, on both hands, to be ſo received, as to compoſe the Difference between us.

I am the more earneſt in this, becauſe I ſee that ſome are labouring to make Chriſt's Sufferings ſo merely voluntary, as not to be pœnal, or not properly pœnal, but improperly and materially ſo: and our Sins not to be the impulſive, or not the near impulſive meritorious Cauſe of them.

There being no other end in ſending this, I hope your Lordſhip will both pardon and anſwer the Requeſt of,

My LORD,

Your Lordſhip's moſt obedient Servant,

and ſincere Honourer,

Stephen Lobb.

Anſwer to Mr. St. Lobb's *Firſt Letter*, Dec. 12. 1697.

S I R,

YOUR Letter, which bears date, *Nov.* 18. came not to my hands till *Dec.* 10. and in the mean time, I doubt not but you have ſeen my Letter to Mr. *W.* wherein I have given my Senſe of the things which are mentioned in yours, and that with great Freedom and Impartiality, after I had peruſed the Papers on both ſides, which came to my hands. And I heartily wiſh you had ſent me your Letter after you had ſeen mine, that I might have removed any Difficulties you apprehend therein: For I deſire to prevent all needleſs, as well as dangerous Controverſies among thoſe who truly own the Doctrine of Chriſt's Satisfaction. And I cannot think a Form of Words, capable of a very bad ſenſe, is to be inſiſted ſo much upon; although others may have uſed it in a good ſenſe. And therefore there is no need to diſpute your Authorities about the Sound and Orthodox Senſe ſome Divines have uſed thoſe Expreſſions you mention in: But the plain ſtate of the Caſe at preſent is this.

Dr. *Cr.* hath aſſerted ſuch *a Change of Perſons* between Chriſt and Believers, from whence all the *Antinomian* Principles do neceſſarily follow; as *That God ſeeth no Sin in his People, that no Conditions are required on our Parts, to make us Partakers of the Benefits of Chriſt's Sufferings, that Juſtification is before Faith*, &c. This Senſe of the Change of Perſons was denied, as it ought to be, by Mr. *W.* but allowing what is underſtood by it, as to Chriſt's undergoing the Puniſhment of our Sins; upon this he is accuſed as rejecting ſuch a Change of Perſons as is neceſſary to maintain the Doctrine of Satisfaction. This, I confeſs, appeared to me a very hard and unreaſonable Proceeding; as I have ſhewed in my Letter. But I perceive by the Papers you ſent me, that you diſown the *Antinomian* Principles, which I was glad to find; and therefore you cannot but diſown ſuch a Change of Perſons from whence they follow; or elſe you muſt ſhew, that thoſe Principles do not follow from it, which I think you will hardly do.

Sir, I am ſo far from thinking you need to ask Pardon for your writing to me about ſuch matters, that I ſhall be glad to hear farther from you, and to underſtand what your Senſe is of my former Letter to Mr. *W.* as well as of this. For by what I can obſerve from the ſeveral Papers, it is a Fondneſs for Dr. *C*'s Notions, which lies at the bottom of all theſe Heats; which ſeems to me to have been the true reaſon why thoſe Propoſitions were not condemned, which were taken out of his Books, and of others of his way.

I cannot but look on thoſe *Antinomian Doctrines* as of very dangerous conſequence to all that underſtand them, as well as to thoſe who do not.

But I find by what you affirm of your ſelf, that all thoſe who oppoſe Mr. *W.* are not for Dr. *C*'s Notions; and as to ſuch there is nothing but a Miſunderſtanding of each other, which may be eaſily rectified, if Perſons be inclined to think well of one another.

I am, S I R,

Your Faithful Friend and Servant,

E. W.

Mr. Lobb's *Second Letter,* Dec. 18. 1697.

My Lord,

ON a Peruſal of your Letter to Mr. *W.* I was abundantly ſatisfied, in what you write about a Commutation of Perſons, the Guilt of Sin, and your Confutation of Dr. *Criſp*; only I wiſhed your Information had been more full than I perceive it was; for then you would have ſeen that the Authors of the *firſt Paper,* and *the Report,* are not for a Commutation of Perſons in the Senſe of Dr. *C.* That your Lordſhip therefore may have a fuller ſtate of matters in Controverſy among us, I have prepared ſome Sheets for the Preſs, in which I have given the true Reaſons of the Diſſatisfactions of ſome with Mr. *W.* directing it to your Lordſhip; becauſe you have ſo clearly ſtated our true Senſe about Chriſt's Satisfaction. It is almoſt finiſhed, and I ſend you this humbly to beg your Lordſhip's Pleaſure, whether I ſhall ſend it unto you now in MS. or not till printed.

My Lord, My hopes are, that God will bleſs your farther Endeavours for compoſing our Differences, at leaſt in the point of Satisfaction, about which I am moſtly concerned.

Yours of the 12th came to my hands this Evening; for which I render your Lordſhip my humbleſt Thanks.

In the Papers above-mentioned, you will ſee my Senſe of your Letter to Mr. *W.*

That Dr. *C.* hath aſſerted ſuch a Change of Perſons between Chriſt and Believers, as from whence all the *Antinomian* Principles do neceſſarily follow; as, That God ſeeth no Sin in his People, That no Conditions are required on our parts to make us Partakers of the Benefit of Chriſt's Sufferings, That Juſtification is before Faith, *&c.* we entirely agree with your Lordſhip, whilſt we are neceſſitated to diſſent from you in what you add about your Charity to Mr. *W.* not doubting but that we ſhall be able to evince, that it is not a Fondneſs for Dr. *C's* Notions, that lieth at the bottom of all theſe Heats. The true Reaſon why the Propoſitions were not condemned, you will find in the Papers prepared for the Preſs, in which your Lordſhip will alſo obſerve, why the controverted Phraſes are rejected by Mr. *W.* and Mr. *A.* I will wait for your Lordſhip's Commandments, being,

My LORD,

Your moſt Obedient Humble Servant,

Stephen Lobb.

Anſwer to Mr. St. Lobb's *Firſt Letter,* Dec. 12. 1697.

S I R,

YOUR Letter, which bears date, *Nov.* 18. came not to my hands till *Dec.* 10. and in the mean time, I doubt not but you have ſeen my Letter to Mr. *W.* wherein I have given my Senſe of the things which are mentioned in yours, and that with great Freedom and Impartiality, after I had peruſed the Papers on both ſides, which came to my hands. And I heartily wiſh you had ſent me your Letter after you had ſeen mine, that I might have removed any Difficulties you apprehend therein: For I deſire to prevent all needleſs, as well as dangerous Controverſies among thoſe who truly own the Doctrine of Chriſt's Satisfaction. And I cannot think a Form of Words, capable of a very bad ſenſe, is to be inſiſted ſo much upon; although others may have uſed it in a good ſenſe. And therefore there is no need to diſpute your Authorities about the Sound and Orthodox Senſe ſome Divines have uſed thoſe Expreſſions you mention in: But the plain ſtate of the Caſe at preſent is this.

Dr. *Cr.* hath aſſerted ſuch *a Change of Perſons* between Chriſt and Believers, from whence all the *Antinomian* Principles do neceſſarily follow; as *That God ſeeth no Sin in his People, that no Conditions are required on our Parts, to make us Partakers of the Benefits of Chriſt's Sufferings, that Juſtification is before Faith,* &c. This Senſe of the Change of Perſons was denied, as it ought to be, by Mr. *W.* but allowing what is underſtood by it, as to Chriſt's undergoing the Puniſhment of our Sins; upon this he is accuſed as rejecting ſuch a Change of Perſons as is neceſſary to maintain the Doctrine of Satisfaction. This, I confeſs, appeared to me a very hard and unreaſonable Proceeding; as I have ſhewed in my Letter. But I perceive by the Papers you ſent me, that you diſown the *Antinomian* Principles, which I was glad to find; and therefore you cannot but diſown ſuch a Change of Perſons from whence they follow; or elſe you muſt ſhew, that thoſe Principles do not follow from it, which I think you will hardly do.

Sir, I am ſo far from thinking you need to ask Pardon for your writing to me about ſuch matters, that I ſhall be glad to hear farther from you, and to underſtand what your Senſe is of my former Letter to Mr. *W.* as well as of this. For by what I can obſerve from the ſeveral Papers, it is a Fondneſs for Dr. *C*'s Notions, which lies at the bottom of all theſe Heats; which ſeems to me to have been the true reaſon why thoſe Propoſitions were not condemned, which were taken out of his Books, and of others of his way.

I cannot but look on thoſe *Antinomian Doctrines* as of very dangerous conſequence to all that underſtand them, as well as to thoſe who do not.

But I find by what you affirm of your ſelf, that all thoſe who oppoſe Mr. *W.* are not for Dr. *C*'s Notions; and as to ſuch there is nothing but a Miſunderſtanding of each other, which may be eaſily rectified, if Perſons be inclined to think well of one another.

I am, S I R,

Your Faithful Friend and Servant,

E. W.

Mr.

Mr. Lobb*'s Second Letter,* Dec. 18. 1697.

My Lord,

ON a Peruſal of your Letter to Mr. *W.* I was abundantly ſatisfied, in what you write about a Commutation of Perſons, the Guilt of Sin, and your Confutation of Dr. *Criſp*; only I wiſhed your Information had been more full than I perceive it was; for then you would have ſeen that the Authors of the *firſt Paper*, and *the Report*, are not for a Commutation of Perſons in the Senſe of Dr. *C.* That your Lordſhip therefore may have a fuller ſtate of matters in Controverſy among us, I have prepared ſome Sheets for the Preſs, in which I have given the true Reaſons of the Diſſatisfactions of ſome with Mr. *W.* directing it to your Lordſhip; becauſe you have ſo clearly ſtated our true Senſe about Chriſt's Satisfaction. It is almoſt finiſhed, and I ſend you this humbly to beg your Lordſhip's Pleaſure, whether I ſhall ſend it unto you now in MS. or not till printed.

My Lord, My hopes are, that God will bleſs your farther Endeavours for compoſing our Differences, at leaſt in the point of Satisfaction, about which I am moſtly concerned.

Yours of the 12th came to my hands this Evening; for which I render your Lordſhip my humbleſt Thanks.

In the Papers above-mentioned, you will ſee my Senſe of your Letter to Mr. *W.*

That Dr. *C.* hath aſſerted ſuch a Change of Perſons between Chriſt and Believers, as from whence all the *Antinomian* Principles do neceſſarily follow; as, That God ſeeth no Sin in his People, That no Conditions are required on our parts to make us Partakers of the Benefit of Chriſt's Sufferings, That Juſtification is before Faith, *&c.* we entirely agree with your Lordſhip, whilſt we are neceſſitated to diſſent from you in what you add about your Charity to Mr. *W.* not doubting but that we ſhall be able to evince, that it is not a Fondneſs for Dr. *C*'s Notions, that lieth at the bottom of all theſe Heats. The true Reaſon why the Propoſitions were not condemned, you will find in the Papers prepared for the Preſs, in which your Lordſhip will alſo obſerve, why the controverted Phraſes are rejected by Mr. *W.* and Mr. *A.* I will wait for your Lordſhip's Commandments, being,

My LORD,

Your moſt Obedient Humble Servant,

Stephen Lobb.

Anſwer to Mr. St. Lobb's *Second Letter,* Dec. 22. 1697.

SIR,

I Am very glad my Letter to Mr. *W.* gave you any Satisfaction, as to the point of Commutation of Perſons, *&c.* Only you wiſh I had received fuller Information of ſome matters of fact; which was a thing out of my power, and I could only judge by what I had ſeen. By the firſt Paper it did appear to me, that Mr. *W.* was charged with denying ſuch a Commutation as was neceſſary to explain the Doctrine of Satisfaction; whereas he only denied ſuch a Change as was affirmed by Dr. *C.* If there be any thing more in Mr. *W*'s caſe, I ſuppoſe I ſhall ſee it in the Papers you are preparing for the Preſs; which I ſhall be glad to ſee when they are printed. I would not have you give your ſelf the trouble to ſend them before. For ſince they relate to matters of fact, I can be no competent judge of them.

I am very well pleaſed to find that you diſown Dr. *C*'s *Antinomian* Principles: I think you would do your ſelves a great deal of right to condemn the Propoſitions which they inſiſt upon. For I had ſome reaſon to believe that they were too much favoured by ſome of your Brethren, but I ſhall not be ſorry to find my ſelf therein miſtaken.

I am, SIR,

Your Faithful Friend and Servant,

E. W.

An Anſwer to Mr. Lobb's *Printed* Appeal.

CHAP. I.

Of the true Occaſion of the preſent Difference.

SIR,

I Have read and conſidered your *Appeal*; and I am very willing to do my Endeavours in order to the compoſing thoſe *Differences* among you, which relate to the *Antinomian* and *Socinian Controverſies*; and which, I think, cannot be ended without a clearer underſtanding of the *true ſtate* of both of them. For, if I be not much miſtaken, the one hath given occaſion to the other; and if the juſt bounds between them be duly ſetled, the preſent Diſpute about the ſignification of ſome doubtful Words and Phraſes will fall to the ground, (as I hope to make it appear in the Progreſs of this Diſcourſe.) And I ſhall be heartily glad to contribute any thing towards the leſſening *any needleſs, as well as dange-*

rous Controverſies among thoſe who truly own the Doctrine of Chriſt's Satiſfaction ; ſince it is now out of my Power to prevent them.

But it was a *Civility* greater than I had reaſon to expect, that you ſhould in the beginning of your *Appeal*, *render me your unfeigned Thanks*, not only for what relates *to the Article of Satiſfaction*, *but for my Confutation of Dr.* Criſp ; ſince I had intimated to you in one of my Letters, that I apprehended, that a Fondneſs for his Notions lay at the bottom of all theſe Heats. And I cannot ſay, that my Opinion is altered by your Appeal ; of which I ſhall preſently give my Reaſons.

But I muſt firſt take notice, that you tell me, that *I have not been ſo fully acquainted with the matters in difference as could be wiſhed*. Truly, when I wrote my Letter to Mr. *W.* I went chiefly upon the *Report* which you had publiſhed ; and I thought I might rely upon it. But I find ſince, ſome of your Brethren charging it with *Diſingenuity*, *Prevarication*, *and Partiality*, (Reb. p. 3.) but I ſaw no cauſe to ſuſpect any ſuch thing, as to what I was concerned in ; which was the giving an Anſwer to the *three Queſtions* propoſed to me. But wherein is it that I have ſhewed my ſelf *not ſo fully acquainted with the matters in difference among you* ? Is it that I ſay, *that the Authors of the firſt Paper*, *and the Report*, *ſeem to take it for granted*, *that there can be but one Senſe of Commutation of Perſons* ? But if you reflect upon the uſe made in the *Report* of Mr. *W*'s denying *a Commutation of Perſons*, *as Dr.* Criſp *had affirmed it* ; that therefore *he muſt deny ſuch a Commutation as is eſſential to the Doctrine of Chriſt's Satiſfaction*, you will eaſily perceive, that the whole force of this Reaſoning depends upon this, that he that denies it in any Senſe, muſt deny it in all. Which I ſhewed to be very unreaſonable, ſince there may be and are ſuch different Senſes of it. For there is a Senſe, as I ſaid, wherein it may and ought to be denied, without the leaſt Prejudice to the Doctrine of Chriſt's Satiſfaction ; and although that cannot be explained and defended without ſome kind of Commutation of Perſons, yet it very well may and ought to be defended, without and againſt Dr. *Criſp*'s Senſe of it. For in one of your Letters, you grant, *That the Antinomian Doctrines do neceſſarily follow Dr. C's Notion of the Change of Perſons* : Either then they muſt be owned to be true, or his Senſe of it muſt be falſe. But you deny the former, and therefore you muſt yield the latter, and confeſs that Mr. *W.* had reaſon to deny the Change of Perſons in his ſenſe. But of this more afterwards.

Anſwer to the Report, p. 1

Or, do you think it argues *my not being ſo fully acquainted with the matters in difference among you*, becauſe I intimated, *That I ſuſpected a fondneſs for Dr.* Criſp's *Notions lay at the bottom of all theſe Heats* ? I muſt deal ſo freely with you, as to let you know, that the way you have taken to remove this Suſpicion, hath confirmed me in it. You put me at firſt in very great hopes of ſeeing an effectual Confutation of it ; for you ſay, *That the condemning the Propoſitions by your Brethren, will evince the contrary*. This is indeed to the purpoſe. But where is this *Condemnation* to be ſeen ? I hoped to find it in your *Appeal*, or at the end of it. But I was utterly diſappointed ; and inſtead of it you tell me, *p.* 43. that the reaſon why they had not done it was, " That none of the 49, " whoſe Names were to the Teſtimonial before Mr. *W*'s Book, called " *Goſpel-Truth ſtated*, had recalled their hands ; or expreſſed ſo much Diſ- " ſatiſfaction with what he had aſſerted, as was expected : Beſides, you " ſay, Having ſince diſcourſed ſeveral of them, you find them very wil- " ling to declare their diſlike of the Propoſitions, and you are perſwaded

‘‘ they will chearfully do it, (but when?) whenever Satisfaction ſhall ‘ be given to what Mr. *W.* is charged with. And is this the *condemning the Antinomian Doctrines*, which you promiſed? This only relates to *ſome, whom you diſcourſed with*; and even theſe are for putting it off to the longeſt day, or till Mr. *W.* confeſſes he hath wrongfully denied *Dr. C's Change of Perſons*, i. e. they will renounce *Antinomianiſm*, when Mr. *W.* confeſſes himſelf to be an *Antinomian*: For you grant, he cannot own *Dr.* Criſp's *Senſe of the Change of Perſons, but the Antinomian Doctrines muſt follow from it.* I do not by this intend to call in queſtion your Sincerity in oppoſing *Antinomianiſm*; for you have declared it ſo often, and in ſuch a manner, that I muſt think very hardly of you, if I thought you could conceal a *Fondneſs* for that Doctrine, under ſuch Expreſſions againſt it. For you not only tell me, that you have formerly written againſt it; but you ſpeak againſt ſome of the Doctrines of it with *great Indignation*, p. 8. and you have ſeverely rebuked ſome of your Brethren for trimming too much in favour of *Antinomianiſm*; and ſay, *That you refuſed to ſet your Name to the new Impreſſion of Dr.* Criſp's *Sermons (when others did it who now blame you) becauſe it looked like giving too much countenance to the Notions in them.* So that I do not at all queſtion your Zeal againſt *Antinomianiſm*; and I do ſuppoſe ſome more of your Acquaintance may be of your Mind. But that which ſticks with me is, that the *firſt Heat* which began among you, was upon that *new Impreſſion of Dr.* Criſp's *Sermons*, which hath continued ever ſince, but not managed ſo openly as at firſt; and therefore was wiſely turned into a charge of *Socinianiſm*, and put into your hands, who could not be ſuſpected for *Antinomianiſm*.

Defence of the Report, *p.* 85.

But I am now ſo much *better acquainted with the matters in difference among you*, that I doubt not, from the Papers on both ſides, to make this matter clear to any unprejudic'd Perſons; which will give great light to the following Diſcourſe, and, as you deſire, *lay open the Wound in order to a Cure.*

We are then to take notice, that about 7 or 8 years ſince, Dr. *Criſp's Sermons* were thought fit to be reprinted, with the addition of ſome new ones; and your ſelf confeſs (which is very material) *That you were deſired* among others *to ſet your Name to the Atteſtation before it*; *but you* very honeſtly *refuſed it, becauſe you apprehended it would be taken for granted, at leaſt by the common People, that your Name ſhould ſtand there as an Approval of all the Notions in that Book, and enſnare many to a Cloſure with the Errors contained in it.* Which was a ſufficient Reaſon. But it ſeems others were more eaſie in the matter; for twelve venerable Names, in great Letters, appear in the beginning of it: (whom I forbear to mention.) It's true, that the Words of the Atteſtation go no farther than, *that the additional Sermons were faithfully tranſcribed by the Author's Son from his own Notes.* But what need ſuch an *Atteſtation* of twelve Reverend Perſons, that Mr. *Sam. Criſp* did not falſify his Father's hand? Was there ever ſuch an *Atteſtation* given to a Perſon of any tolerable Credit? What muſt the World think, if no more were intended, of the Veracity of that Gentleman? But it may be ſaid, *That ſome of theſe Perſons afterwards cleared themſelves in another Teſtimonial to Mr.* Flavel's *Book againſt Antinomianiſm.*

I grant, that ſome of them being ſenſible of the Reproach they lay under by that *Atteſtation*, did endeavour to clear their Reputation, as to this matter, in theſe Words, *That whereas ſome weak People had miſunderſtood that Certificate, as if they intended an Approbation of all that is contained in that Volume, they declare they had no ſuch Intention.* But you tell us, that you refuſed to join in that *Atteſtation*, becauſe it would be ſo underſtood. And ſo you muſt be under *the weak People*, who did ſo apprehend the Deſign of it, or they who did not apprehend that ſuch uſe would be made of it. But as you very well obſerve, *Defence of the Report, p.* 86. Theſe very Perſons in that new Teſtimonial do affirm, *That the difference between Dr.* Criſp *and others ſeems to lie not ſo much in the things, which the one or the other of them believe, as about their order and reference to one another.* But you truly anſwer, *That you look on the difference between the Orthodox and Dr.* Criſp *to be much greater than this ſort of palliating Preface will allow it to be. And that if there be any thing dangerous in Dr.* Criſp's *Writings, as you believe there is, the Expreſſions there uſed, tend to enſnare poor People to believe them as ſound and true.* So that you can by no means think, that theſe Perſons have acquitted themſelves from giving too much countenance to Dr. *Criſp*'s Opinions. And one of thoſe Subſcribers hath ſince ingenuouſly confeſſed, *That this Impreſſion of Dr.* Criſp's *Sermons awakened ſome of the more zealous among the united Brethren, to conſider of ſome proper Expedient to obviate the growth of thoſe Errors.*

Rebuke, *p.* 10.

And this was the Occaſion of Mr. *D. Williams*'s publiſhing his Book, called *Goſpel-Truth ſtated*, wherein ſome of *Dr.* Criſp's *Opinions are conſidered*, &c. *A Book*, ſaith the ſame Perſon, *to ſay no more, ingeniouſly penned, exactly methodized, the Truths and Errors fairly ſtated, and for ought I can ſee, piouſly deſigned.* This Book came forth at firſt with the *Atteſtation* of ſeveral of his Brethren, not merely as to *the right ſtating of Truths and Errors, but as a conſiderable ſervice to the Church of Chriſt; and as a means for the reclaiming of thoſe who have been miſled into ſuch dangerous Opinions, and for the eſtabliſhing thoſe that waver in any of theſe Truths.* Which are the Words of it.

Mr. *Williams* declares in the beginning of his Preface, *That he had been often ſollicited to this work by ſeveral of his Brethren; and that he was convinced, that the Revival of theſe Errors muſt make their Miniſtery uſeleſs, and Unity impoſſible.* This bears date, *May* 4. 1692.

But as the Author of the *Rebuke* expreſſes it, *p.* 15. upon the coming forth of this Book, *Such a ſtorm of Paſſion, ſuch Indignation againſt the Author and his Book broke out, as had almoſt overſet the united Brethren with their Union.* The firſt publick Act, whereby any diſcovered their Reſentments, was a Paper delivered in to the *united Brethren*, Oct. 17. 1692. *Importing a high and heavy Charge againſt the Author and his Work, and ſubſcribed by ſix, three whereof never entred into the Union, and yet now joined in accuſing him for breaking it*, p. 18. But it ſeems theſe *united Brethren* looked upon theſe Accuſations either as *frivolous*, or *ungrounded*; for ſay they, *They recited as Mr.* Williams's *Words, what they found quite contrary to the Letter of his Expreſſions.* Upon this one of the Subſcribers, a warm Advocate for Dr. *Criſp*, (as he hath ſince abundantly diſcovered himſelf) declared in a meeting of the *united Brethren, That he would break off from their Union, becauſe they had taken no notice of the Paper of Objections againſt Mr.* Williams's *Book.*

Anſwer to the Report, *p.* 3.

Which Paper is ſince printed by the ſame Perſon; and to be ſure to have it ſeen, both at the beginning and end of one of his learned Treatiſes againſt Mr. *W.* but with ſome variety. But the only thing conſiderable in it, is, that among all the Exceptions then given in, there is not one word tending to the Charge of *Socinianiſm* againſt Mr. *W.* Can we imagine theſe zealous Brethren ſhould omit ſo material a Charge, if they had

Neonomian Part 3. *p.* 1. *p.* 96.

had ſuſpected it, or have been ignorant of it, if there had been ground for it? So that if it be a juſt Charge, it is a great Reproach upon thoſe who delivered in their *Exceptions*, and wholly left it out. It is true, they very prudently reſerve to themſelves a liberty of bringing in farther *Exceptions* afterwards; but it is not conceivable that they would have omitted this, if they had ſeen any ground for it; becauſe it would have made much more noiſe, as it hath done ſince, than any of thoſe *ungrounded Exceptions* (as the *united Brethren* called them) which they delivered in.

But it is farther obſervable, that ſome conſiderable time after this, other ways being found unſucceſsful, a Perſon was appointed (whom I need not name) to examine Mr. *Williams*'s Books, and to collect out of them what Errors he could diſcover. And accordingly a Paper was drawn up of *Objections* againſt Mr. *W.* which coming to Mr. *H*'s hand, he printed it, which occaſioned a ſhort Reply by Mr. *W.* And here the Charge of *Socinianiſm* began, which Mr. *W.* calls *ſlanderous* in his Anſwer to Mr. *H*'s Letter, *p.* 7. and makes this ſolemn Proteſtation: That he owned *Chriſt's eternal Generation as the Son of God, of one Eſſence with the Father; that he owned the Doctrine of Satisfaction, by the Sufferings of Chriſt in our ſtead; and that his Sufferings were Puniſhments ſatisfactory to Divine Juſtice for our Sins; that Chriſt was a proper Sacrifice, and himſelf the Prieſt that offered it upon Earth; that his Obedience is properly meritorious of all our ſaving Benefits; and himſelf a proper* Ἀντίψυχος *in his Death.*

Now I appeal to your ſelf, whether any Perſon can in more proper and effectual terms clear himſelf from the charge of *Socinianiſm*, than he hath done in theſe Words. I believe you to be no *Antinomian*, becauſe you have ſo expreſly declared your ſelf to be none; but not in Words which can ſignify it more than theſe are againſt *Socinianiſm*: And why muſt I not in equal Juſtice and Charity believe him to be no *Socinian*? But if after all he may be a *Socinian*, and not know it; why may not others as well ſay, you may be an *Antinomian*, and not know it? You may ſay, *That he uſes ſome Phraſes and Expreſſions as they do*; but doth he uſe them in their Senſe? It's poſſible I may think you may uſe ſome Expreſſions, as the *Antinomians* do, muſt I therefore think you an *Antinomian* againſt your expreſs Declaration to the contrary? Why ſhould not the ſame meaſure of Juſtice and Charity be uſed to Mr. *W.* which you would think reaſonable in your own Caſe? But of this more at large hereafter. That which I now obſerve, is, that this charge of *Socinianiſm* was ſo lately begun, although it had been carried on with ſo much noiſe and earneſtneſs ſince. For in your *Letter* to Dr. *Bates*, in Anſwer to *Mr.* Williams *his ſhort Vindication*, you have theſe words: *Why did you make the Intimation of* Socinianiſm *thus publick? Mr.* H. *carefully concealed that part from the World; and it was my Reſolution to have confined all Debates of it among our ſelves.* As to your Inſtances, they muſt be conſidered in their due place; but you take no notice of his Proteſtation againſt *Socinianiſm*, which I think you ought to have done.

Letter to Dr. Bates, *p.*15.1695.

The next thing fit to be obſerved as to this matter, is, that it appears by the Anſwer of the *united Brethren* to your Report, *p.* 3. that a number of the Brethren was appointed to conſider the Objections againſt Mr. *W*'s Book, who with the Objectors came to an Accommodation in that affair, by a Subſcription to certain Doctrinal Propoſitions, wherein no notice is at all taken of theſe Phraſes, which ſo much weight is now laid upon; and therein is contained, ſay they, *a Promiſe to their utmoſt to avoid all Appearance of oppoſition to one another*; and among thoſe Subſcribers your Name appears, *p.* 5. I hope I may upon this Appeal aſk you, whether at that time you knew of this charge of *Socinianiſm* to lie againſt Mr. *W.* or not? If you did not, yet you promiſed no *oppoſition* as long as perſons kept within the bounds of that agreement; if you did know it, the matter lies harder upon you. For you *to promiſe no oppoſition*, and yet think your ſelf at that time bound to oppoſe. But rather than charge you with this, I believe this about *Socinianiſm* to be a game ſtarted afterwards, upon a freſh Examination of his Books.

But in the mean time, what was done againſt the *Antinomian Errors*? For we are to conſider, that notwithſtanding the expedient, the Union was ſoon broken, as the *united Brethren* ſay, *and thoſe called congregational Brethren held a diſtinct and ſeparate meeting, the very day and hour of the Week of their aſſembling as united Brethren.* To prevent a total breach, *in the latter end of* 1694. *a number was appointed to treat with the diſſenting Brethren in order to a Re-union*; and they pretended nothing for their Separation, *but that there were erroneous Perſons in the Union.* But to give Satisfaction, a new Paper of *Propoſitions* was drawn up, on the one ſide, againſt ſuch Errors as they ſuſpected, and on the other *againſt Criſpian and Antinomian Errors*; and they tell us, *That your ſelf, with three more, were employed in it; and that you were the Perſon pitched upon to carry it to the diſſenting Brethren*, Jan. 7. 1694. But they tell us withal, *That this Paper was rejected by them, and no Anſwer ſent them concerning it to that Day.* And the Author of the *Rebuke* ſaith, *p.* 27. *That no Satisfaction could be obtained, they were inflexible; and would not comply in any one of the ſeven Articles propoſed to them; and thus the breach became beyond the united Brethren's making up.* And he adds, *That ſome of the chief of the diſſenting Brethren did, both from Preſs and Pulpit, diſſeminate ſuch horrid Opinions, as filled all intelligent Perſons with equal Aſtoniſhment and Indignation*; a number of which he there ſets down, which are all *Antinomian* Doctrines. And the *united Brethren* in their Anſwer repeat the ſame, *p.* 22. and offer *to prove them from the Books of the aforeſaid Authors, and a great deal more, if not worſe of the ſame ſort: By theſe things*, ſay the *united Brethren*, *it's manifeſt what the difference is about, though a noiſe hath been raiſed about things remote from the true occaſion, that while we ſeemed to be only on the defenſive part, their Errors might receive Countenance, as if unoppoſed, and the Abettors thereof might leſs appear the cauſe of our Diviſions.*

*Anſwer to the Re-*port, *p.* 6.

P. 7.

P. 25.

P. 25.

Notwithſtanding all theſe Diſcouragements, they tell us, *That three Papers were drawn up in order to an Accommodation The firſt Paper*, they ſay, *was concerted by one of their Brethren, with ſome of the Diſſenters; but it was unanimouſly agreed to be laid aſide, with a ſecond Paper, that had been brought to them by another Brother; but they appointed ſix of their Brethren to draw up a* Third Paper, *which they, after ſeveral days conſideration, unanimouſly agreed to ſend in a Letter to the diſſenting Brethren*; which is extant in their *Anſwer to the Report*, p. 10. wherein they declare, *That they come as near to them as they could with Truth and Freedom from ambiguity in points of ſo great concernment, and in a time, when ſo many are at work to propagate* Criſpianiſm *and* Antinomianiſm, *p.* 14. The event of theſe Papers, as they inform us, was, *That the diſſenting Brethren adhered to their own Paper, called the Firſt, and refuſed theirs, becauſe* (ſay they, *p.* 25.) *this doth provide ſome defence againſt ſome of the*

P. 13.

Errors which our difference is about. And after all, *p. 27.* they make this offer, *That if the diſſenting Brethren will declare with them in renouncing thoſe* Antinomian *Errors there ſet down, they would ſubſcribe with them to* P. 29. *ſuch a ſenſe of the doubted Expreſſions, as might give them Satisfaction; and to uſe their very Words and Phraſes explained in the Orthodox ſenſe. Which if they refuſe, it will then appear, that it was not any difference in the Doctrines pretended by the Report, which was the reaſon why they did not unite; but that the differences are kept up from their Zeal for the forenamed Opinions of Dr.* Criſp, *and the* Antinomians, *which they think to be very erroneous.*

Thus I have ſhewed with as clear and convincing Evidence as theſe Papers would afford, what was the true occaſion of the difference, and what it is which keeps it up.

I muſt not now paſs over what you have ſaid for the clearing the diſſenting Brethren from countenancing *Antinomianiſm.* And it is in your Obſervations on the firſt Paper, called *Remarks,* p. 9. where you ſay, that the publiſhing this Paper clears the *Congregational Brethren from Antinomianiſm.* It was very good ſervice to them, if it be found ſo to do. But I think I have ſome reaſons to doubt it.

For, (1.) Why are not the *Antinomian* Errors, which you look on as dangerous, plainly and expreſly condemned in it? You knew very well, that they inſiſted upon this before, and your ſelf carried a Paper to that purpoſe, to which no manner of ſatisfaction was given; but inſtead of it, they went on preaching ſuch Opinions which they accounted horrid, ſcandalous, and deſtructive to their Miniſtery. Either this Accuſation was true or not. If not, thoſe Brethren ought to have been required in common juſtice to make good their Charge, by a ſolemn Meeting on both ſides. But this was never called for; and therefore a ſuſpicion of guilt muſt remain on the Party accuſed, when they refuſe to make their defence before competent Judges, and upon fair notice of the matters they intended to proceed upon. This was ſufficiently intimated in the ſeven Propoſitions, *Jan.* 7. 1694. and more fully expreſſed in the Vote of the united Brethren, *Sep.* 15. 1695. Where they ſet down diſtinctly the Errors they had collected out of their Books, and offered to prove them by Book and Page, when it ſhould be called for. The Author of the *Rebuke* calls them *abominable Doctrines,* p. 25. and ſaith he will give *a little taſt of ſome few of them; and cautions the Readers to implore the ſpecial Grace of God to fortify themſelves with that Antidote, leaſt this little taſt ſhould prove their Bane and Poiſon.* And this *little taſt* amounts to 21. Not one of which is renounced in this *firſt Paper,* which you ſay, *doth clear the Congregational Brethren from Antinomianiſm.* I do think they had great reaſon to inſiſt upon a plain and direct renouncing thoſe Errors, if they believed thoſe Accuſations true; and if they did not, they did very ill to publiſh them. For this muſt fill the World with ſuch Jealouſies of them, as they can never be cleared from, but either by their renouncing the Errors, or the others renouncing the Accuſation. And I am of opinion, that neither the *firſt* nor the *third Paper* can give any reaſonable Satisfaction as to this matter, without a renouncing the *Antinomian* Doctrines. For the Accuſation is now made publick, and the Nation is concerned as to the diſhonour done to Religion by them. But the united Brethren have ſo much more reaſon to inſiſt ſtill upon it, becauſe in that which you call *the healing Paper,* (*Rep.* p. 14. *Remark,* p. 6.) Mr. *W.* is required *to give Satisfaction, not only as to the Doctrine of Juſtification,*

fication, and Change of Perſons, &c. *but about any thing elſe, that any Brother excepts againſt in the reſt of his Writings.* Now this ſeems to me very hard and unequal meaſure, that the one muſt be required to give ſuch a ſatisfaction as is hardly poſſible to be given, to he knows not *whom*, nor in *what manner* ; and on the other ſide, when the whole Body of the united Brethren deſire ſatisfaction in Doctrines of ſuch Importance, none in effect is thought fit to be given them. This to me looks like a kind of Inequality and Superiority, which the *diſſenting Brethren* challenge over the *united :* I do not mean in a legal Juriſdiction, but in that which is worſe, which is Will and Pleaſure. And I think thoſe very *eaſy Brethren*, who ſubmitted to the *firſt Paper*, which was after rejected at the Meeting of their Body : But it ſeems although nine of them did it in ſeveral manners, yet the *diſſenting Brethren* gave a very cold and indifferent Approbation of it, not as a foundation of Re-union, but only, *that they are glad to find ſo good an agreement, as that Paper doth expreſs.* Which being penned in ſuch general terms, was juſt none at all; as will appear by the next Reaſon. Which is,

2. That there is no ſuch renouncing the *Antinomian* Errors in it, but thoſe who hold ſome of the groſſeſt of them may comply with them in it.

To make out this, I ſhall inſtance in ſome of thoſe which the united Brethren charge the others with preaching and publiſhing. As,

1. That Pardon is rather the condition of Faith, and much more having a cauſal influence thereunto, than Faith and Repentance are of Pardon.

2. That ſin it ſelf, as oppoſed to guilt, is laid upon Chriſt ; and Chriſt was reputed a Criminal, not only by Man but by God.

3. That the Doctrine of Juſtification before Faith is not an Error, but a great and glorious Truth ; and therefore we believe, that we may be juſtified declaratively.

4. Union with Chriſt is before Faith, at leaſt Nature, and we partake of the Spirit by vertue of that Union ; there is a compleat Union with Chriſt before the Act of Faith.

5. It's a great Truth, that God ſees no Sin in a Believer ; and, Sin can do no real hurt to a Believer ; God is not diſpleaſed with his People, and is not angry with the Perſons of Believers for their Sins.

6. Believers are as righteous as Chriſt, not in a way of Similitude but Equality.

Theſe are the expreſs Words which are charged by the united Brethren, *Anſw. to the Reply*, p. 12, 13, 14. And I think the Fundamentals of *Antinomianiſm* are contained in them ; let us now ſee how far theſe are cleared by *the firſt Paper.*

1. It is ſaid, *That Regeneration, Repentance towards God, Faith in our Lord Jeſus Chriſt, and holy Converſation, are by God's expreſs Word manifeſtly neceſſary to the Salvation of a Sinner*, &c. But this doth by no means reach to the *Antinomian Doctrine*, which is not that theſe are not neceſſary to Salvation, as the Scripture hath declared God's purpoſe to work theſe things in thoſe he deſigns for Salvation ; but that theſe are not made any *Conditions* of the new Covenant on our part, in order to our obtaining Juſtification and Salvation.

Dr. *Criſp* doth ſeem to exclude the neceſſity of our Obedience in order to Salvation, when he ſaith, *It is a received Conceit among many Perſons, that our Obedience is the way to Heaven ;—— but I muſt tell you, that all*

Criſp's Sermons, p. 46. laſt Edit.

all this Sanctification of Life is not a jot the way of that juſtified Perſon to Heaven. But we muſt take his whole Senſe together; for he ſaith however, *That Sanctification of Life is an inſeparable Companion with the Juſtification of a Perſon by the free Grace of Chriſt.* And what is an inſeparable Concomitant in a Perſon to be ſaved, is neceſſary by way of Connexion to Salvation. He ſaith indeed, *that Salvation is not the end of any good Work*; but he adds, *that there are other ends of good works; as the manifeſtation of our Obedience and Subjection, the ſetting forth of the praiſe of the glory of God's Grace; the doing good to others, to be profitable to men; which,* he ſaith, *are the ſpecial ends that Obedience is ordained for, Salvation being ſetled firm before.* Here we ſee, that Obedience and good Works are made neceſſary as *Concomitants to Salvation,* but not as neceſſary Conditions in order to it, but for other ends, as Gratitude and P. 152. Uſefulneſs to the World. In another place, he ſaith, *That without reſpect to good or evil, the Lord hath everlaſtingly eſtabliſhed all that ever he meant to do. And there are no intervening Acts or Carriages of yours that make any alteration at all in the Lord, at all to croſs what he hath written, to put in what he hath left out: The Lord doth nothing to his People, upon Conditions in his People, as if he did refer himſelf ſtill to thoſe Conditions, and did ſuſpend what he meant to do to his People, till he did perceive how they would carry themſelves to him.* But what then, are they to do nothing? *Nothing that concerns the Peace, Comfort and Good of his People, that is already firmly eſtabliſhed; nothing with an eye to their own advantage, that being already perfectly compleated to their hands before they do any thing; but ſimply with an eye to glorify God, and to ſerve their Generation.* And to the ſame purpoſe he ſpeaks in other places. In one of the additional P. 141, 183, 322. Sermons, he ſaith, *That God himſelf hath inſeparably joined Salvation and* P. 35. *a holy Life, and hath promiſed the one as well as the other.* So that Dr. *Criſp* himſelf could have ſubſcribed your third Paper in the Words you have drawn up; *and have been glad,* as others were, *that you were ſo far agreed.*

But wherein then lies the difference? Dr. *Criſp* utterly denies, that in the new Covenant there are any Conditions on our part. *Mark what I ſay,* P. 81, 186, 255, 433. ſaith he, *I ſay the new Covenant is without any Condition whatſoever on Man's part.* And this he goes about to prove, and after ſaith, P. 83. *that in way of Condition of the Covenant ye muſt do nothing.* But he objects, Conditions or no Conditions, P. 81. ſomething muſt be done: *It is true,* ſaith he, *by way of conſequence, that after we are in Covenant with God, he will beſtow theſe things upon us, as Fruits and Effects of that Covenant; but it is not true, by way of Antecedence, that God doth require theſe things at our hands before we ſhall be Partakers of the Covenant.* Again he objects, If all lies on God's part, and Man muſt do nothing, then all his Life-time he may do what he liſt. He anſwers, *You muſt make a difference between doing any thing in reference to the Covenant, as the Condition thereof; and in doing ſomething in reference to Service and Duty to that God, who freely enters into Covenant with you. I ſay only that in way of Condition of the Covenant you muſt do nothing.* But is there no obligation on Man's part to perform ſome Conditions as to the benefits of the Covenant? No; P. 82. he ſaith expreſly, *That the whole performance of the Covenant lies only upon God himſelf, and that there is not one Bond or Obligation on Man to the fulfilling of the Covenant, or partaking in the benefits of the Covenant.* This ſeems to be ſtrange Doctrine; but he goes farther, and denies *even Faith it ſelf to be the Condition of the Covenant.* He objects that it is ſaid, *That he that believes ſhall be ſaved, and he that believes not ſhall be damned.* P. 84. But he anſwers, *That there is no Perſon ſhall be ſaved, till he have believed. This I grant; yet this will not make Faith the Condition of the Covenant; for then the Covenant would depend upon a Work; for our act of believing is a Work.* And in another place he ſaith, *That it is a bringing back a Covenant of Works to Believers, to ſay, that it ſhall fare well or ill with them, as they can obey, or as they do diſobey the Lord God.* P. 153. Here we ſee that he makes Conditions on our part to be no leſs than making void the Covenant of Grace, and ſetting up the Covenant of Works.

And is this part of Dr. *Criſp*'s Doctrine diſowned or renounc'd by thoſe who are called *diſſenting Brethren?* So far from it, that one of them hath ſet himſelf to defend it: and he lays down this Aſſertion, *That neither Faith, nor any other gracious Qualifications are federal Conditions, or Conditions of the Covenant of Grace.* Neonom. Part 3. p. 135. And this Man's name is among the Subſcribers of the *firſt Paper*, by which we may judge how it was underſtood by them. The force of all his Reaſons, ſuch as they are, is built on this Suppoſition, *That all federal Conditions are meritorious, and make the reward of Debt, and not of Grace; and then there is no difference between a Covenant of Works and of Grace.* From hence he ſaith, *That Chriſt is the ſole Condition of the Covenant of Grace; and that it's impoſſible any thing elſe ſhould be the Condition of it.* P. 138.

But by *Condition* he means *the Foundation*; for, ſaith he, *nothing elſe can reconcile us to God in bearing the Sin and Curſe.* But this is far enough from being the true ſtate of the queſtion; which doth not relate to the fundamental condition of the Covenant of Grace it ſelf; but to the manner of the Communication of the benefits of it to us. And one would think it were eaſy for Men to conſider the difference between a condition of Purchaſe, and a condition of Poſſeſſion, the Purchaſe being paid. Will any Man ſay, that there can be no condition of Poſſeſſion, but it muſt have the price of the Purchaſe in it? The ſole queſtion in this caſe, is not, whether by any conditions on our part, we can merit pardon of Sin, or eternal Life, or increaſe of Grace; for we utterly renounce all ſuch Doctrines as are repugnant to the deſign and grace of the Goſpel; but whether Chriſt, who alone hath purchaſed Redemption for us, hath not required ſome conditions on our parts to fit us for the Participation of the benefits of this Redemption? And the Covenant of Grace being founded in the Satiſfaction of Chriſt, the conditions on our part can be no other than conditions *of Intereſt, Reception, or Participation of the ſaid Covenant.* But even theſe are denied by Dr. *Criſp*; for he will not allow ſo much as fitneſs on our ſide; as appears by theſe remarkable Words of his: *Chriſt looks not for fitneſs, but People may be capable of Communion with him without fitneſs; he takes them into Communion with himſelf, and afterwards fits them for ſuch Communion as he would have them, but beforehand there is no fitneſs; ſuppoſe what fitneſs you will in expecting of the Grant, I ſay, in expecting the Grant of Chriſt, fitneſs or not fitneſs is all one.* Serm. p. 208.

But do not all Conditions ſuppoſe the reward to be of Debt upon the performance of them, and conſequently imply ſomething of *merit of Congruity*, although there be no *Condignity* in them?

I anſwer, that where there is any *true Merit*, which makes the *Reward of Debt*, there is, as St. *Paul* ſaith, a foundation of *Boaſting*; i. e. a right to challenge the reward as due on the account of the performance. But where only a *Fitneſs* is required; and that *Fitneſs* depending upon divine Aſſiſtance, and the Reward infinitely beyond the Performance, there is not the leaſt colour for Merit, or for any ground of Boaſting.

CHAP. II.

The Myſtery of Antinomianiſm *laid open.*

BUT concerning this whole matter, it may be ſaid, *That as long as both Parties are agreed, that there is a neceſſary Connexion between Holineſs and Happineſs; and that there are relative Conditions on our parts required, although not federal; all the reſt ſeems to be a diſpute about Words, and ſo any reaſonable terms of Accommodation ought to be accepted.*

To which I anſwer, That if there had been no more in the Controverſy than what is contained in thoſe Terms, it might have been fairly and eaſily accommodated; but I am of Opinion, that there is a greater Myſtery in *Antinomianiſm* than this, which ought to be laid open to prevent the Miſchief of it. For all this Diſpute about Conditions on our part depends upon another, and if that hold, this muſt follow as the conſequence of it, and ſeveral other things which Dr. *Criſp* ſaw very well had a neceſſary Connexion with each other; and like a fair dealer in Controverſy, owned them all.

I come therefore to the next thing in the *firſt Paper*, which you ſay, *clears the diſſenting Brethren from the charge of* Antinomianiſm. Your Words are, *That touching a Change of Perſons between Chriſt and Believers, there is no phyſical Change, whereby Chriſt and Believers do in ſubſtance become one another; nor a moral Change, whereby Chriſt ſhould become inherently ſinful, and Believers thereby become immediately innocent and ſinleſs; but the Change is only in a legal ſenſe: Chriſt, by conſent between the Father and him, putting on the Perſon, and coming into the room and ſtead of Sinners.* Now I ſhall make it appear, that you have not herein diſowned Dr. *Criſp's Senſe of the Change of Perſons*, from whence his other Doctrines follow.

Report, *p.* 13. Rem. *p.* 11.

To make this out, I ſhall prove, that Dr. *Criſp* did not aſſert ſuch a Change, from whence it followed *that Chriſt was inherently ſinful.*

In his firſt *Sermon*, p. 10. he hath theſe Words, *In one word, Beloved, miſtake me not; I am far from thinking any Believer is freed from Acts of Sin,* (i. e. from having been *an actual Tranſgreſſor*) *but he is freed only from the charge of Sin. All his Sins are charged upon Chriſt, he being Sin for him; yet Chriſt is not an actual Sinner, but Chriſt is all the Sinners in the World by Imputation.* By *Imputation* he means *a real Tranſaction*, as will appear afterwards. Again, *p.* 267. *Beloved, miſtake me not, I ſay not that ever Chriſt was or could be the Actor or Committer of any Tranſgreſſion, for he never committed any Sin himſelf. Not that he was the Actor of any Tranſgreſſion.* And more fully, *p.* 283. *I ſay here is a real Act, God doth really paſs over Sin upon him, ſtill keeping this faſt, that Chriſt acted no Sin; ſo that in reſpect of the Act, not one Sin of the Believer is Chriſt's, but in reſpect of Tranſgreſſion. In reſpect of Conveyance, in reſpect of paſſing Accounts from one Head to another, in reſpect of that, there is a re-*

P. 263.

reality of making of Chriſt to be Sin. So that when you deny Chriſt to have been *inherently ſinful*, you ſay no more than Dr. *Criſp* himſelf hath done; for he could not be *inherently ſinful*, unleſs he were an *actual Sinner.* But we muſt obſerve, that although he denies this, yet he affirms, *That Chriſt was as really the Tranſgreſſor, as the Perſon that did commit the Sin; or as if himſelf had actually committed Tranſgreſſion.* Now I would fain know, why thoſe Words, *inherently ſinful* were put in, inſtead of being *as really a Tranſgreſſor*; unleſs it were to do Dr. *C.* and his Friends a kindneſs. For when in your Appeal you diſown the Principles of *Antinomianiſm*, p. 8. you ſay, *That you reject the Opinion of thoſe who hold, That upon transferring the Guilt of our Sins upon Chriſt, he is to be eſteemed the Perſon that committed all the Sins of thoſe for whom he died; or that the turpitude and filth of our Sins was transferred upon him, which is a Notion equally falſe, blaſphemous and impoſſible.* This is as much as can be expected, ſuppoſing that you mean, that he was neither the *actual Tranſgreſſor*, which Dr. *C. denies*; nor that he had the perſonal Guilt of our ſins upon him, which Dr. *C.* did *aſſert*, and built his whole *Hypotheſis* upon it, as I ſhall now make it plain.

This ſeems to be a *great Myſtery*, but it is really the foundation of *Antinomianiſm*, viz. *That Chriſt had the perſonal guilt of our Tranſgreſſions charged upon him, and ſo he was as ſinful as we; and that by his diſcharge of it, the guilt of their ſins is removed from them, and ſo no longer chargeable upon them; and by their Change of Perſon with Chriſt, they become as compleatly righteous as he.* Dr. *Criſp* himſelf calls it a *Myſtery*, and well he might. *Beloved*, ſaith he, *here is a ſtrange Myſtery; the World will not receive it, unleſs they receive this Principle we are now upon, namely, That the Iniquity it ſelf of his People is laid upon the Back of Chriſt.* P. 269. *By Iniquity it ſelf*, he ſaith, *he means the fault of the Tranſgreſſion it ſelf.* P. 270. *If thou haſt part in the Lord Chriſt, all theſe Tranſgreſſions of thine become actually the Tranſgreſſions of Chriſt, and ſo ceaſe to be thine, and thou ceaſeſt to be a Tranſgreſſor from that time they were laid upon Chriſt, to the laſt hour of thy Life.* Ib. *So that now thou art not an Idolater*, &c. *Reckon what ſin ſoever you commit, when as you have part in Chriſt, you are all that Chriſt was, Chriſt is all that you were. ——Mark it well; Chriſt himſelf is not ſo compleatly righteous, but we are as righteous as he was; nor we ſo compleatly ſinful, but Chriſt became, being made ſin, as compleatly ſinful as we: nay more, the righteouſneſs that Chriſt hath with the Father, we are the ſame righteouſneſs, for we are made the righteouſneſs of God; that very ſinfulneſs that we were, Chriſt is made that very ſinfulneſs before God. So that here is a direct change; Chriſt takes our perſon and condition, and ſtands in our ſtead; we take Chriſt's perſon and condition, and ſtand in his ſtead.* Theſe are his own Words, and contain in them the very foundation of *Antinomianiſm.*

But my buſineſs at preſent is about the transferring our very faults upon Chriſt, which he calls *the guilt of the fact*, and not the mere *guilt of Puniſhment. Many Men*, ſaith he, *p.* 266. *are ready to think, that the guilt (ſuch as they call guilt) and the puniſhment of ſin lay upon Chriſt indeed, but ſimply the very faults that Men commit, that is, that the Tranſgreſſion it ſelf is become the Tranſgreſſion of Chriſt is ſomewhat harſh.* Yes indeed it is, and more than *ſomewhat*. But let us ſee how he proves it; and he undertakes to do it by *Scripture* and *Reaſon*. But the miſchief of it is, that in the one he argues like a *Papiſt*, and in the other like a *Socinian.*

Firſt, he ſaith, *he will endeavour to clear it by manifeſt Scripture, that ſimply, without any Equivocation, ſimply, I ſay, Iniquity it ſelf not in any figure, but plainly ſin it ſelf was laid upon Chriſt.*

Some have been ready to conceive, that Iniquity in the Text is ſpoken figuratively; Iniquity, that is, the puniſhment of Iniquity was laid upon him. Juſt as the Proteſtants, when they are told, *This is my Body* is in the Text, ſay, it is to be figuratively underſtood. *But ſee*, ſaith he, *how careful the Spirit of God is, to take away all ſuſpicion of figure in the Text; there is Iniquity, Tranſgreſſion, and Sin. And it is ſtrange, that all thoſe three Expreſſions ſhould ſtill be underſtood of puniſhment, and not ſimply of ſin it ſelf without any figure.* Not one jot ſtranger, than that *This is my Body* ſhould be figuratively underſtood, when the literal ſenſe is neither agreeable to Scripture nor Reaſon.

For the Objection about guilt, that the Lord lays the guilt and puniſhment, and not ſimply the ſin it ſelf for ought that I can ſee, ſaith he, *it is a ſimple Objection.* So do the Papiſts ſay, as to our Objections againſt Tranſubſtantiation, that they are *ſimple Objections* taken from carnal reaſon; but we ought to ſubmit to the plain Letter of Scripture.

But how is this *ſimple Objection* anſwer'd?

(1.) *That the Scripture doth not mention the guilt of ſin as diſtinct from ſin it ſelf, and Chriſt is never ſaid to bear the guilt of ſin, but to bear ſin.*

And is this a wiſe Anſwer to the *ſimple Objection?* When every one that is converſant in the Idiom of Scripture, knows that the ſame word is often uſed for the ſin and the puniſhment of it; and the beſt Interpreters cannot tell ſometimes which to render the original Word by. Why then may not Chriſt be ſaid to bear our *Sins*, when he bears the *Puniſhment* of them? *But Puniſhment is not Guilt.* But it is ſuch a Conſequence of *Guilt*, that therefore one is often taken for the other. *But to ſay, that he had the Guilt laid upon him, and not the Sin, is to contradict Scripture.* How can that be, if *the Puniſhment and the Sin* be of the ſame importance, when *Chriſt is ſaid to bear Sin? But the Puniſhment muſt then have relation to the Sin as in the ſame Perſon.*

To anſwer this diſtinctly and clearly, I ſay, that there are three ways *our Sins* may be ſaid to have a relation to Chriſt's Sufferings, as a *Puniſhment* for them.

(1.) As a mere *external impulſive Cauſe*, which being conſidered alone, amounts to no more than an occaſional Cauſe, and gives no proper Reaſon for Puniſhment; and ſo far the *Socinians* will go.

(2.) As this *impulſive Cauſe* becomes *meritorious* by the voluntary Act of Chriſt's undertaking to ſatisfy Divine Juſtice for our Sins, by making himſelf a Sacrifice of Atonement for them. But ſtill they are conſidered *as our Sins*, and not as his own, any farther, than that by his conſent he took upon himſelf to bear that guilt which relates to Puniſhment, and ſo they come to be juſtly charged upon him.

(3.) As the *perſonal Guilt of our Sins* is ſaid by Dr. *Criſp* to be transferred on Chriſt; *the fault of our Tranſgreſſions themſelves*, ſaith he, *is*
P. 170. *ſaid to be upon him; ſo that in reſpect of the reality of being a Tranſgreſſor,*
Chriſt is as really the Tranſgreſſor, as the Perſon that did commit the ſin
P. 267. *was a Tranſgreſſor before Chriſt took the Tranſgreſſion upon him.* Theſe are
his own Words, and leaſt any ſhould miſtake him in a point of ſuch
conſequence, he repeats them; *And this act of God's laying them upon him*
makes Chriſt as really a Tranſgreſſor, as if he himſelf had actually commit-
P. 281. *ted Tranſgreſſion.* And again, *Chriſt by this Tranſaction, and laying on of*
ſin,

*ſin, doth now become or did become when they were laid, as really and truly
the Perſon that had all theſe ſins, as thoſe Men who did commit them really
and truly had them themſelves.* In another place, *The Lord hath laid this* P. 358.
*Iniquity upon him, he makes a real Tranſaction, Chriſt ſtands as very a Sinner
in God's eyes, as the Reprobate, though not as the Actor of theſe Tranſgreſſions;
yet as he was the Surety, the Debt became as really his, as it was
the Principals before it became the Sureties.*

But do not theſe Words explain the reſt, and that he doth not ſpeak of ſin as a phyſical act; for he denies Chriſt to have been an actual Tranſgreſſor; but only in a moral ſenſe, that he did bear our Sins by Imputation.

To this I anſwer, (1.) That he utterly denies the ſenſe of *Imputation*,
as it is oppoſed to a real Tranſaction; and ſaith, it ſuppoſes a miſtake P. 280,
in God to eſteem of things otherwiſe than really they are; and that there 281, 286.
is not one Paſſage of Scripture, which ſpeaks of imputing our ſins to
Chriſt. But if the word be allowed, he ſaith, *it hath reference to the
truth and reality of the thing; as* Lev. 17. 4. 1 Sam. 22. 15. Beſides, he
ſaith, *That God hath no other Thoughts of things than as they are, he himſelf* P. 281.
*doth either make or diſpoſe of things. So doth he eſteem and think of things,
and conſequently of ſin. If he ſay, he doth lay or hath laid Iniquity upon
Chriſt, and that he hath diſcharged the Believer from all Iniquity, certainly
God doth ſuppoſe and eſteem things to be thus as he hath diſpoſed of them.*

(2.) He doth aſſert ſuch a laying Iniquity upon Chriſt, from whence
the immediate Diſcharge follows as to the actual Sinner, who hath any
ſhare in him. So that the Tranſlation is ſuch, as from that time no actual
Tranſgreſſion lies upon him; and he ceaſes to be a Tranſgreſſor,
and his Sins are no longer his but Chriſt's, as appears from his Words.
His meaning then is, that there is ſuch a real Tranſlation of the guilt of
ſin upon Chriſt, that no kind of guilt doth from thenceforward remain
as to the actual Tranſgreſſor. And ſo there can be no Remiſſion of Sins,
nor Juſtification afterwards; no condition in order to Pardon; no charging
Sin upon Believers; no true Faith, but believing that their Sins are
already forgiven, &c. And if theſe things do not ſubvert the whole Order
and Deſign of the Goſpel, it is hard to contrive a Scheme of Doctrines
which doth it, and yet retain the Profeſſion of it. But theſe are Dr. *Criſp*'s
words in another place; *All the Weight, all the Burden, all the very Sin
it ſelf is laid upon Chriſt; and that laying of it upon him, is a full diſcharge* P. 298.
*and general releaſe and acquittance unto thee, that there is not any one Sin
now to be charged upon thee.* So that a full diſcharge is the immediate conſequence
of laying our ſins upon Chriſt.

(2.) He anſwers about *Guilt*, *That it is not an Obligation to Puniſhment,* P. 272.
*but that it relates to the Fact; as when a Malefactor pleads guilty or not
guilty; the meaning is, whether the Fact was done by him or not. And
therefore to ſay the Guilt is laid upon Chriſt, but not the Sin, is to ſay the
Sin is laid upon Chriſt, and Sin is not laid upon Chriſt, which is a contradiction.*

In anſwer to this, it will be neceſſary to clear this matter about *Guilt*; for a great deal depends upon it, both as to the *Antinomian* and *Socinian* Controverſies.

In every Act of Sin there is a twofold *Guilt* to be conſidered.

1. *The Guilt of the Fact*, as it is a Tranſgreſſion of the Law.
2. *A Guilt conſequent upon the Fact*, by virtue of the Sanction of the Law. For although the Deſert of Puniſhment naturally follows the Fact; yet the Obligation to it comes not from the Sinners Act, but from the

will of the Law-giver, who by the Law binds the Sinner to Puniſhment: So that this ſort of Guilt depends upon the Law, as the other did upon the Fact.

Now it is of great conſequence for us to conſider, how far Guilt is ſeparable from the Act of Sin; and ſo whether it be poſſible for the actual Guilt of the Fact to be tranſferred from the Tranſgreſſor; and if it be not, there is no more ground for Dr. *C*'s *Hypotheſis*, than for *Tranſubſtantiation*. For both have the words of Scripture, as they ſuppoſe; and if one be no more poſſible than the other, we ſhall find as little reaſon to embrace one as the other.

As to the Act of Sin, theſe things are inſeparable from it.

1. The *Guilt of the Fact*. For he that hath been an actual Tranſgreſſor, can never be made not to have been ſo: For what is paſt, can never be made by any power whatſoever not to have been; and ſo the Guilt of the fact muſt remain upon the Perſon that committed it. It may be ſaid, *That this holds only as to the phyſical Act, and not as to the moral Obliquity of it.* But the committing of the fact with the moral circumſtances of it, was a *perſonal Act*; and how then can one be tranſferred more than the other? Beſides, when the Obliquity of the fact lies in a mere Privation of that Rectitude, which ought to have been in it, how can that which is no real thing in it ſelf, be tranſferred to another?

P. 270. But Dr. *Criſp* ſaith, *A Believer ceaſeth to be a Tranſgreſſor from that time his ſins were laid upon Chriſt to the laſt hour of his life.* So that *now thou art not an Idolater*, &c. *thou art not a ſinful Perſon*, &c. It's poſſible for ſuch a one to ceaſe committing his ſin, or to have his ſins forgiven him; but how it is poſſible for a fact already paſt not to continue as a fact paſt, is a thing I cannot underſtand. But he ſtill conſiders Sins as Debts, that when they are once paid, are no longer Debts. But there is a great difference between the guilt of a fact, and the contracting of a Debt; for a Debt conſiſting in a thing real, whoſe property may be alter'd and tranſferred from one to another, it is eaſy to apprehend how that may ceaſe by being paid; but in criminal matters nothing is capable of being tranſferred, but the Puniſhment, which is a thing real; but the Obliquity and Guilt of the fact is a privative and perſonal thing.

2. *The deſert of Puniſhment*, which follows the actual Tranſgreſſion, cannot be ſeparated from it. For let what Grace or Favour ſoever be ſhewed, the Deſert of Puniſhment remains ſtill; or elſe there would be no ſuch Grace and Favour, if that could be taken away. But this Deſert follows inherent Guilt; for no Sinner can deſerve that one that was not a Sinner ſhould ſuffer for his faults. Nor can the Law or Act of any perſon transfer the deſert of Puniſhment from him that was the actual Tranſgreſſor.

3. *The Turpitude*, as to the Act of Sin, cannot be removed from it. For where-ever the Act of Sin is, it muſt be diſpleaſing to God; but the Turpitude, as it affects the Perſon of the Sinner, muſt have another conſideration. For God may ſee cauſe to forgive the Sinner, and receive him into his Favour, although he ſtill continues to hate and abhor the ſin.

As to the *Guilt of Sin*, as it relates to the *Puniſhment*, theſe things are to be conſidered.

1. That although divine Juſtice requires Satisfaction for Sin, yet it is not neceſſary that the actual Tranſgreſſors ſhould undergo that Puniſhment, which they have deſerved by their Sins. For then there would be no room for Grace and Favour to them.

2. That it is conſiſtent with the Juſtice and Wiſdom of God to accept of a Mediator, to interpoſe between the Severity of the Law, and the Puniſhment of Tranſgreſſors, upon terms agreeable to the Divine Wiſdom and Mercy.

3. That ſuch a Mediator, undertaking to make an Atonement for our Sins, by ſuffering in our place and ſtead, may truly and properly be ſaid to undergo the Puniſhment of our Sins, and our Sins to be the *meritorious Cauſe* of it. *But if Deſert adhere to the Perſonal Guilt, how can our Sins be the meritorious Cauſe of another's Puniſhment?* I anſwer, that a *meritorious Cauſe* may be conſidered two ways.

1. In the Natural Courſe of things; and ſo *Deſert* follows the Fact; ſo that the Sinner always deſerves to be puniſhed; and no interpoſition by another Perſon can take away this Original Deſert of Puniſhment: For although our Sins be forgiven, yet we ſtill deſerve to ſuffer for them; which we ſhould not do, if *Deſert* in this ſenſe could be transferred.

2. As *Deſert* implies only a juſt reaſon of Puniſhment; and ſo there may be a *meritorious Cauſe* in extraordinary Caſes, when the Legiſlator conſents that another ſhall undergo the Puniſhment, which others have deſerved. *Immeritò quenquam punire eſt injuſtè punire*; as I have elſewhere obſerved out of *Crellius*: And *Immerito* in the *Greek Gloſſes* is render'd Ἀλόγως, and *Merito* by Εἰκότως and Εὐλόγως, and in *Cicero*, *jure & merito* are moſt commonly joined together. *Diſ. 1. of Satisfaction, p. 145.*

Theſe things I only mention at preſent; and as occaſion offers, I ſhall diſcourſe more of them afterwards.

I come now to conſider Dr. *C's* Arguments from Reaſon, *that Chriſt muſt bear Iniquity it ſelf.*

(1.) *It had been otherwiſe the extremeſt Injuſtice in the World for God to wound and bruiſe him,* page 273. *For vindictive Juſtice doth imply and ſignify ſome Fault committed. That God therefore might be juſt in puniſhing Chriſt, and do no more upon Chriſt than what was deſerved; he muſt firſt have the Iniquity laid upon him, that is, the merit of that bruiſing, that there might be upon him the deſert of that bruiſing he did ſuſtain,* p. 274. And again, *p.* 283. *There muſt of neceſſity be a preſent Deſert upon a perſon, before the Judge can inflict any thing upon the perſon. A Fault muſt be found upon a Man, before he may be executed legally and juſtly. Therefore the Fault muſt be found really upon Chriſt himſelf, before there can be an Act of God's Juſtice in wounding Chriſt.*

This is juſt the *Socinian* way of arguing. Chriſt could not ſuffer the Puniſhment of our Sins, becauſe he was perfectly innocent, and therefore could not deſerve to be puniſhed; but Puniſhment without Deſert is unjuſt. The *Antinomians* we ſee join with the *Socinians* in the main Principle, *That unleſs there be perſonal Guilt, the Puniſhment of Chriſt would be unjuſt.* But then they give a wonderful Advantage to the *Socinians*; becauſe they put the main of the Cauſe upon an Iſſue which can never be defended, *viz.* that our perſonal Guilt, and the Deſert of Puniſhment was transferred upon Chriſt. For let any Man conſider with himſelf, whether he can think it poſſible for thoſe Circumſtances of Fact to be transferred to another, which inſeparably follow and adhere to the Perſon who committed the Fact. Suppoſe Dr. *Criſp's* own Caſe: A Malefactor is accuſed of a Crime, to which he is to plead Guilty or not Guilty; ſuppoſe it be Murder, or Adultery, can he that really did commit the Fact, ever truly plead that he did not commit it? It may be ſaid, *As to Men he could not, but as to God he might; becauſe Chriſt taking his actual Tranſgreſſions upon him, the Sin is no longer his but Chriſt's.* So that as to the *juſt and righteous Judgment of Men*, he continues ſtill guilty of the Fact, but not as to *God's*. But if Mens Judgments be *true and righteous*, then he muſt remain really guilty; and if God always doth judge according to Right, he muſt be ſo in God's Judgment too; or elſe a Man may be truly guilty before Men, and not guilty before God, as to the ſame Fact. I do not mean that a Man may not be juſtly found guilty before Men, whoſe Sins may be forgiven by the mercy of God; for that relates to the Guilt of Puniſhment, which God may remit as to his Tribunal, and yet the Perſon may juſtly ſuffer by humane Laws: But if the Guilt of the Fact were taken away by God's Remiſſion, then there would be no Foundation left for the Laws of Men to proceed upon. But if it be granted, that God doth judge him guilty of the Fact, then that Guilt muſt remain upon him; and ſo he cannot ceaſe to be an actual Tranſgreſſor in that Fact which the Law doth juſtly charge upon him. And if the Guilt of the Fact ſtill remains upon him, then it cannot be transferred to another; for two diſtinct Perſons, who did not join in the Fact, cannot be guilty of the ſame Fact, eſpecially ſo as he that committed it ſhall be free, and he that did not ſhall be charged with it. Theſe things are ſo agreeable to the natural ſenſe of Mens Minds, that if they did allow themſelves the liberty of thinking, they could be in no doubt concerning them.

And as it is as to the Guilt of the Fact it ſelf, ſo it is as to the natural deſert of Puniſhment, which follows from it. No Man hath committed a Fault, which the Law hath appointed a Puniſhment to, but he deſerves to be puniſhed for the violation of it. And although it be poſſible for him to be pardoned, yet the deſert of Puniſhment muſt ſtill remain upon him; becauſe that reſults from his actual violation of the Law, which cannot be unacted. But cannot this Deſert be transferred to another? No more than the Fact it ſelf. And Puniſhment taken in its moſt ſtrict and proper ſenſe, muſt follow perſonal Guilt, and that Deſert which ariſes from the actual Tranſgreſſion.

But do we not by this means take away the proper Puniſhment of Chriſt for our Sins, and ſo overthrow the Doctrine of Satisfaction? By no means. For I take away nothing but the Puniſhment which follows *Perſonal Guilt*; and if this be not taken away, the *Antinomian* ſenſe muſt be allowed; and Chriſt muſt be charged with the *actual Guilt* of our Sins. But if this be, as you confeſs, *Falſe, Blaſphemous, and Impoſſible*, then another Notion of Puniſhment muſt be pitched upon, which may agree to the Sufferings of Chriſt in our ſtead; and ſuch a one is that of the Suffering of Chriſt as our Mediator, by the Father's Appointment, and his own Conſent, which takes off all Appearance of Injuſtice in it: Since there is a concurrence of the Will of the Supreme Legiſlator, the free conſent of him who had the only cauſe to complain, and all this done to promote the wiſeſt and beſt Deſign for the good of Mankind.

But before I proceed farther, it will be neceſſary here to take notice of an Expreſſion of yours in your *Appeal*, which may be of uſe afterwards. Your words are, *page* 55. *Miſtake me not, I don't believe that the Perſonal Guilt of our Sins, or that their Filth and Turpitude were transferred upon Chriſt: Nothing more abhorred by me than ſuch abominable Blaſphemies.* By this one would think you were the fartheſt from the *Antinomian* Doctrine of any one. But then it follows; *However I am per-*

perſwaded—— that the Lord Jeſus Chriſt voluntarily, on the Father's Invitation, coming under the Sanction of the violated Law, was juſtly charged with the Guilt of our Sins, found guilty, condemned, ſentenced, and executed as ſuch, even by that God who laid on him the Iniquity of us all. Now if I do not miſunderſtand both Dr. *Criſp* and you, you ſay as much in Conſequence as he doth in theſe latter words, and therefore you cannot diſown the transferring our perſonal Guilt upon Chriſt. For, I pray conſider the force of Dr. *Criſp*'s Reaſoning: *If the Fault be not found upon Chriſt he could not be juſtly puniſhed*; and you ſay, *that he was juſtly charged with the Guilt of our Sins, and therefore was juſtly puniſhed*. But what *Guilt* was this, which was thus charged upon Chriſt? *The Guilt of our Sins*, you ſay, *but not the Perſonal Guilt*. What Guilt was it then? Not the meer Puniſhment; for we are now enquiring what that Guilt was which made the Puniſhment juſt; and there muſt be a *Transferring of Guilt* before to make the Proceedings juſt. Now what Guilt could that be, but the *Perſonal Guilt of our Sins*, as Dr. *Criſp* aſſerted, and you denied? And this appears more by your following words, *p.* 56. *And ſeeing Chriſt's Sufferings were a Judicial Act of God, it could not be otherwiſe; for Juſtice condemns none to Puniſhment, but upon the account of Sin; and puniſheth none, but under the notion of Criminals: If Jeſus Chriſt had been only treated as if he had been a Criminal, and died not as a Criminal* in foro Poli, *his Sufferings could not have been a proper Puniſhment flowing from that punitive Juſtice which is natural to God.* And wherein is this different from what Dr. *Criſp* had ſaid? For if Chriſt were a *real Criminal in Gods Eſteem and Judgment*, then he was an *actual Tranſgreſſor*, and had the Guilt of our Faults upon him; for he had none of his own. And what Guilt could make him to die as a Criminal *in foro Poli* (as you call it) but the *Guilt of our Facts*, with the *Deſert and Turpitude* which followed them? For nothing could make him ſuffer as a real Criminal but *actual Guilt*; and having none of his own, ours muſt be transferred upon him in your opinion; and yet *you deny that he had the Perſonal Guilt of our Sins*. How can you make theſe things to conſiſt? You muſt aſſign ſomething that is not *Perſonal Guilt* which can make a *real Criminal*; which I think is very hard to do. We ſay, that Chriſt did really ſuffer on the account of our Sins, and that Juſtice was ſatisfied by his Sufferings; and that he took upon him the Guilt of our Tranſgreſſions, by undergoing the Puniſhment for them, as our Sacrifice of Atonement; and that this was a real Puniſhment as to him, but made *Juſt* by the Father's Will, and his own voluntary undertaking. But to ſay, that he ſuffered as a *real Criminal, and was ſo puniſhed by God*, is, I think, impoſſible to be underſtood, unleſs Dr. *Criſp*'s ſenſe of the Tranſlation of *Perſonal Guilt* be allowed, which you profeſs to abhor as *falſe and blaſphemous*.

(2.) Dr. *Criſp*'s ſecond Reaſon is, *That without this Tranſlation of our Perſonal Guilt, no Advantage could come to us by Chriſt's Sufferings*, pag. 272. For what Reaſon? *Becauſe a Man ſuffers only for his own Fault, unleſs the Fault of another be laid upon him.* Here is no Queſtion, but our Iniquities were laid upon Chriſt, and that he ſuffered in our ſtead; but the Diſpute is about the Manner how they were laid upon him; whether our very Tranſgreſſions themſelves were ſo laid upon him? And how doth it appear that we can have no benefit by Chriſt's Sufferings, unleſs that were done which was impoſſible to be done? But he makes it good by a *Suretyſhip for Debt: For* (ſaith he) *the bare Impriſonment of another Man doth not releaſe the Debtor in Priſon, unleſs he be* P. 274.

Surety for him. Very true. So we ſay that Chriſt's Sufferings had not availed us, unleſs he had been our Mediator, and appeared in our ſtead. But how doth it appear, that we cannot receive the benefits of Chriſt's Mediatorſhip, unleſs our Perſonal Guilt were transferred upon him? Are not the Divine Appointment, the Deſign of Chriſt, and the Promiſes of the Goſpel ſufficient for that purpoſe?

And this is his great Argument on all Occaſions, *That our Sins are Debts, and they are reckon'd to Chriſt as our Surety, and he hath fully diſcharged them, and therefore they cannot juſtly be charged upon us.* This runs thro' all Dr. *Criſp*'s Diſcourſes, and he manages it with all advantage to his Cauſe, and therefore muſt be more conſidered.

In his *firſt Sermon*, p. 8. he ſaith, *That although a Believer doth ſin, he is not to be reckon'd a Sinner; for his Sins are reckon'd to be taken away from him. A Man borrows a hundred pound, ſome man will ſay, doth not he owe this hundred pound, ſeeing he borrowed it? I ſay no, in caſe another hath paid the hundred pound for him. A man doth ſin againſt God, God reckons not this Sin to be his, he reckons it Chriſt's, therefore he cannot reckon it his. If the Lord did lay the Iniquity of Men upon Chriſt, then how can he lay it upon their Perſons? Thou haſt ſinned, Chriſt takes it off; ſuppoſing, I ſay, thou haſt receiv'd Chriſt. And as God doth reckon Sin to Chriſt, and charges Sin upon him; ſo if thou be of the ſame mind with God, thou muſt alſo reckon this Sin of thine upon Chriſt; his back hath born it, he hath carried it away.*

And, *p.* 283. *When one man becomes a Debtor in another man's room legally and by conſent, this Surety that doth become the Debtor, he is not barely ſuppoſed to be the Debtor; but by undertaking of it, and legally having it paſt upon him, he is as really and truly the Debtor, as he was that was the Principal before; I ſay as truly and really the Debtor: So that there is an abſolute truth and reality of God's Act in paſſing over Sins upon Chriſt, and laying them upon Chriſt.*

Again, *p.* 289. *There is therefore a certain tranſacting of Sin upon Chriſt, ſo real, that indeed the Believer, though an Actor of Tranſgreſſion, is as truly and abſolutely diſcharged of his Sins, as if he himſelf had not committed them; I ſay, ſo diſcharged as if he had not committed them. As a Debtor, when a Surety hath taken the Debt upon him, and the Debtor receives an Acquittance and Diſcharge, he is as free of the Debt now, as if he had never run into that Debt; ſo I ſay it is with a Believer, Chriſt being made a Surety of a better Teſtament, and thereby becoming truly and really the Debtor inſtead of Believers, he ſo bears all the Debt himſelf, that they are altogether releaſed, and diſcharged, and freed, as if they had never been in Debt.*

I need not to produce any more places to this purpoſe, although it were eaſy to do it; for in this *Similitude* lies the main ſtrength and ſupport of his Cauſe.

But to ſhew how little force there is in it, we need only theſe Conſiderations.

(1.) That there is no ſufficient Foundation in Scripture, for our Sins being thus transferred to Chriſt as our Debts, and his undertaking as our Surety to pay them. If one reads Dr. *Criſp*'s Sermons, one would conclude, that there is nothing plainer, nor more frequently inculcated in Scripture than this: For he ſeems to lay the Foundation of all upon it, as though there were no other true way of underſtanding the Doctrine of *Chriſt's Satiſfaction* but by it. The Title of one of his *Sermons,* Vol. ii. Serm. 3. is, *Chriſt the great Paymaſter of all the Debts of his People*; and he grounds it on that Text, *Iſa.* 53. *v.* 6. *The Lord hath laid on him the Iniquity of us all. Now,* ſaith he, *p.* 263. *as in Suretyſhip, our Debt becoming our Surety's, the Execution goes juſtly out againſt him; and ſo God can give a juſt Account of wounding him,* &c. Here it is taken for granted, *that Chriſt is made Surety for all our Sins as Debts,* without the leaſt ground in the Text for it, which wholly relates to Puniſhment. For the Words properly ſignify, *That he made our Iniquities to meet, or to fall upon him*; as a Man falls upon his Enemy when he meets him. So the *Jewiſh* Interpreters underſtand the Word; and to the ſame purpoſe *Symmachus* renders it; the LXX. *God gave him up to our Sins*; which *Procopius* expreſſes by ὥπερ ἀντίψυχον ὑπὲρ ἡμῶν, *as one that ſuffered in our ſtead.* St. *Jerom, Tradidit eum pro peccatis noſtris*; or as he tranſlates the LXX. *Dominus tradidit eum propter iniquitates noſtras.* Here is nothing like *Chriſt's Suretyſhip to pay onr Debts for us*; and yet, as if it had been the neceſſary ſenſe of the words, a great many Doctrines and Inferences are drawn from it; as of wonderful Conſequence for right underſtanding what Chriſt had done for us. God forbid that we ſhould go about to leſſen any thing of the Deſign of Chriſt's ſuffering for us, on which our Salvation ſo much depends. But the preſent Queſtion only relates to the Manner of his doing it, whether as a Surety for our Debts or no. Some will ſay, *What harm is there in this, ſince it is an eaſie Similitude, which People may apprehend without Trouble?* But it may be not without great Danger; for they can as eaſily draw Conſequences from it too; "As "that Chriſt hath then fully diſcharged our Debts already; and they can "no more be charged upon us, than a Creditor can demand a Sum of "Money from a Debtor, which was fully paid to a Farthing by his "Surety; and therefore all that we have to do is to believe, and to be "thankful; for all this Tranſaction was long ſince paſt without the "conſideration of any Act on our parts; and they muſt be great Ene-"mies to the Privileges of Believers, that can now talk of Conditions "on our parts; for this is no leſs than bringing us back to a Covenant "of Works, and making void the Covenant of Grace. Theſe are Conſequences of a very high nature, and have no Foundation but this Suppoſition, *That all our Sins as Debts are transferred upon Chriſt as our Surety; and he hath actually diſcharged the whole Debt, which therefore cannot lie upon thoſe whom he ſuffered for*; and conſequently we cannot ſuffer for thoſe Sins, which are already diſcharged; nor do any thing in order to our Juſtification and Salvation; whatever the Scripture ſeems to expreſs to the contrary. *But ſurely Men cannot build their Faith on ſuch Suppoſitions, unleſs they had other places of Scripture beſides this for their Foundation.* Dr. *Criſp* looked as far into this matter, as any one ſince, and it may be more; he turned the Scriptures over and over, and examined them with great care to find out what ſerved his purpoſe; for his Heart ſeemed to be ſet upon it, and as his Son ſaith, it ran in his Head when he was dying; and ſpeaking of thoſe who diſputed againſt his Notions of Free Grace, he ſaid, *Where are they? I am now ready to anſwer them all.* Which ſhewed the earneſtneſs of his Zeal about them. But there is but one place of Scripture which he could find, that ſeem'd to favour his Senſe, and that is, *Heb.* 7. 22. where Chriſt is ſaid to be *the Surety of a better Teſtament. God,* ſaith he, *takes Chriſt for a Surety, as Men will do, ſo doth God with Chriſt.—— Man is a broken Debtor, and Chriſt is a Surety; one that is rich and able to pay, and therefore God will* P. 277.

will look after none but him ; for this cauſe Chriſt gives his own ſingle Bond, and God is content to take Chriſt's ſingle Bond, and looks for no other Paymaſter but Chriſt. What ſtrange Deductions are here made from one word, quite beſides the Intention and Scope of the Apoſtle ? who doth not ſpeak of *a Surety for Debt*, but of *the Surety* of a Covenant ; not of one that was to pay our Debts to God ; but of ſuch a Surety as was to give us Satisfaction by his unchangeable Prieſthood, of the Performance of thoſe Promiſes which God made to us in this *better Covenant.* But of this more afterwards.

I now only take notice, that ſome of the Diſſenting Brethren I find charged *with talking much of a Suretiſhip, Righteouſneſs, and of an Equality of Believers with Chriſt as to it:* Which is another ſtrange Conſequence from *Chriſt's being our Surety as to the payment of our Debts, becauſe the Debtor may be ſaid to pay that Sum which the Surety lays down for him ; and that God doth account that Believers have paid that Debt of Obedience which Chriſt hath paid in their ſtead ; becauſe they are one legal Perſon with Chriſt.* All this depends upon this miſtaken Notion of *Suretyſhip:* But if it be once ſuppoſed, that we perfectly obeyed the Law in Chriſt, there can be no room for Remiſſion of Sins ; for how can Sins be forgiven to thoſe who have perfectly obey'd the Law ? Or how can they be ſaid to obey the Law perfectly in Chriſt, whoſe Sins being laid upon Chriſt, do ſhew that they have not obey'd it ? For can they be ſaid to pay for their Diſobedience, and to give perfect Obedience at the ſame time.

That the Argument doth not hold, that becauſe a Debt may be transferred to a Surety, and the Debtor be diſcharged on the Surety's undertaking the Debt, that therefore our Sins may be transferred to Chriſt, and we receive a Diſcharge by his becoming our Surety.

For (1.) there is no difficulty in conceiving the transferring of Debts, and diſcharge of a Debtor by a Surety. But in Sins the Guilt cannot be transferred as Money may ; for the guilt of the Fact remains a perſonal thing ; and although the Sinner be ſaid to owe a Debt to the Law, yet that Debt lies in the Obligation to Puniſhment, which he is liable to by the Guilt of the Fact ; but although the Puniſhment may be transferred by the Legiſlator's conſent, yet the perſonal fault cannot. *But doth not this Debt ariſe from the Guilt of the Fact, how then can any diſcharge the Debt without taking the Fault ?* I anſwer, That taking the Fault can ſignify no more than being anſwerable to the Law for it ; which muſt reſpect the Debt of Puniſhment, which the Law inflicts ; and he that takes away the Guilt of Puniſhment doth ſatisfy the Juſtice of the Law.

But we are told, *That nothing is a Demerit of Puniſhment but* Reatus Culpæ, *and therefore if Chriſt did undergo the Puniſhment of our Sins, he muſt bear the Guilt of our Sins as to the Fault.*

In the *Guilt as to the Fault* there are two diſtinct Conſiderations. 1. *The Fault it ſelf*, or the actual Violation of the Law by him that committed it ; and this can never be transferred. 2. *Of the Debt to the Law*, which follows the Fact, and this reſpects the Puniſhment, which may be transferred.

How can this be, unleſs he be made liable to the Puniſhment, and that is only by the Fault ?

Being *made liable* doth naturally and in ordinary courſe follow the Guilt of the Fact; but Laws and Puniſhments being made for wiſe Ends, the Legiſlator himſelf may interpoſe, and for great and wiſe Ends may change the ordinary courſe of Juſtice, and accept of another Perſon to ſuffer inſtead of the Offenders, (as I obſerved before.)

But ſuppoſe the Fault could be transferred as *a Debt* may, how doth it follow, that upon this Tranſlation there muſt be *a preſent Diſcharge*, as there is upon a Surety's being accepted inſtead of the Debtor? For in the caſe of a Debt, there is nothing looked after but payment of the Money; but in the Remiſſion of Sins, there are very weighty Conſiderations, as to the manner of diſcharging the Obligation to Puniſhment: For the true Honour of God, and Religion, and the real Intereſt of Mens Souls, as to the *working out their own Salvation* are deeply concerned in this matter. It is very poſſible for Men to frame a Scheme of Religion to themſelves from ſome peculiar Phraſes of Scripture, and general Promiſes, which may be fitted to ſome particular uſes, as to give ſatisfaction to ſome Perſons Doubts, (which ſeemed to be Dr. *Criſp's* Intention) but upon Conſideration of the whole Deſign of the Goſpel, they may be of dangerous Conſequence to Mankind; who are too apt to make ill uſe of ſuch Principles, by drawing ſuch Deductions from them, which tend to encourage them in the neglect, or careleſs performance of that ſtrict Obedience which they owe to God with reſpect to himſelf, and to their Neighbours. And it is of little moment to them to be told, *That God will carry on his own Work of Grace in thoſe whom he intends to bring to Salvation*: For this naturally diſpoſes Mens Minds to a paſſive careleſs Temper, as though they had nothing to do, but to wait for Supplies from above; and to depend upon *God's working in them to will and to do of his good pleaſure*, without ſetting themſelves *to work out their own Salvation with fear and trembling*. And yet St. *Paul*, who certainly underſtood the Power and Deſign of God's Free Grace, uſes one as the ſtrongeſt Argument for the other. What would he have ſaid to ſuch Phil. 2. 12, 13. Men, who according to theſe Principles muſt have told him, That he diſcharged the freeneſs of God's Grace, by putting Men upon *working out their own Salvation; for this was to bring in a Covenant of Works again, and a Bargain and Sale with God, and to ſet up the Merit of Man's Works to Salvation; for every Condition gives a Right, and what gives Right may be challenged as due, and what may be challenged as due is meritorious.* If there be any thing in ſuch kind of Arguments St. *Paul* was as much concerned to have anſwered them, as any now a-days; but he thought a great deal lay upon Mankind to do, notwithſtanding that wonderful Grace of God in the manner of our Salvation by *Jeſus Chriſt*; and that *by patient* Rom. 2. 7. *continuance in well-doing, men ought to ſeek for glory, and honour, and immortality*; which they could not do, unleſs they had a regard to it in *the ſeeking of it*, as the way to attain it. Doth not he bid Chriſtians *ſo run that they might obtain*? Doth not this make *running a Condition of* 1 Cor. 9. 24. *obtaining*? And what is *obtaining but Salvation*? What doth he mean by his *preſſing toward the mark, for the prize of the high calling of God in Chriſt* Phil. 3. 14. *Jeſus*? Do not theſe Expreſſions imply a great care to obtain the Reward of another Life? Here is ſomething beyond meer *Gratitude and Service*; for he doth ſuppoſe a *Connexion in way of Duty and Means* in order to *the End*; and not meer *Connexion in a way of Event*; *ſo that to thoſe to whom God will give Glory, he will give Grace to fit Perſons for it.* But St. *Paul* intimates far more, when he ſaith, *That he kept his Body in ſubjection*;

for what reaſon? Was it meerly to teſtify his *Thankfulneſs?* He gives 1 Cor. 9. 29. another account of it; *leſt that by any means while I preach to others, I my ſelf become a caſt-a-way.* Was St. *Paul* ſo ignorant of the *ſureneſs of the Goſpel Covenant*, as to ſuppoſe that by any Act of his he could make void that *Covenant*, which hath no relation to *Conditions* on our part? Either he was ſo ignorant, or others muſt be extremely miſtaken, who can hardly allow him to ſpeak tolerable ſenſe about this matter, if he doth exclude Conditions on our part in order to Salvation: But as no Man magnifies the Riches and Freeneſs of Grace more than he, ſo no one preſſes the Heb. 12. 14. Neceſſity of *Holineſs* more, as that, *without which no Man ſhall ſee the Lord.* Is this only to tell them, *That God will make them holy, if he deſigns to make them happy?* No, but he puts them upon *purſuing after* Rom.8.13. *Holineſs*, for that Reaſon. *For if ye live after the Fleſh ye ſhall die; but if ye through the Spirit, do mortify the deeds of the Body ye ſhall live.* Is not this *acting for Life, and not merely from it?* He ſuppoſes *the Spirit* ready to aſſiſt them in doing their Duty, and the greateſt encouragement to the performance of it. And in general, he perſwades Chriſtians to Col. 3. 23. great Sincerity in doing their Duties from this Conſideration; *Knowing that of the Lord ye ſhall receive the Reward of the Inheritance, for ye ſerve* 24. *the Lord Chriſt. But he that doth wrong ſhall receive for the wrong that he* 25. *hath done; and there is no reſpect of Perſons.* Could any Man more plainly inforce Mens doing their Duties with reſpect to Rewards and Puniſhments, according to the performance of them, than St. *Paul* here doth? And that from this Conſideration, *that there is no reſpect of Perſons;* which in this place muſt imply, that God will have a regard to Mens Actions, and not to their Privileges.

Neonom. Part 3. p. 286. Some may perhaps ſay, *What is this, but to make the Promiſe to ſecure Life upon doing our Duties? And if this be not to make the Goſpel a more overgrown and ſwinging Covenant of Works, than ever the old Law was, they have loſt all their Theological Meaſures.* I know not from whence ſuch men take their *Theological Meaſures*, nor of what kind they are, nor by what Standard they are to be tried; but I know of no Infallible Standard but the Holy Scriptures; and therefore all *Theological Meaſures* are to be examin'd by them. And I think St. *Paul* may as little be ſuſpected for ſetting up a Covenant of Works, as any Penman of the New Teſtament; and it is from him I have choſen to produce my Teſtimonies, becauſe it is he that attributes ſo much to the *Grace of God* in order to our 2 Tim. 1. 19. Salvation. It is he that hath ſaid, *That God hath called us with an holy calling, not according to our Works, but according to his own Purpoſe and Grace which was given us in Chriſt Jeſus before the world began.* It is he Tit. 3. 5. that hath ſaid, *Not by Works of Righteouſneſs which we have done, but* 6. *according to his Mercy he ſaved us by the waſhing of Regeneration, and renewing of the Holy Ghoſt; which he ſhed on us abundantly through Jeſus Chriſt our Saviour;* that requires men *to work out their Salvation with fear and trembling.* St. *Paul* uſeth the ſame word, *Rom.* 7. 18. where it ſignifies bringing a thing to effect, and is oppoſed to meer *willing*, and we render it *to perform*; in the LXX it is uſed for finiſhing and carrying on a thing already begun; and can imply no leſs than great Diligence in doing all ſuch things as tend to our Salvation; for that is the thing we are to work out by Divine Aſſiſtance; and therefore our own Working is required by the Author of our Salvation: Although he ſaves us not for the ſake of any Works of Righteouſneſs which we can do; yet his way of ſaving us is by *working out our own Salvation.* But we are told, no more is meant by this, but *a continual maintaining a holy Jealouſy of our ſelves, leſt we ſhould fail of the Grace of God by truſting in our ſelves; for it's immediately added, For it's God that worketh in you both to will and to do.* And is this all that St. *Paul* means? By *Fear* and *Trembling* indeed he underſtands great Humility of Mind, which carries along with it a Jealouſy of our ſelves; but what is *working out our Salvation*? That is *not truſting in our ſelves*, but depending on God to do it for us. But is there nothing then we are to do with that Divine Aſſiſtance promiſed? Are we to ſit ſtill, and only expect when *God will work in us to will and to do*? Then working out our own Salvation are inſignificant Words, and imply doing nothing; which is ſuch a ſenſe of the words as was never thought on before, and will not be again by any that do think what they write.

Neonom. Part 3. p. 286.

But St. *Paul* gives another ſenſe when he perſwades Rich Men that *they do good, that they be rich in good works—— laying up in ſtore for themſelves a good foundation againſt the time to come, that they may take hold of eternal Life.* How is this? What? *Do good works that they may take hold of eternal Life?* What is this but a *ſwinging Covenant of Works* of St. *Paul's* ſetting up? What is become now of the *Theological Meaſures*? Had St. *Paul* forgot himſelf? Or did he, *who became all things to all men*, here deal with *Rich Men* in their own method, by way of *Bargain and Sale*? But ſurely he would never accommodate himſelf to their way of dealing, ſo as to overthrow the Covenant of Grace; as theſe men imagine ſuch Conditions would do it. And he very well underſtood the difference between the *Foundation* of the Covenant it ſelf, which was certainly nothing but *the Grace and Mercy of God through Jeſus Chriſt*, and the foundation of our hopes as to our obtaining the Benefits of it, which ſuppoſes the performance of ſuch Conditions as are required from us; not as *Works meritorious of a Reward*, but as *Means* which God hath appointed in order to an *End*. As a Son that hath an Eſtate promiſed him of the free Gift of his Father; but yet he requires ſome Conditions to be performed by him before he comes to the poſſeſſion of it; can any one think this *a Bargain and Sale* between Father and Son? Or that he is to purchaſe the Eſtate by theſe Conditions? If theſe be their *Theological Meaſures* they had need to ſeek for new ones, for theſe will never hold according to the Standard of Scripture or Reaſon.

1 Tim. 6. 18. 19.

Which will yet more appear by what our Bleſſed Saviour himſelf hath ſaid concerning this matter; and ſurely we may moſt ſafely take our *Theological Meaſures* from him: For he knew beſt, how far and in what ſenſe the Guilt of our Sins was transferred upon him; and whether there followed an immediate Diſcharge upon it, without any regard to Conditions on our part. He had the Queſtion of the higheſt importance in this matter twice put to him; *What ſhall I do to inherit eternal Life?* At one time it was to try him, by a captious Perſon; and after his repeating the two great Commandments of the Law of God and our Neighbour, our Saviour ſaid to him, *Thou haſt anſwered well, this do and thou ſhalt live.* Had our bleſſed Saviour only a mind to banter him? Or was it to convince him of the impoſſibility of his doing what was neceſſary for eternal Life? It is not improbable that he intended to convince him of his folly, who ſuppoſed he had kept theſe Commandments in the Jewiſh ſenſe of them; which he doth in a ſerious manner by the Parable of the *Samaritan*. But what can be ſaid to the other Caſe, where a young Man of Quality and Eſtate came to him

Luke 10. 25.

28.

with the ſame Queſtion, but with a different Intention; for to ſhew he
Mark 10. was in earneſt, St. *Mark* obſerves, *that he kneeled to him, and asked him,*
17. *Good Maſter, what ſhall I do that I may inherit eternal Life?* And when
21. he anſwered well, it is ſaid, *That Jeſus loved him*; which ſhews his ſincerity
ſo far: But there was an immoderate love to the World in his
Heart which he was not aware of, till our Saviour put him upon a ſevere
Trial of himſelf; *Go thy way, ſell whatever thou haſt, and give to the*
poor. And what then? *And thou ſhalt have Treaſure in Heaven.* Doth
Chriſt himſelf make it a matter of *Bargain and Sale* for Heaven? Doth
the Surety of the better Covenant eſtabliſh a Covenant of Works? And
Matt. 19. that when one came to him for direction to attain eternal Life? Yet the
21. three Evangeliſts who report this Story, differ not as to this particular.
Luke 18. But what was our Saviour's Deſign in it? Not barely to convince
18. him, that he had greater and more prevailing Paſſions within him than
he was aware of; but that there was ſuch a uſe to be made of the
the things of this World, that they may be ſerviceable to another. And
Luk. 16. 9. ſo he ſaith in another place, *Make to your ſelves Friends of the Mammon*
of Unrighteouſneſs, that when ye do fail they may receive you into everlaſting
Habitations. Not by way of Merit, or any fooliſh Imagination
of that ſort; but in Obedience to the Will of Chriſt, who hath made
it ſo neceſſary a Duty for thoſe who hope to be happy in another World,
Matt. 25. to do good in this; which is evidently declared by the Account which
34. himſelf gives of the proceedings of the great Day. Which are far
more to be regarded than mens *Theological Meaſures.* According to
which, I confeſs, I know not what to make of the main Scope
and Deſign of our Saviour's Preaching. For he was ſtill preſſing Men
to do the Will of the Father, to keep his Sayings, to obey his Commandments,
and upbraided Men for not doing it; and yet, according to theſe
Meaſures, he knew it was impoſſible for them to do it; and that Mens
Salvation was determined, without any Regard to *Conditions* on our
parts.

If theſe be the right *Theological Meaſures,* what doth our Saviour
Luke 13. mean when he bids Men *ſtrive to enter in at the ſtrait Gate; for many*
24. *ſhall ſeek to enter in, and ſhall not be able?* By which, it ſeems, that
bare *ſeeking* by faint and weak Endeavours is not ſufficient; but *by ſtriving*
we may *enter,* or elſe it is to no purpoſe to put Men upon it. What
can this mean, if our Endeavours are not made *Conditions*; for as he
Mat. 7. 14. ſaith elſewhere, *Strait is the gate, and narrow is the way that leadeth unto*
Life, and few there be that find it. To what purpoſe is this ſpoken, but
to ſtir Men up to greater care and endeavour to attain to eternal Life;
ſince ſo many do miſs of it, for want of diligence in the enquiry and
purſuit after it?

Serm. p. But Dr. *Criſp,* by his new *Theological Meaſures,* hath found out an
56. extraordinary ſenſe of theſe words, *viz. That they are not to be underſtood*
of ſtrictneſs of Converſation; but that it hath not that latitude in it that
generally Men think it hath; for they think, that beſides Chriſt, there is
ſomething in the way that leadeth to Life, and that is a Man's own Righteouſneſs;
but if a Man's own Righteouſneſs be taken in, then it is a broader
Way than Chriſt allows. But how could it enter into any Man's Head
that reads our Saviour's words to the end of the Chapter, to think this
could be his meaning? *ver.* 21. *Not every one that ſaith unto me, Lord,*
Lord, ſhall enter into the Kingdom of Heaven, but he that doth the will of
my Father which is in Heaven; and *v.* 24. *Whoſoever heareth theſe Sayings*
of

of mine and doth them, I will liken him unto a wiſe Man, &c. What can be more evident, than that our Saviour here ſpeaks of Obedience to his Will, as that *ſtrait gate and narrow way which leadeth unto life?* So that if Chriſt and his Apoſtles taught true Doctrine (as no doubt they did) it was not meer transferring our Sins to Chriſt that is ſufficient for our Diſcharge and Salvation; but the Conditions of Faith, Repentance, and ſincere Obedience are required on our parts.

(3.) If there be no Conditions on our parts in order to the partaking the Benefit of Chriſt's Sufferings in our ſtead, how can Men have any good ground to ſatisfy themſelves, that the Guilt of their Sins is tranſferred upon Chriſt? This was a difficulty which Dr. *Criſp* was aware of; and therefore labours much for the clearing of it. The ſhort of it is, If Men can believe it to be ſo, that is the beſt Evidence that the thing is really ſo. Theſe are his words, *If thou believe with all thy* P. 128. *Heart thy Sins are forgiven thee; (though the very believing it ſelf do not infeoff thee in that freedom) but if you would know whether you have any part in this freedom or not, the believing in the Lord Chriſt is a ſufficient manifeſtation.* Again, *If the Lord hath laid Iniquity, and our Iniquity up-* P. 295. *on Chriſt, then whoſoever thou art to whom the Lord will be pleaſed to give the believing of this truth, that the Lord hath laid thy Iniquity upon him; that laying thy Iniquity upon him is an abſolute and full diſcharge to thee, that there neither is, nor can be any Iniquity, that for the preſent or for hereafter, can be laid to thy charge, let the Perſon be who he will: If the Lord, I ſay again, give to any to believe this truth, that it is his Iniquity the Lord hath laid upon Chriſt, God himſelf cannot charge any one Sin upon that Perſon.*

Theſe are very bold Expreſſions, and ought to have had plain Scripture, or evident Reaſon to ſupport them, but they have neither. The place of Scripture he brings is, *Who ſhall lay any thing to the charge of God's Elect?* But is believing that our Sins are forgiven an infallible mark of God's Elect? Is it not poſſible for one not Elect to believe it, or for one Elect not to believe it? If ſo, how can it be any reaſonable Argument to conclude, That a Man's Sins are forgiven becauſe he believes that they are? Is Preſumption a thing poſſible or not? If it be poſſible, is it not the greateſt Preſumption to believe without grounds? And what ground can any one have to believe that his Sins are forgiven becauſe he believes it? Where hath God declared this in Scripture? And what ground can there be for true Faith without Divine Revelation?

But Dr. *Criſp* was aware of the Objection about Preſumption, and he gives this Anſwer to it, *Let the Perſon be what he will be, if there be* P. 493. *but a real receiving of Chriſt, there is not Preſumption but true Believing;* which is not at all to the purpoſe: for the Queſtion is not about *Receiving of Chriſt,* as to his Word and Promiſes; which is, no doubt, a real Act of Faith; nor about a firm perſuaſion of the Mind as to the truth of what God hath revealed; but it is about that particular Act of Faith whereby we believe that our Sins are forgiven; and this is ſuppoſed to be the firſt Act of Saving Faith, and to be the true Manifeſtation, that ſuch a Perſon's Sins are forgiven. And this is that which leads Men, we ſay, to Preſumption, and hath no ground at all in Scripture. It is far from *Preſumption* to believe what God hath declared and promiſed; for this is our Duty: It is no *Preſumption* to apply the general Promiſes of Forgiveneſs of Sins to our ſelves; for without that, they cannot reach to our caſe, and therefore cannot afford ſufficient ground of inward Peace and Satisfaction of Mind: It is no *Preſumption* to rely upon the truth of Divine Promiſes, nor to depend upon our Bleſſed Saviour for the performance of them; for this is conſequent upon our perſuaſion that theſe Promiſes are Divine: But yet it may be great Preſumption to conclude, that *a Man's Sins are forgiven becauſe he believes that they are forgiven, being laid upon Chriſt:* For on what is this Connexion founded? Where is it revealed? And if to believe a thing without ground be Preſumption, this muſt be ſo.

P. 105. But Dr. *Criſp* urges that Scripture, *While we were yet Sinners Chriſt died for us: If thou art a Sinner therefore, Chriſt died for thee.* And how then? Muſt every Sinner believe, not only that Chriſt died for him, and that his Sins are forgiven, and if he can believe this, it is a mark of his Election; and what follows? Then here is univerſal Redemption aſſerted in its full extent; and what is more, here is an univerſal Election too, if all Men can believe that their Sins are forgiven: At leaſt it is a Conditional Election; and that is ground enough for Preſumption as to all ſuch as can believe that their Sins are forgiven. What can hinder any Man more from Repentance and forſaking his Sins, than to be told, that the firſt Act of Saving Faith is to believe that his Sins are forgiven? But the Goſpel preaches Repentance in order to Remiſſion of Sins; for when Chriſt ſent abroad his Apoſtles to preach to the World, the Meſſage Luke 24. 47. was, *That Repentance and Remiſſion of Sins ſhould be preached in his Name among all Nations.* Not that Men were to believe that their Sins are already forgiven, being laid upon Chriſt in his Suffering, although the Suffering of Chriſt be mentioned juſt before. And when St. *Peter* had the Holy Ghoſt upon him, and ſpake of the Sufferings of Chriſt, it Act. 3. 19. is obſervable what preſently follows, *Repent ye therefore and be converted, that your Sins may be blotted out, when the times of refreſhing ſhall come from the preſence of the Lord.* What a different account is this from believing that your Sins are forgiven, and you may be ſure they are forgiven? Act. 2. 38. And upon the very day of Pentecoſt, he ſaid, *Repent and be baptized every one of you in the Name of Jeſus Chriſt, for the Remiſſion of Sins.* Here is not only Repentance required for the Remiſſion of Sins, but *Baptiſm* too. And is not the Baptiſmal Covenant a Condition on our parts? It muſt be a mere piece of Pageantry, and an inſignificant Ceremony, if it doth not imply a Stipulation on the part of thoſe who are baptized. And what is a Stipulation, but a federal Condition? So that thoſe who exclude Conditions from the Covenant of Grace, muſt make nothing of the Baptiſmal Covenant, as to any real Obligation on the Conſciences of Men. And how can thoſe be accounted Chriſtians who do ſo? Theſe things are ſo plain in Scripture, that I wonder how thoſe can account it the Rule of their Faith who deny them; but whatever ſuch Men pretend, they muſt take up their *Theological Meaſures*, as they call them, ſome other way. And it is not hard to gueſs what it is which makes ſuch Doctrines ſo popular with thoſe, who have a mind to reconcile the Practice of gainful, and trading, and faſhionable Sins with an Intereſt in Chriſt; which is eaſily done, if no more be neceſſary to Remiſſion of Sins, but ſuch a Faith whereby they believe their Sins are already pardoned.

Whether this be the Reaſon of ſome Mens liking ſuch Doctrines above others I cannot ſay; but it is no wonder if they ſhould; and it is a dangerous Temptation for others to preach ſuch pleaſing Opinions, eſpecially when they are covered over with the very ſpecious Pretence of advancing the free Grace of God; which muſt be free indeed if no Conditions be required on our parts. But then methinks they might as well exclude a Condition without as well as within them; and ſo there would be no need of the Satisfaction of Chriſt. For the *Abſolute Promiſes* of the New Covenant, on which ſo much weight is laid (without comparing them with other places of Scripture) ſpeak no more of Chriſt's Sufferings than they do of any Conditions in us: But to this they think they have a full Anſwer, by attributing to God ſuch a ſort of vindictive Juſtice, as requires an abſolute, and rigid, and perfect Satisfaction in the ſame kind for the Sins of Mankind. Now this one would think doth not agree well with the Notion of Debts (already examined) for what ſort of Vindictive Juſtice is that, which makes Debts ſo neceſſary to be paid *to the utmoſt Farthing*? But Dr. *Criſp* hath put both theſe together in ſeveral places.

The truth is, ſaith he, *where-ever Sin is, the Juſtice of God will have plenary Satisfaction; for all the Sins in the World God will have full Satisfaction either by the Sinner himſelf, or by ſome Surety for him; Chriſt, ſeeing he hath taken the Sins of the Elect upon him, he muſt pay the full value, and his pay muſt be as full as the Rebrobates in Hell, God will have the utmoſt Farthing.* P. 275.

Again, *When Chriſt came into the World, he paid down ready Money all at once, he paid for every Parcel at one Payment; God hath all from him, as they ſay, in ready Caſh.* P. 335.

And again, *From the actual laying Iniquity upon Chriſt, at that inſtant when he was upon the Croſs, God nailed the Sins of Men to the Croſs of Chriſt; and from that time there was not one Sin to be reckoned, either to Believers, who are the Members of Chriſt, or to Chriſt himſelf; he having made Satisfaction, and upon it given out to the World, it is finiſhed. What is finiſhed? It is the payment of the Price ſo long look'd for; the utmoſt Farthing is now laid down.* P. 357.

But in other places he ſpeaks of *Chriſt's wearing out the Rod of Vengeance to the very Stumps:* P. 394. And of *God's Juſtice, as a Blood-hound following the Scent of Blood, and ſeizes where-ever he finds it. If Chriſt take our Blood upon him, Juſtice will follow him, and ſeize upon him, as if he had been the very Perſon acting the Sin.* P. 274.

What mean and unworthy Repreſentations are theſe of the *Divine Juſtice*, which is always accompanied with infinite Wiſdom; and acts not here for Vengeance, but to prevent it! God hath great, and wiſe, and becoming Ends to all the Divine Perfections in the *Sufferings of Chriſt* for us, in order to our Redemption and Salvation. But ſuch kind of Notions as theſe, made Men abhor the Notion of *Satisfaction*, and gave all the advantages which they ever had againſt it. Therefore, if we would defend it ſucceſsfully, we muſt have a great deal of care not to run upon theſe *Antinomian Principles*; which muſt unavoidably carry us into ſuch Abſurdities, which will make our Adverſaries inſult and triumph, as we find they do in their late Pamphlets, whenever they encounter this Notion of Satisfaction. And they would make the World believe that there is no other, which is a piece of Artifice in them; and if ever they prevail in their Undertakings, it muſt be only with ſuch Perſons who have eſpouſed ſuch an indefencible Notion of it: For the ſtrength of all they ſay againſt the Doctrine of *Satisfaction* in the moſt correct Edition of the *Racovian Catechiſm*, (which, if they have any, is Catech. Racov. *p.* 146.

to be look'd on as the Standard of their Doctrine) is, that the *Payment of the utmoſt Farthing* muſt exclude all Conditions on our ſide: So that the Notion of Satiſfaction doth lay the Foundation of *Antinomianiſm*; which Dr. *Criſp* very well ſaw, and therefore by juſt Conſequence built his Doctrine upon it.

CHAP. III.

The State of the Socinian *Controverſy explain'd, with reſpect to the preſent Differences among Diſſenters about it.*

HAving thus far endeavoured to lay open the *Myſtery* of *Antinomianiſm*, and thereby to remove the falſe Principles on which the Doctrine of *Satiſfaction* hath been maintained, I now come more cloſely to conſider the Charge of *Socinianiſm* upon thoſe who have appeared moſt vigorouſly againſt it. Among theſe, in your *Appeal*, you have ſingled out Mr. *Baxter*, who was remarkable for his ſucceſsful writing againſt them; and Mr. *Dan. Williams*, who hath made himſelf known to the World by his Examination of Dr. *Criſp*'s Opinions. I do not ſay it is upon that Account that you have endeavoured to repreſent them, as yielding too much to the *Socinians*; for you declare againſt ſome of them your ſelf with great vehemency; but I may ſay, and hope to make it out, that it hath been only a miſtaken apprehenſion of the true ſtate of the Controverſy, which hath been the occaſion of all theſe Heats; and that there is no Cauſe for any real Difference among thoſe who are not *Antinomians*, either in the *Principles*, or the *Conſequences* which follow from them.

And therefore I ſhall immediately apply my ſelf to the ſeveral Heads of your *Appeal*, in the Order you have placed them; and bring under each of them the Matters which lie diſperſed in your Book.

1. *About Chriſt's Sufferings being a proper Puniſhment of our Sins.*

As to this you produce ſeveral Paſſages out of Mr. *Baxter*'s Writings; wherein he denies *Chriſt's Sufferings to have been a proper Puniſhment of our Sins, but only ſaith that they were Improperly, Analogically, and Materially penal: That our Sins were not a proper Meritorious Cauſe, but only Occaſional of Chriſt's Sufferings; and that they were not from the Obligation of the Law, but only from his voluntary Undertaking*; and that Mr. *Williams* follows him in thoſe *Notions*. For you look on him only as *the Acceſſory*, and the other *the Principal*.

In examining this matter, we have two things to conſider.

1. In what Senſe this is aſſerted by Mr. *Baxter*.

2. How far this Senſe doth overthrow the Doctrine of *Satiſfaction*, and how far Mr. *W.* is concerned in it.

1. As to the Senſe in which theſe things are aſſerted by Mr. *Baxter*: For which we muſt have recourſe to his Writings, where he hath delivered his Opinion moſt clearly. I paſs over therefore his *Aphoriſms*, becauſe he declared afterwards, that he had expreſſed his Mind more fully ly in his other Books; eſpecially in his *Confeſſion of Faith*, purpoſely written for the clearing of himſelf. In that Book, he owns, *p.* 3. that in his younger Days, he was near being *enſnared by the Antinomian Doctrines; but afterwards he found them to be not only falſe but dangerous, and very apt to prevail upon weak and injudicious Minds, which excited his Zeal againſt them*; which expoſed him, as he ſaith, ſo much to the Hatred and Reproaches of thoſe who favoured them.

In the *Confeſſion* of his Faith, *p.* 12. he expreſly owns not only *Chriſt to be God, and one with the Father; but that taking our Nature upon him, he gave up himſelf a Sacrifice for our Sins, and a Ranſom for us in ſuffering Death upon the Croſs.* And afterwards, *p.* 152. he ſets down the *Antinomian* Doctrine on one ſide, the *Socinian* on the other, and his own as the *Truth* in the middle. The *Antinomian* is thus delivered. *Jeſus Chriſt ſatisfied God's Juſtice as in the Perſon of all his Elect, ſo that in Law-ſenſe and God's account, they themſelves did ſatisfy in and by Chriſt. So that Chriſt's Sufferings were the full and proper Execution of the threatning of the Law to Man; and ſo acquits them* ipſo facto, *on the meer Suffering; and ſo it is theirs as paid and ſuffered by Chriſt, and accepted by God, without or before any further means of Conveyance or Application to give them a Right in it, or to its Fruits.*

The *Socinian* Doctrine is thus expreſſed. *That Jeſus Chriſt did not undergo any Penalty for our Sins, as the Meritorious, or Pro-meritorious Cauſe, but only as Occaſions; and that he did not make any Satisfaction to God's Juſtice for us, but only ſuffer from the cruelty of wicked Men, and not as from a juſt and offended God, and ſet us a Copy or Example of Patience by his Death for our Imitation.*

That which he puts down as the *Truth* is this. *Jeſus Chriſt as the Publick Sponſor did bear the Puniſhment deſerved by the Sins of the World, and made to his Father a Satisfaction ſufficient for all.* I need not repeat any more in this place; this being ſufficient to ſhew that he did reject the *Socinian Doctrine*; and owned that Chriſt *did bear the Puniſhment deſerved by Mankind, and made full Satisfaction to the Father.*

You may ſay, *It is no news for Mr.* Baxter *to be charged with contradicting himſelf.* And it is poſſible for a Man who writes much, and lives long, to fall into ſuch different ways of expreſſing his Mind, as by others may be taken for *Self-Contradictions* which really are not ſo. But this muſt be narrowly examin'd, leſt we do him or the Truth injury. We muſt therefore conſider the force of thoſe Expreſſions you produce out of him.

In his *Methodus Theologiæ* you ſay, *That he expreſly declares that the Sufferings of Chriſt as to the Reaſon of the thing, were only a Natural Evil undergone by Occaſion, and the remote Cauſality of the Sins of Mankind. Not that our Sins deſerved his Puniſhment; but becauſe unleſs our Sins had deſerved Puniſhment he had not undergone it. Becauſe there is no proper Puniſhment but for Sin; and ſo the Sufferings of Chriſt are only Puniſhment in an Improper and Analogical ſenſe.*

This is the force of what you cite out of him, and to the ſame purpoſe you quote his Book of *Univerſal Redemption*, lately printed, but long ſince written; as appears by the *Poſtſcript* to his *Aphoriſms*, and by the Book it ſelf.

The chief Expreſſion in it, *p.* 91. is, *That Chriſt's Sufferings had no proper Meritorious Cauſe, but yet Man's Sins were the* Pro-cauſa Meritora; *he undertook to bear that Suffering which for them was due to us (not to him.) And therefore when I ſay he bore the Sufferings due to us, I mean it* materialiter *only; ſuch Sufferings for kind and weight he bore, but his Obligation to bear them was only from his own Sponſion, and not from the Law. From theſe paſſages,* you ſay, *you fear a Deſign in ſome Followers againſt the Doctrine of a Real, Full, and Proper Satisfaction to God's Juſtice for our Sins. To which it is Eſſential, that Chriſt's Sufferings be truly and properly Penal; and that our Sins be the near Impulſive Meritorious Cauſe of them; and that the Obligation thereunto ariſe from the ſanction of the Law.* This latter part muſt be examined afterwards.

2. I now come to conſider how far this overthrows the Doctrine of Satisfaction. To which I anſwer,

1. It doth not appear how this touches Mr. *D. W.* the *Principal* in the *Accuſation*; although you ſuppoſe him but an *Acceſſory* in the *Doctrine*. And therefore it ought to have been made out, that Mr. *W.* had eſpouſed theſe Notions of Mr. *B.* for he might follow him in other things, and find reaſon to diſſent from him in this. Therefore I expected to find ſome Proof that Mr. *W.* had ſaid the ſame things as to this matter, which P. 13. Mr. *B.* had done. But you only produce *the Complexion of his Writings, and their Tendency, and his Notions, Phraſes, Terms and Arguments, to prove this Charge:* From whence you infer, *That he muſt with Mr.* B. *deny Chriſt's Sufferings to be properly Penal.* Now I appeal to your ſelf, whether in a matter of ſuch Conſequence as you apprehend this to be it be juſt and reaſonable to charge one Man with another's Opinions, from general Preſumptions and Surmiſes? Eſpecially when he frequently owns the Sufferings of Chriſt to be a Puniſhment for our Sins, in oppoſition to the *Socinian* Doctrine. Either Mr. *B*'s Doctrine as to this matter falls in with the *Socinians* or it doth not; if not, why ſo much heat againſt it? If it doth, Mr. *W.* utterly diſowns it; for he expreſly rejects the *Socinian* Notion; as will appear by theſe places which I have obſerved in him. In the firſt place he makes no ſuch Diſtinctions of a *Pro-meritorious Cauſe and Analogical Puniſhments* as Mr. *B.* did. And he aſſerts Chriſt's Sufferings to be a *Puniſhment for our Sins* in ſeveral places; Man made Righteous p. 41. as in theſe Words: *But he was willing to bear the Puniſhment of our Crimes, that thereby he might merit our Forgiveneſs. True, it was for Sin* P. 18. *or it had not been neceſſary; nor yet a Puniſhment,* &c. Again, *Chriſt ſuffered the utmoſt Puniſhment which Juſtice required, and God propoſed for the Expiation of Sin.* And when he was accuſed of Principles tending P. 229. to *Socinianiſm*, he gave this Anſwer. *The Socinian Principles are ſummarily reduced to that of the Trinity, and that of Chriſt's Satisfaction. They deny the Deity of Chriſt, as the Son of God by Eternal Generation, we affirm it: They deny the Perſonality of the Holy Ghoſt, we affirm it. The malice of our Adverſaries cannot pretend to touch us here. The* Socinians *deny that Chriſt died a proper Sacrifice for Sin, we affirm it. They deny that Chriſt's Sufferings were the Puniſhment of our Sins, we affirm it. They deny that Chriſt ſatisfied Divine Juſtice, or died in our place, we affirm that he ſatisfied Juſtice, and that Chriſt died in our place and ſtead.* And in another place, *I aſſert Chriſt's Sufferings to be Puniſhment ſatisfactory to* Anſw. to Mr. *J. H.* p. 7. *Juſtice for our Sins.* And you tell me, you agree with me, That the true Controverſy between the *Socinians* and us lies here, Whether the Appeal, p. 7. Sufferings of Chriſt were to be conſidered as a Puniſhment for our Sins, or as Dominion only over an innocent Perſon in order to his Ad-

vancement to Glory. If you agree in this, and Mr. *W.* ſo freely owns that Chriſt's Sufferings were a Puniſhment for our Sins, how come you to ſuſpect that his Notions tend to *Socinianiſm?* And in his late *Animadverſions* on your *Defence* of the *Report*, p. 80. he ſaith, *That he joined with his Brethren in ſaying that the Puniſhment of our Sins was inflicted on Chriſt; that God might without injury to his Juſtice, pardon and ſave Penitent Believers. Is this a* Socinian *Error? Or is a Word wanting to make Chriſt's Sufferings proper Puniſhments? Nay, what is it to anſwer for our Violations? Is not to anſwer for our Sins another thing than* Socinians *hold? Even this is no leſs than ſuffering the Puniſhment of our Sins, if we were for violating the Law under its Obligations to ſuffer thoſe Puniſhments.*

But you may ſay, *That all this is meer Sophiſtry, and that he means only Puniſhment Materially and Analogically, as Mr.* B. *doth, although he finds it neceſſary to be more cautious and reſerved in his Expreſſions:* But I ſee no cauſe for ſuch a ſuſpicion as to Mr. *W.* I come therefore,

(2.) To conſider whether Mr. *Baxter*'s own words do lay him open to the ſuſpicion of going too far towards the *Socinians* in this matter. For in this caſe we muſt diſtinguiſh the Scripture Notion of *Puniſhment* from a ſtrict and Philoſophical ſenſe of it. The Scripture ſpeaks in general of *Chriſt's bearing our Sins, and our Iniquities being laid upon him, and his being made Sin for us,* &c. but not a word of *ſtrict and proper Puniſhment*; but of that which was appointed and accepted in order to *Atonement* for our Sins, as the *Impulſive Cauſe*, becauſe the nature of the Expreſſions do imply it; which becomes *Meritorious* by his voluntary undertaking it.

But Mr. *Baxter* it ſeems could not ſatisfy himſelf with the General Terms of Scripture; but was reſolved to enquire into the *Nature and Reaſon of the thing it ſelf*; and from thence he found theſe things, as *to Sin and Puniſhment*, which he thought fit to be conſidered.

Meth. Theol. *Part* 3. c. 1. Def. 5.

1. *That Puniſhment is a Natural Evil inflicted for a Moral Evil, wherein the Matter is the Evil it ſelf as Natural; the Form,* as he calls it, *the reſpect to the Meritorious Cauſe.*

2. *That the Name of Puniſhment is in it ſelf ambiguous; becauſe it relates to Puniſhment juſtly inflicted, and that which is not; the former is proper Puniſhment, the 2d is only Analogically ſo.* Here *Analogical Puniſhment* is that which is unjuſtly inflicted, if it be therefore juſtly it muſt be *proper Puniſhment.*

3. *The firſt and moſt natural ſenſe of Puniſhment is, when the Offender himſelf ſuffers for his Fault: But there may be two other Reaſons of Puniſhment, which he calls* Analogical, *becauſe they do not immediately follow Perſonal Guilt; and thoſe are either from nearneſs of Relation, as Subjects for Princes, and Children for Parents; or by voluntary Sponſion, as in vicarious Puniſhments.* (By which we are not to underſtand, as you ſeem to eſtimate, that which is *vice pœnæ*, or *Infliction inſtead of Puniſhment*; but it is a real Puniſhment by Subſtitution of one in the place of another.)

Def. of the Report.

From hence he infers, *That ſince Chriſt did not ſuffer as a Sinner, therefore his Puniſhment could not be proper in the ſtricteſt ſenſe*; and ſo it muſt be *Analogical*, becauſe *not immediately conſequent upon the Fault*, but by the *voluntary Act of another perſon.* For *in the Reaſon of the thing he allows only the Sinner himſelf to be capable of the Puniſhment*; i. e. *in the primary ſenſe of it.* But if he that undergoes *the Puniſhment* for another by his own Act, be juſtly puniſhed upon his voluntary Sponſion, then, I ſay, the Fault of another becomes *a meritorious Cauſe* as to him, or there muſt be *Injuſtice* in the Puniſhment. For he diſtinguiſhes between *a Puniſhment upon a falſe Imputation, which he calls Unjuſt, but Analogical; and a Puniſhment of another by Conſent, which he calls Analogical, but not Unjuſt.* But if the Puniſhment be *juſt*, the Cauſe muſt be juſt; it could not be juſt with reſpect to his own Fault, for none is ſuppoſed; therefore there may be a juſt Puniſhment for another's Fault; and if ſo, that may be truly ſaid to be the *Meritorious Cauſe* of it, and the Puniſhment *a proper Puniſhment*, although for another's Fault. But that which led Mr. *B.* into the denying of it was, the *Antinomians* making Chriſt *to undergo the proper Puniſhment of our Sin, becauſe our Perſonal Guilt was, according to them, transferred upon him*; but he finding this Principle to be the Foundation of *Antinomianiſm*, and that this could not be true, he therefore denied *Chriſt's Puniſhment* to be *proper*, as it is *oppoſed to Analogical.* For he ſaith, That *in a proper ſenſe our Sins could never be the Sins of Chriſt, becauſe the ſame Accident cannot belong to divers Subjects.* Which is true: But from thence he concludes, *That ſince our Sins could not be in Chriſt, he could not be ſaid to be properly puniſhed for them; ſince the Guilt of the Fault as ſuch muſt ſtick to the Sinner, but the Guilt of the Fault as to the Puniſhment may be transferred: And becauſe there can be no Puniſhment without reſpect to a Fault, therefore*, he ſaith, *they were Analogical Puniſhments on the Account of the Sins of Mankind.* But then, as you truly cite his words, *he makes our Sins not to be the Meritorious Cauſe of them, but a kind of Pro-meritorious or Occaſional Cauſe.*

Def. 7.

But we muſt do him right, ſo far as to take notice, that in ſtating the *Socinian Controverſy*, he makes it to conſiſt, *in denying that Chriſt did undergo any Penalty for our Sins as the Meritorious or Pro-meritorious Cauſe, but only as Occaſions.* And yet here he makes the *Pro-meritorious Cauſe and the Occaſional* to be ſame; and he denies, *That our Sins were the Meritorious Cauſe, but only becauſe if we had not ſinned he had not ſuffered.*

These Expreſſions, I grant, taken alone, yield too much to the *Socinians*, who do not deny our Sins to have been *a Remote, Impulſive* and *Occaſional Cauſe of Chriſt's Sufferings*, but deny them to be the *Meritorious Cauſe* of them.

What then? Muſt we give up Mr. *B.* to them? By no means. For how could he be a *Socinian*, who ſo frankly on all occaſions owned the Doctrines of the *Trinity and Satisfaction*? But theſe things may be ſaid for his Vindication.

1. That by laying all the Paſſages together, he muſt mean ſomething more by his *Pro-meritorious Cauſe*, than merely *a Remote Occaſional Cauſe*; becauſe in ſetting down the *Socinian Doctrine*, he plainly diſtinguiſhes between the *Pro-meritorious Cauſe and the Occaſions*; and ſaith, the *Socinians* allow one and not the other. How can this be, if they were the ſame? How came his *Pro-meritorious Cauſe* to be in one place the ſame with *Occaſional,*

Occaſional, and in the other as diſtinct from it as the *Socinian Doctrine* is from ours? Therefore it is but a reaſonable Interpretation of his latter words, to ſuppoſe that he meant more than that our Sins were only a *Remote Occaſion* of Chriſt's Sufferings.

2. A *Meritorious Cauſe* may be conſidered two ways.

1. Antecedently to any Act of the Legiſlator; and as it relates to what follows from *the nature of the thing*, of which Mr. *B.* ſpeaks, and ſo *Inherent Guilt* is the *only Meritorious Cauſe of Puniſhment*; for that doth naturally belong to it, and Puniſhment can be only deſerved by it, as Mr. *B.* truly obſerves.

2. Conſequently to the Legiſlator's Act in admitting another by his own Conſent to undergo the Puniſhment which the Offender deſerved; and ſo the Law transfers the Guilt of the Puniſhment to the innocent Perſon without any Injuſtice; as Mr. *B.* confeſſes, when he allows *vicarious Puniſhments*, or one ſuffering by *voluntary Sponſion* in another's place. Now in this caſe, no Man can ſay, that Antecedently the Fault of the Offender was any more than an *Occaſional Cauſe* of the innocent Perſon's ſuffering; but taking all together, when he is admitted to ſuffer in the place of the Guilty, the Law with the Puniſhment makes the *Impulſive Cauſe* become *Meritorious*, as it is the immediate Reaſon of his Sufferings. The only Queſtion then is, whether this can properly be called a *Meritorious Cauſe*? To anſwer this, that Expreſſion may be taken in two Senſes.

1. In the ſtrict and proper Senſe, and ſo it follows Perſonal and Inherent Guilt; and this your ſelf deny to have been in Chriſt.

2. In the Senſe of the Law; and ſo that which is the near Impulſive Cauſe may be truly ſaid to be Meritorious as to his Sufferings: For our Sins were the immediate Reaſons of them; becauſe they made it an Act of Juſtice, which otherwiſe had been only an Act of Power and Dominion.

3. The main Point in Controverſy between us and the *Socinians*, is not about the Senſe of a *Meritorious* and *Pro-meritorious Cauſe*, and how they are to be diſtinguiſhed from each other; nor about the moſt ſtrict and proper Senſe of Puniſhment, which muſt ſuppoſe Inherent Guilt, which cannot be in the Caſe of our Saviour; (and your ſelf grant, that the Suppoſition is *falſe and blaſphemous*) but it is, whether Chriſt did really undergo the Puniſhment of our Sins, in order to the being a Sacrifice of Atonement for them. And in this we have Mr. *B*'s Conſent expreſſed on all Occaſions; and ſome Liberty muſt be allow'd to *Metaphyſical Heads* to ſhew their Skill in Diſtinctions above other Men; and ſometimes when there is no cauſe for them. But we muſt not preſently charge Men with Hereſy for new invented Diſtinctions; wherein they may be allowed to pleaſe themſelves, ſo they do not cumber the Faith with them; nor be too ſharp upon their Brethren for not apprehending the uſe of them.

There is a remarkable Story in the Hiſtory of the *Synod* of *Dort*, which may not be improper in this place. There were in one of the Univerſities of that Country two Profeſſors, both very warm and extremely zealous for that which they accounted the *moſt Orthodox Doctrine*; but it happened, that one of theſe accuſed the other before the Synod for no fewer than 50 *Errors*, tending to *Socinianiſm*, *Pelagianiſm*, &c. and wonderful Heat there was on both ſides. At laſt, a

S. Lubbertus.
I. Maccovius.

Committee was appointed to examine this dreadful Charge, and upon Examinations they found no ground for the Charge of *Socinianiſm*, or any other Hereſie, but only that he had aſſerted too much the uſe of *Ambiguous and Scholaſtick Terms*, and endeavoured to bring in the way of the *School-men* in his Writings; and therefore the Synod diſmiſs'd him with that prudent Advice, rather to *keep to the Language of the Scripture than of the Schools.* I ſhall make no Application.

Where we are well aſſured, that Perſons keep to the main Point of Faith, we ought to give the moſt favourable Interpretation to ſome peculiar Modes of ſpeaking, which appear to have more Subtilty and Art in them; for ſome Men will be always ready to ſhew the goodneſs and ſtrength of their Eye-ſight by diſtinguiſhing things quite out of the view of other Men; and ſometimes it is poſſible that they may take the Shadows in their Eyes for real and diſtinct Objects without them. All that I aim at is, to keep Men as much as may be, within the Bounds of the Chriſtian Faith, without raiſing new Difficulties by new Phraſes and Subtilties, which reach not to the common Faith; but if any will do ſo, let not others make more than there is of ſuch Peculiarities, and preſently ſuſpect that they are carrying on Deſigns to undermine the fundamental Articles of our Religion.

But before I diſmiſs this Particular, I muſt take notice of what you ſay relating to it.

P. 3. As, (1.) *That the* Unitarians *in one of their late Pamphlets do ſay, That though Chriſt did not undergo Puniſhment properly ſo called, yet he did ſo in a popular Senſe of Puniſhment; and ſo they grant as much as Mr.* B.

To this I anſwer, That the Caſe is not the ſame: For Mr. *B.* we find on all occaſions aſſerts *Chriſt's being the Eternal Son of God, and taking our Nature upon him, and bearing the Puniſhment deſerved by our Sins, and making Satisfaction to the Father for the Sins of Mankind.* Can any *Unitarian* ſay this, and be ſtill an *Unitarian*? I know their preſent Writers are a ſort of ſlippery Gentlemen, who will pretend to very ſmooth things that you may take no hold of them. And even in the Article of the *Trinity*, which they have endeavoured with all their Buffoonry to expoſe and ridicule, now they find that will not do, they would fain come to Terms of Accommodation, and claim the Benefit of *Explications*; which others, ſay they, are excuſed by. So in one of their lateſt Pamphlets, we are told, *That they profeſs to believe the Article of the Trinity:* they may as well ſay, *They profeſs to believe Tranſubſtantiation*; and may as well call themſelves *Divines* of the *Church of* Rome, *as of the Church of* England. For it is inconſiſtent with *Moral Honeſty*, or *the Probity of a Deiſt*, for any Man who is in his Heart an *Unitarian*, to profeſs himſelf *a Divine of the Church of* England; for he muſt be a *Divine* without *Conſcience*, or any regard to *the Faith* or *Worſhip* which he joins in the profeſſion of. For can any Church more expreſly declare her Senſe as to *the Doctrine of the Trinity* than ours has done, in her *Articles, Creeds, Doxologies, Litanies,* &c. And can any Men that in their Hearts believe not a tittle of it, (as it hath been always underſtood in the Chriſtian Church) yet profeſs themſelves to be *Divines* of ſuch a Church? They may better call themſelves *Jews* and *Mahometans* for they agree far better with them as to the Doctrine of the *Trinity*. But theſe

The grounds and occaſions of the Controverſy concerning the Unity of God, p. 12.

theſe Men of Sincerity only pretend *not to litigate about Terms and Words*, P. 32. and therefore are *for taking them in their own Senſe*; and ſo will interpret away our Creeds, and Articles, and Prayers, if they can but find out ſome kind of Senſe which they can underſtand them in. And by this new Invention a Man may profeſs to believe a God, and mean no more by it than *Spinoza* did; ſo that there can be no certainty of any Mens Faith or Religion by their Profeſſions, and Subſcriptions, and outward Acts of Worſhip.

But, ſay they, *Why may not ſome mens Explications be allowed as well as others?* For very good Reaſons: Becauſe ſome mens Explications are conſiſtent with the Articles of Faith and others are not; and becauſe ſome men give not ſo much occaſion to ſuſpect their Sincerity as others do; and for this cauſe I do think a more favourable Senſe ought to be put on Mr. *Baxter*'s words than on theirs.

But their greateſt Clamour is, *That ſuch Explications are allowed as* P. 12, 22. *infer arrant Tritheiſm; and although Men out of their Charity may forgive the Tritheiſm of theſe Heatheniſh Writers, yet they can never make Three Infinite Minds to be but one God.* But the true Queſtion is not, *Whether Three Diſtinct and Separate Minds make Three Gods? But whether Three Perſons in the Trinity do ſo?* And even *Crellius* himſelf could have told Crell. Eth. Chriſtian. l.3.c.2. in Addend. Ed. 1681. them, *That the holding Three Perſons in one and the ſame Individual Eſſence cannot make any real or perfect Tritheiſm.* And although he doth not allow the Notion to be *True* or *Conſiſtent*, yet he thinks the charge of *Tritheiſm* doth not hold, *becauſe of that cloſe and inſeparable union between the Perſons and the Divine Eſſence.* And although men may put a wrong Notion upon *Perſon* or *Hypotheſis*; yet as long as they aſſert *One Individual Divine Eſſence* in the *Three Diſtinct Perſons*, the Error lies rather in the Explication than in the Doctrine of the Trinity. But there is a great difference between theſe, and thoſe who believe no Diſtinction of Perſons at all; and although they would now ſeem to oppoſe only the *Tritheiſtick Doctrine*, as they call it, yet Mankind cannot be ſo forgetful, as not to call to mind that their firſt oppoſition was to what they called the *Athanaſian Religion*, or that Doctrine of the Trinity which is contained in the Creed under the Name of *Athanaſius*, which we take to be a true *Explication* of it; and therefore thoſe who contradict that, cannot by us be allowed the Benefit of their *Explications*.

(2.) You object, *That Legal Guilt lying in an Obligation to Puniſhment,* P. 7. *where Puniſhment is juſtly inflicted, Guilt muſt be ſuppoſed as a neceſſary Antecedent thereto.* Of this there is no Queſtion; for Sin and Puniſhment have a neceſſary Reſpect to each other: But the Queſtion is, Whether Perſonal Guilt muſt be ſuppoſed; for then it follows, either that Chriſt's Death could not be a Puniſhment for Sin in any true Senſe, or that our *Perſonal Guilt* muſt be transferred upon Chriſt, which you deny. But we ſay that *Puniſhment* may be juſtly inflicted, where there was a Tranſlation of Guilt by Relaxation of the Law as to Perſonal Offenders, and admitting a Mediator to ſuffer in their ſtead.

But, ſay you, *Rectoral Juſtice doth eſſentially reſpect the Law in its Diſtributions, and never inflicts Sufferings on any but for Sin as their Meritorious Cauſe. If a Rector ſentenceth any to Sufferings without a Regard to Sin, it is unjuſt. Whatever a Sovereign in exerting Acts of Dominion may* *do in this caſe, a Rector cannot juſtly inflict Sufferings on an Innocent Perſon as ſuch.* Here I grant, you have come up to the true ſtate of the Caſe between the *Socinians* and *Us.* For whatever they ſometimes ſeem to pretend, they do not allow Chriſt's Sufferings to have any Relation to Juſtice as a *Puniſhment for Sin in any true Senſe;* but only that they were the Exerciſe of God's Dominion over him, or of his Sovereign Power. It's true, they ſay, that the Sins of Mankind may be ſaid to have been an Occaſional Cauſe in this Reſpect, *that if we had not ſinned Chriſt had not ſuffered:* But this kind of Cauſe hath no Influence upon the Effect which follows upon it, which is produced by its true and proper Cauſes. As for inſtance, a modern Philoſopher, of great Eſteem among ſome, hath aſſerted, *That Mankind are only the Occaſional Cauſes of their own Senſations,* i. e. That nothing done by us in Seeing or Hearing is the Cauſe of that we call Senſation; but that ſuch a Local Motion being ſuppoſed, God himſelf doth immediately produce in us thoſe Ideas which we call Senſations; and ſo he takes away all *Efficacy from Second Cauſes,* and thereby makes Mankind to have lived under a perpetual Deluſion, and God to be the Soul of the World. But I only mention it here to ſhew, that thoſe who aſſert ſuch *Occaſional Cauſes,* do take away all kind of Efficacy from them. For an *Occaſional Cauſe* is really no Cauſe at all; but ſomething that is ſuppoſed in order to the true Cauſe's producing its Effect. As the Bleſſed Virgin *Mary* being at *Bethlehem* in the time of the *Inrolment* was the *Occaſional Cauſe* of our Saviour's being born there; but will any one ſay, that this was a *True Cauſe* of our Saviour's being born at *Bethlehem*? And yet we may ſay, that if there had been no ſuch place as *Bethlehem,* and the Bleſſed Virgin had not been there, he could not have been born there. And ſo the Fire of *London* was the *Occaſional Cauſe* of the *Monument,* for if there had been no Fire, there had been no Monument; but will any man ſay therefore, that this was a Cauſe of the Monument? The moſt that can be allowed to an *Occaſional Cauſe* is to make it a Remote *Impulſive Cauſe;* and ſo the Miſery of Mankind by Sin was the Cauſe of Chriſt's Sufferings; as the Diſeaſes of Mankind are the Occaſional Cauſe of the Study and Practice of Phyſick: for if there had been no Diſeaſes, there would have been no need of Phyſicians. And this is all that they can make of our Sins being the Cauſes of Chriſt's Death, *viz.* that they were an Occaſion of his coming to bear the Diſeaſes of Mankind; which becauſe his Preaching the Doctrine of the Goſpel could not extend far enough to do, therefore he thought fit to confirm his Doctrine by his Death: Upon which followed the Preaching of it to the World, and upon that Repentance and Amendment of Life; and ſuch a Power in Chriſt, as to be able to ſave all ſuch as truly repented.

This is the true Account of the *Socinian Scheme,* after all their Refinings of it in the laſt Edition of the *Racovian Catechiſm:* By which it appears that they do not allow the Sufferings of Chriſt to be a Puniſhment for Sin in any true and proper Senſe; but only an Act of Sovereignty in God. What you ſay, *That a Rector cannot inflict juſtly Sufferings on an Innocent Perſon,* is the *Socinian* Argument againſt Chriſt's Satisfaction; but when you add *as ſuch,* I ſuppoſe you thereby allow *Chriſt's Suffering juſtly* as taking our Sins upon him, which is the thing we aſſert againſt them; and *if he ſuffered juſtly* on that account, then his Sufferings were a true and proper Puniſhment. For whatever is inflicted ſo Sin is ſo, although not in the moſt ſtrict and proper ſenſe, which ſuppoſes inherent Guilt. And this is all that *Grotius* and *Voſſius* mean in the places you cite out of them; *viz.* That our Sins were an P. 39, 40. Antecedent and Impulſive Cauſe as to Chriſt's Sufferings, and ſo they were a true and proper Puniſhment; but they never could imagine it in the moſt ſtrict and proper Senſe, for they never ſaid that Chriſt ſuffered the very ſame which we were to have ſuffered, which was Puniſhment in the ſtricteſt Senſe; but that which was properly a Puniſhment with reſpect to Sin, and which God accepted as a *full, perfect, and ſufficient Sacrifice for the Sins of Mankind.*

The Sum of what I have ſaid on this Argument is this; That the moſt proper Senſe of Puniſhment is that which belongs to Perſonal Guilt; ſo that either Chriſt could not ſuffer the moſt proper Puniſhment, or the Perſonal Guilt of our Sins muſt be transferred upon him. But ſince you deny this, you muſt yield Puniſhment to be taken in a Senſe leſs proper, but yet a true Puniſhment for Sin, and properly ſo called, becauſe Sin was the near Impulſive Cauſe of it. Therefore, thoſe who do aſſert the Sufferings of Chriſt to have been a true Puniſhment for Sin, have no reaſon to be condemned and cenſured as approaching to *Socinianiſm*: For if this hold, all muſt be either *Antinomians* or *Socinians*. But as you deſire to avoid both extremes your ſelf, ſo I hope you will allow your Brethren the ſame liberty, although they may differ in ſome Modes of Expreſſion from you.

(2.) *Of the Change of Perſons between Chriſt and Vs; and of Chriſt's ſuffering in our ſtead.*

This Article about the *Commutation of Perſons*, was thought fit to be pitched upon as the Foundation of a new Charge upon Mr. *W*'s Book. From hence a great Heat hath riſen about the Senſe of it; and I perceive by your Appeal, *p.* 43. that there is ſo much *Diſſatisfaction* ſtill among the Diſſenting Brethren, that *they will not renounce the Antinomian Errors till ſatisfaction be given as to what Mr.* W. *is charged with.* Now this to me ſeems to be a very ſtrange method of Proceeding. If they do really think the *Antinomian Errors* to be *Errors* indeed, why muſt the renouncing them depend upon Mr. *W*'s giving them ſatisfaction in this matter? Suppoſe the other ſide had ſaid, *That they would not renounce the Socinian or Arminian Doctrines till Mr.* C. *Mr.* Ch. *Mr.* M. *&c. had cleared themſelves of Antinomianiſm.* Would this have been thought a reaſonable Excuſe? Would they not have ſaid, that now they ſhew indeed what Fondneſs they had for thoſe Opinions, when they put it upon ſuch terms which they thought would never be accepted of? If it hold on one ſide, it muſt on the other too. But I ſhall take no advantage of ſuch an unaccountable Stiffneſs, but proceed to an impartial Examination of this matter, as it lies on both ſides; which will require the laying open briefly the Riſe and Progreſs of this Diſpute, and then conſider what Difference there ſtill remains, and what are the beſt means to compoſe it.

1. As to the *Riſe* and *Progreſs* of the Diſpute, we muſt look for it in Dr. *Criſp*, whoſe Opinions Mr. *W.* undertook to confute. Now his words are, *Mark it well, Chriſt himſelf is not ſo compleatly Righteous, but* P. 270.

we are as righteous as he was; nor we ſo compleatly ſinful, but Chriſt became, being made Sin, as compleatly ſinful as we—— So that here is a direct Change; Chriſt takes our Perſons and Condition and ſtands in our ſtead, we take Chriſt's Perſon and Condition and ſtand in his ſtead. Theſe words are not denied to be Dr. *Criſp's*, and they are no ſudden or occaſional Expreſſions, but are grounded upon his main Principle of the Tranſlation of our Perſonal Guilt upon Chriſt, and his Perſonal Righteouſneſs on Believers: So that here is no force or ſtrain upon his words.

Now to this Mr. *W.* ſaith, *The Difference is, whether there be a Change of Perſon between Chriſt and Believers? This the Doctor affirms and I deny.* The Queſtion hence aroſe, whether theſe Words could be reaſonably extended beyond that Senſe in which the Dr. aſſerted it? None could deny but there might be other Senſes of the Change of Perſons; but in ſuch a caſe, by all reaſonable ways of interpreting the Senſe of ambiguous Words, we muſt have recourſe to the true Occaſion of them. And I muſt declare that I can ſee no reaſon for the heat that hath been about the Difference of the Phraſe, of *Change of Perſon, and Change of Perſons.* But that I may expreſs my Senſe of this matter more diſtinctly, I ſhall do it in theſe particulars.

Def. of the Rep. p. 35.

Anſw. to the Defence, p. 91

(1.) That Mr. *W.* did not invent the Phraſe of *Change of Perſon* to cover an ill meaning: But you ſeem to intimate ſo much, when you ſay, *That it was not known till he ſtarted it; and that it is a Phraſe only adjuſted to expreſs no more than what the* Socinians *do conſtantly grant; and by it, you think, is meant a Change of Chriſt's Perſon from Eaſe to Pain for our Good.* But if you had carefully looked into the words of Dr. *Criſp*, you could not but obſerve that he took the Phraſe from him. *Chriſt takes our Perſons and Condition and ſtands in our ſtead, we take Chriſt's Perſon and Condition and ſtand in his ſtead.* And ſoon after, *So that if you will reckon well, you muſt always reckon your ſelf in another's Perſon, and that other in your Perſon.* Here is *a Change of Perſon* owned by Dr. *Cr.* and by it he underſtands the Tranſlation of Believers Perſonal Guilt upon Chriſt, and his Perſonal Righteouſneſs on them; ſo that thereby *Chriſt is become as ſinful as they, and they as compleatly righteous as he.* His words can have no other meaning. And not long after, *That Sacrifice of his made the Exchange, that by virtue of this we became that which Chriſt was, and Chriſt became that which we were.* Why then do you charge Mr. *W.* with inventing this Phraſe to ſerve the *Socinians*, when he denied it, becauſe he found it uſed by the *Antinomians*? But how came this Phraſe to be invented by Mr. *W.* to gratify the *Socinians*, when he ſaith that Dr. *Cr.* affirmed the Change of Perſon, and he denied it? Would he invent it on purpoſe to ſerve them, and deny it when he had done? This makes him not very capable of doing them any great Service, if he had a mind to it. But Mr. *W.* ſaith for himſelf, *That he did not invent the Phraſe of Change of Perſon, but uſed and cited it as Dr.* Criſp's; *and that this was all denied, and not a Change of Perſons, which he fully aſſerted.* What is to be done in this caſe? You charge him with inventing a Phraſe to ſerve the *Socinians*, and he denies the Phraſe and the Senſe of it; you charge him with denying *the Change of Perſons*, and he expreſly owns and aſſerts it.

All that I can find that you have to plead for your ſelf is, *That his Friend and Defender denies the Change of Perſons, and aſſerts that a Change of Perſon may be allowed in a good ſenſe ; that he oppoſes a Change of Perſons, and ſets up a Change of Perſon ſingular.* Suppoſe all this to be true ; what follows ? *Then he took a wrong way to defend him.* Grant that, how doth it appear from thence that Mr. *W.* muſt ſuffer for the Miſtakes of a Friend ? And yet even he hath ſufficiently cleared his meaning when he ſaith, *That Mr.* W. *denied nothing, was concerned to deny nothing but what the Dr. had affirmed ; but the Dr. had affirmed a wild monſtrous Senſe of Change of Perſons between Chriſt and the Elect or Believers ; and therefore Mr.* W. *did not, could not deny any thing elſe, according to all the Rules and Laws of pertinent Diſcourſe.* This is plain Reaſoning without any quirks of Wit to leſſen the force of it. And ſoon after, ſetting down Dr. *Criſp*'s words, he ſaith, *And now you have it, what is that Change of Perſons which the Dr. affirms and Mr.* W. *denies, which had he not, he had denied his Redeemer, and betrayed the Goſpel.* Theſe are ſevere Words, but they ſhew what his true Apprehenſion was of the Change of Perſons as denied by Mr. *W.* which could be no other than that Senſe in which Dr. *Cr.* aſſerted it, whether it be Change of Perſon, or Change of Perſons.

Appeal, p. 16.
Defence, p. 30, 31.
Appeal, p. 17.
Rebuke, p. 38.
P. 39.

A DIS-

A
DISCOURSE
IN
Vindication of the *DOCTRINE of the TRINITY*: With an Anſwer to the late *Socinian* Objections againſt it from *Scripture*, *Antiquity* and *Reaſon*. And a PREFACE, Concerning the different *Explications* of the *Trinity*, and the Tendency of the preſent *Socinian* Controverſie.

20:1:Th:

The PREFACE.

WHen I was deſir'd, not long ſince, to reprint the Diſcourſe lately publiſhed, concerning the* Doctrine of Chriſt's Satisfaction, *I thought it neceſſary to look into the* Socinian Pamphlets, *(which have ſwarmed ſo much among us within a few Years) to ſee how far an Anſwer had been given in them to any of the Arguments contained in it; but I found the Writers of them thought it not for their purpoſe to take any notice at all of it; but rather endeavour'd to turn the Controverſie quite another way, and to cover their true Senſe under more plauſible* Expreſſions. *Of which I have given a full account in the Preface to the late Edition of it. But among thoſe Treatiſes (which for the general good of the Nation are gather'd into Volumes and diſpers'd abroad, to make either* Proſelytes *or* Infidels*) I found one, wherein there is pretended to be an Anſwer to my Sermon about* the Myſteries of the Chriſtian Faith, *(reprinted with the former Diſcourſe) and therein I meet with a paſſage, which hath given occaſion to this* Vindication. *For there are theſe Words,* That I had utterly miſtaken, in thinking that they deny the Articles of the new Creed, or *Athanaſian* Religion, becauſe they are Myſteries, or becauſe, *ſay they*, we do not comprehend them; we deny them, becauſe we do comprehend them; we have a clear and diſtinct Perception, that they are not Myſteries, but Contradictions, Impoſſibilities and pure Nonſenſe. *Which Words contain in them ſo ſpiteful, ſo unjuſt, and ſo unreaſonable a Charge upon the Chriſtian Church in general, and our own in particular, that I could not but think my ſelf concerned, eſpecially ſince they are addreſſed to me, to do what in me lay (as ſoon as my uncertain State of Health would permit) towards the clearing the fundamental* Myſtery of the Athanaſian Religion, *as they call it, viz.* The Doctrine of the Trinity, *(which is chiefly ſtruck at by them) without running into any* new Explications, *or laying aſide any* old terms, *for which I could not ſee any juſt occaſion.*

For however thoughtful Men may think to eſcape ſome particular difficulties better, by going out of the common Roads; yet they may meet with others which they did not foreſee, which may make them as well as others judge it, at laſt, a wiſer and ſafer courſe to keep in the ſame way, which the Chriſtian Church hath *uſed, ever ſince it hath agreed to expreſs her Senſe in ſuch* Terms, *which were thought moſt proper for that purpoſe. For in ſuch caſes, the Original and Critical Signification of Words is not ſo much to be attended, as the uſe they are applied to, and ſince no other can be found more ſignificant or proper for that end; it looks like yielding too great advantage to our Adverſaries, to give up the Boundaries of our Faith. For although there be a difference between the neceſſary Article of Faith it ſelf, and the manner of expreſſing it, ſo that thoſe may truly believe the Subſtance of it, who differ in the Explication; yet ſince the Senſe of the Article hath been generally received under thoſe Terms, there ſeems to be no ſufficient reaſon to ſubſtitute new ones inſtead of the old, which can hardly be done without reflecting on the Honour of the Chriſtian Church, and giving occaſion for very unreaſonable Heats and Diſputes, among thoſe, who, if we may believe their own Words, agree in the ſame fundamental Doctrine,* viz. *a* Trinity *in* Unity, *or* three Perſons *in the* ſame undivided divine Eſſence.

I am ſo little a Friend to any ſuch Heats and Differences among our ſelves, eſpecially when we are ſo violently attacked by our common Adverſaries, that were there no other reaſon, I ſhould for the ſake of that alone forbear making uſe of new Explications; *but there is another too obvious, which is, the mighty advantage they have taken from hence to repreſent our Doctrine as* uncertain, *as well as* unintelligible. *For as ſoon as our* Unitarians *began to appear with that Briskneſs and Boldneſs they have done now for ſeveral Years, ſome of our Divines thought themſelves oblig'd to write in Defence of the Doctrine of the Trinity. Thence came ſeveral Anſwers to them, and in* ſeveral Methods, *as the Perſons thought moſt ſubſervient to the ſame end; but whatever their Intentions were, our Adverſaries were too much pleaſed to conceal the Satisfaction which they took in it. For ſoon after, we had the* ſeveral Explications *ſet forth and compared with each other; and all managed ſo, as to make the Cauſe to ſuffer by the diſagreement of the Advocates for it. And from hence they have formed a* fivefold Trinity. 1. *The* Ciceronian Trinity; *becauſe* Tully *had uſed the Word* Perſonæ *for different Reſpects;* Suſtineo ego tres Perſonas; *and according to this Acceptation,* Three Perſons in the Godhead *are no more than* three Relations, Capacities or Reſpects of God to his Creatures, *which ſay they,* is downright Sabelliániſm, and is no manner of Myſtery, but the moſt intelligible and obvious thing in the World. 2. The *Carteſian* Trinity, which maketh three divine Perſons, and three infinite Minds, Spirits and Beings to be but one God. 3. The *Platonick* Trinity, of three divine Co-eternal Perſons, whereof the ſecond and third are ſubordinate or inferiour to the firſt in Dignity, Power and all other Qualities, except only Duration. 4. The *Ariſtotelian* Trinity, which ſaith the Divine Perſons are one God, becauſe they have one and the ſame numerical Subſtance. 5. The Trinity of the *Mobile*, or that which is held by the common People, or by ſuch lazy Divines, who only ſay in ſhort, that it is an unconceivable Myſtery; and that thoſe are as much in fault who go about to explain it, as thoſe who oppoſe it.

Conſiderat. on the Explications of the Doctrine of the Trinity, by Dr. W. &c. p. 10.

p. 9.

But that which hath made the moſt noiſe, and cauſed the greateſt Heat *and Ferment among us, hath been a difference firſt begun between two learned Divines of our Church, about the ſecond and fourth; and the account which our* Unitarians *give of both, is this,* That the one is a rational and intelligible Explication, but not true nor Orthodox; the other is true and Orthodox; but neither rational, intelligible nor poſſible. *I do not mention this, as though their Words were to be taken as to either; but only to ſhew what advantage they take from both, to repreſent that which is ſet up for the Churches Doctrine, either not to be* truly ſo, *or to be neither* rational nor intelligible.

p. 13.

The deſign *of the following* Diſcourſe, *is to make it appear,* (1.) *That the Churches Doctrine, as to the Trinity, as it is expreſſed in the* Athanaſian Creed, *is not liable to their charges of* Contradiction, Impoſſibilities and pure Nonſenſe.

ſenſe. (2.) *That we own no other Doctrine than what hath been received by the Chriſtian Church in the ſeveral Ages from the Apoſtles Times:* (3.) *And that there are no Objections in point of reaſon, which ought to hinder our Aſſent to this great point of the Chriſtian Faith.*

But the chief Deſign *of this* Preface, *is to remove this Prejudice which lies in our way from the different* manners *of* Explication, *and the warm Diſputes which have been occaſion'd by them.*

It cannot be denied, that our Adverſaries have taken all poſſible advantage againſt us from theſe unhappy differences; *and in one of their lateſt Diſcourſes they glory in it, and think they have therein* out-done the foreign Unitarians: For, *ſay they*, We have ſhewed, that their Faiths concerning this pretended Myſtery are ſo many and ſo contrary, that they are leſs one Party among themſelves, than the far more learned and greater number of them are one Party with us: *this is ſpoken of thoſe they call* Nominal Trinitarians; *and for the other whom they call* Real, *they prove them guilty of* manifeſt Hereſie; *the one they call* Sabellians, *which they ſay is the ſame with* Unitarians, *and the other* Polytheiſts or diſguiſed Pagans, *and they borrow arguments from one ſide to prove the charge upon the other*; *and they confidently affirm that all that ſpeak out in this* matter, *muſt be driven either to* Sabellianiſm, *or* Tritheiſm. *If they are* Nominal Trinitarians, *they fall into the former, if* Real *into the latter.*

Diſcourſe concerning the Real and Nominal Trinitarians, *A. D.* 1695, p. 3.

Letter to the Univerſities, p. 15.

This is the whole Deſign of this late Diſcourſe, which I ſhall here examine, that I may remove this ſtumbling Block, before I enter upon the main buſineſs.

1. *As to thoſe who are called* Nominal Trinitarians. *Who are they? And from whence comes ſuch a Denomination? They tell us,* That they are ſuch who believe three Perſons, who are Perſons in Name only; indeed and in truth they are but one ſubſiſting Perſon. *But where are theſe to be found?* Among all ſuch, *ſay they*, as agree that there is but one only and ſelf-ſame divine Eſſence and Subſtance. *But do theſe aſſert, that there is but* one ſubſiſting Perſon, *and* three only in Name? *Let any one be produced who hath written in defence of the Trinity; for thoſe who have been moſt charged, have utterly deny'd it. That learned Perſon, who is more particularly reflected upon in this Charge, is by them ſaid to affirm,* That God is one divine intellectual Subſtance, or really ſubſiſting Perſon, and diſtinguiſhed and diverſified by three relative Modes, or relative Subſiſtences. *And Mr.* Hooker *is produced to the ſame purpoſe,* That there is but one Subſtance in God, and three diſtinct relative Properties, which Subſtance being taken with its peculiar Property, makes the diſtinction of Perſons in the Godhead. *But ſay they,* Theſe Modes and Properties do not make any real ſubſiſting Perſons; but only in a Grammatical and Critical Senſe, and at moſt this is no more than one Man may be ſaid to be three Perſons on the account of different Relations, as *Solomon* was Son of *David*, Father of *Rehoboam*, and proceeding from *David* and *Bathſheba*, and yet was but one ſubſiſting Perſon. *This is the force of what they ſay. But then in a triumphing manner they add,* That the Realiſts have ſo manifeſt an advantage againſt them, that they have no way to defend themſelves but by Recrimination, *i. e. by ſhewing the like Abſurdity in their Doctrine. And thus they hope either ſide will baffle the other, and in the mean time, the Cauſe be loſt between them.*

Diſcourſe of Nominal and Real Trinit. p. 7.

p. 10.

p. 11.

p. 13.

But in ſo nice a matter as this, we muſt not rely too much on an Adverſary's Repreſentation; for the leaving out ſome expreſſions, may make an Opinion look with another Appearance, than if all were taken together, it would have. We muſt therefore take notice of other paſſages which may help to give the true Senſe of the learned Author, who is chiefly aimed at.

1. *In the very ſame Page he aſſerts,* That each of the divine Perſons has an abſolute Nature diſtinctly belonging to him, though not a diſtinct abſolute Nature; *and to the ſame purpoſe in another place.*

Tritheiſm *charged*, &c. p. 157.

Animadv. p. 245. *Animadv.* &c. *p.* 243. 2. That the eternal Father is and ſubſiſts as a Father, by having a Son, and communicating his Eſſence to another. *And elſewhere, that* the Relation between Father and Son is founded on that eternal Act, by which the Father communicates his divine Nature to the Son.

Ib. p. 240. 3. *That the* foundation *of the* Doctrine of the Trinity *is this*, 1. That there can be but one God. 2. That there is nothing in God, but what is God. 3. That there can be no compoſition in the Deity with any ſuch poſitive real Being, diſtinct from the Deity it ſelf. But the Church finding in Scripture mention of three, to whom diſtinctly the Godhead does belong, expreſſed theſe three by the Name of Perſons, and ſtated their Perſonalities upon three diſtinct Modes of Subſiſtence, allotted to one and the ſame Godhead, and theſe alſo diſtinguiſhed from one another by three diſtinct Relations.

What do theſe Men mean, to charge one who goes upon theſe grounds with Sabellianiſm ? *Doth he make the three Perſons to be mere Names, as St.* Baſil *in few Words expreſſes the true nature of* Sabellianiſm, *that it was* ἓν πρᾶγμα πολυώνυμον, One thing with different Denominations ? *Can the* communicating the divine Eſſence by the Father to the Son, *be called a* Name, *or a* Mode, *or a* Reſpect *only ? And theſe Men of wonderful Subtilty, have not learnt to diſtinguiſh between* Perſons *and* Perſonalities.

Baſil. Ep. 64.

Where is the leaſt Intimation given, that he look'd on the divine Perſons *as* Modes *and* Reſpects *only ? That is impoſſible, ſince he owns a* Communication of the divine Eſſence, and that each of the divine Perſons hath the divine Nature belonging to him ; *could it ever enter into any Man's head to think, that he that owns this ſhould own the other alſo ? But the* Perſonality *is a thing of another conſideration. For it is the reaſon of the diſtinction of* Perſons *in the ſame undivided Nature. That there is a diſtinction, the Scripture aſſures us ; and withall, that there is but one divine Eſſence. How can this diſtinction be ? Not by eſſential Attributes, for thoſe muſt be in the divine Eſſence, and in every Perſon alike, otherwiſe he hath not the entire divine Nature ; not by accidents, as Men are diſtinguiſhed from each other, for the divine Nature is not capable of theſe ; not by ſeparate or divided Subſtances, for that would be inconſiſtent with the perfect Unity of the Godhead ; ſince therefore there can be no other way of diſtinction, we muſt conſider how the Scripture directs us in this caſe ; and that acquaints us with the* Father, Son and Holy Ghoſt, *as having* mutual Relation *to each other ; and there is no Repugnancy therein to the* Divine Nature, *and therefore the diſtinction of the Perſons hath been fixed on that, as the moſt proper Foundation for it. And theſe are called different* Modes *of* Subſiſtence, *on which the diſtinct* Perſonalities *are founded, which can be no other than* relative. *But a* Perſon *is that which reſults from the divine Nature and Subſiſtence together ; and although a Perſon cannot be ſaid to be a* relative, *conſider'd as ſuch, yet being joyned with the manner of Subſiſtence, it doth imply a* Relation, *and ſo a Perſon may be ſaid to be a* relative Being.

Conſiderat. on the Explication, p. 23. *But ſay they,* If the three Perſons have all the ſame individual Subſtance, then they are truly and properly only three Modes ; and therefore although among Men, Perſonalities are diſtinct from the Perſons, becauſe the Perſons are diſtinct intelligent Subſtances, yet this cannot hold where there is but one individual Subſtance.

The Queſtion is, Whether thoſe they call Nominal Trinitarians, *are liable to the charge of* Sabellianiſm ; *the anſwer is, That they cannot, becauſe they aſſert far more than* three Names, *viz,* That each Perſon hath the divine Nature diſtinctly belonging to him. *But ſay they,* Theſe Perſons are but mere Modes. No, *ſay the other* ; We do not ſay that the Perſon is only a *Modus*, but that it is the divine Nature, or Godhead ſubſiſting under ſuch a

Animad. p. 291.

Modus, ſo that the Godhead is ſtill included in it, joyned to it, and diſtinguiſhed by it. Grant all this, *the Unitarians reply*, yet where there is the ſame individual Subſtance, the Perſon can be only a *Modus*. *To which it is anſwer'd*, That this individual Subſtance hath three diſtinct ways of ſubſiſting, according to which it ſubſiſts diſtinctly and differently in each of the three divine Perſons. *So that here lies the main point*, *whether it be* Sabellianiſm, *to aſſert the ſame individual Subſtance under three ſuch different Modes of Subſiſtence. If it be, the moſt learned and judicious of the Fathers did not know what* Sabellianiſm *meant* (*as I have ſhewed at large in the following Diſcourſe*) *for they utterly diſowned* Sabellianiſm, *and yet aſſerted*, That the ſeveral Hypoſtaſes conſiſted of peculiar Properties in one and the ſame divine Subſtance. *But it is not the Authority of Fathers which they regard, for they ſerve them only as Stones in the Boys way when they quarrel*, viz. *to throw them at our Heads.*

Tritheiſm charged, p. 306.

Chap. VII.

Let us then examine this matter by reaſon without them. Perſons among Men, *ſay they*, are diſtinguiſhed from Perſonalities, becauſe they have diſtinct Subſtances, therefore where there is but one Subſtance, the Perſon can be only a Mode, and therefore the ſame with the Perſonality.

I anſwer, that the true original Notion of Perſonality *is no more than a different Mode of ſubſiſtence in the ſame common Nature. For every ſuch Nature is in it ſelf one and indiviſible ; and the more perfect it is, the greater muſt its Unity be. For the* firſt Being *is the moſt* One ; *and all* Diviſion *comes from* Diſtance, *and* Imperfection. *The firſt foundation of* Diſtinction *is Diverſity ; for if there were no Diverſity, there would be nothing but entire and perfect Unity. All Diverſity comes from two things*, Diſſimilitude *and* Dependance. *Thoſe Philoſophers* (*called* Megarici) *did not think much amiſs, who ſaid*, That if all things were alike, there would be but one Subſtance or being in the World ; *and what we now call* different Subſtances, *would be only different Modes of Subſiſtence in the ſame individual Nature. The difference of Subſtances in created Beings, ariſes from theſe two things*, 1. *A Diſſimilitude of Accidents, both internal and external.* 2. *The Will and Power of God, whereby he gives them diſtinct and ſeparate Beings in the ſame common Nature. As for inſtance, the Nature and Eſſence of a Man conſider'd in it ſelf, is but one and indiviſible ; but God gives a ſeparate Exiſtence to every Individual, whereby that common Nature ſubſiſts in ſo many diſtinct Subſtances, as there are Individuals of that kind ; and every one of theſe Subſtances is diſtinguiſhed from all others, not only by a ſeparate internal vital Principle and peculiar Properties, but by ſuch external Accidents, as do very eaſily diſcriminate them from each other. And the ſubject of all theſe Accidents is that* peculiar Subſtance, *which God hath given to every Individual, which in rational Beings is called a* Perſon ; *and ſo we grant that in all ſuch created Beings, the* Perſonality *doth ſuppoſe a diſtinct Subſtance ; not from the Nature of Perſonality, but from the Condition of the Subject wherein it is. The* Perſonality *in it ſelf is but a different* Mode *of Subſiſtence in the ſame common Nature, which is but* One ; *but this Perſonality being in ſuch a ſubject as Man is, it from thence follows, that each Perſon hath a peculiar Subſtance of his own ; and not from the* Nature *of* Perſonality. *But when we come to conſider a divine Eſſence, which is moſt perfectly one, and is wholly uncapable of any ſeparate Exiſtence or Accidents, there can be no other way of diſtinction conceived in it, but by different* Modes *of* Subſiſtence, *or* relative Properties *in the ſame divine Eſſence. And herein we proceed, as we do in our other Conceptions of the divine Nature*, i. e. *we take away all Imperfection from* God, *and attribute only that to him, which is agreeable to his divine Perfections, although the manner of it may be above our comprehenſion. And if this be owning the* Trinity of the Mob, *I am not aſhamed to own myſelf to be one of them ; but it is not out of* Lazyneſs *or* affected Ignorance, *but upon the greateſt and moſt ſerious conſideration.*

They

Letter to the Univerſity, p. 15.

They may call this a Trinity of Cyphers, *if they pleaſe, but I think more modeſt and decent Language about theſe matters would become them as well as the things themſelves much better. And they muſt prove a little better than they have done, that different Modes of Subſiſtence in the divine Nature, or the relations of Father and Son are* mere Cyphers, *which is ſo often mentioned in Scripture, as a matter of very great conſequence; and that when we are baptized in the* Name of the Father, Son and Holy Ghoſt, *we are baptized into a* Trinity of Cyphers.

Diſcourſe of Nominal and real Trinitarians. *p.* 10. Tritheiſm *charged,* &c. *p.* 157.

But our Unitarians *proceed, and ſay, that the ſame Author* affirms not only the Perſonalities, but the Perſons to be merely Relative. *For he ſaith,* That every Perſon, as well as every Perſonality in the Trinity, is wholly Relative. *But it is plain he ſpeaks there, not of the* Perſon in himſelf, *but with reſpect to the* manner of Subſiſtence, *or the relative Properties belonging to them. But if the Notion of a Perſon doth beſides the relative Property, neceſſarily ſuppoſe the divine Nature together with it; how can a Perſon then be imagined to be wholly Relative? But they urge,* That which makes the firſt Perſon in the Trinity to be a Perſon, makes him to be a Father, and what makes him to be a Father, makes him to be a Perſon. *And what follows from hence, but that the relative Property is the Foundation of the Perſonality? But by no means, that the Perſon of the Father is nothing but the relative Property? The inſtance of* Solomon *is not at all to the Purpoſe, unleſs we aſſerted three Perſons founded upon thoſe different Relations in his individual Nature. Who denies, that one Perſon may have different Reſpects, and yet be but one Perſon ſubſiſting? Where doth the Scripture ſay,* That the Son of *David,* the Father of *Rehoboam,* and he that proceeded from *David* and *Bathſheba* were three Perſons *diſtinguiſhed by thoſe* relative Properties? *But here lies the foundation of what we believe as to the Trinity; we are aſſured from Scripture, that there are three to whom the divine Nature and Attributes are given, and we are aſſured both from Scripture and Reaſon, that there can be but one divine Eſſence; and therefore every one of theſe muſt have the divine Nature, and yet that can be but One. But it is a moſt unreaſonable thing to charge thoſe with* Sabellianiſm, *who aſſert,* That every Perſon hath the divine Nature diſtinctly belonging to him, *and that* the divine Eſſence is communicated from the Father to the Son. *Did ever* Noetus *or* Sabellius, *or any of their Followers ſpeak after this manner? Is the divine Eſſence but a* mere Name, *or a* different reſpect *only to Mankind? For the aſſerting ſuch relative Perſons as have no Eſſence at all, was the true* Sabellian Doctrine, *as will be made appear in the following Diſcourſe. And ſo much is confeſs'd by our* Unitarians *themſelves, for they ſay,* That the *Sabellians* held, that Father, Son and Spirit are but only three Names of God given to him in Scripture, by occaſion of ſo many ſeveral Diſpenſations towards the Creature, and ſo he is but one ſubſiſting Perſon and three relative Perſons; as he ſuſtains the three Names of Father, Son and Spirit, which being the Relations of God towards things without him, he is ſo many relative Perſons, or Perſons in a Claſſical Critical Senſe, *i. e. Perſons without any Eſſence belonging to them as ſuch. But thoſe who aſſert a* Communication of the divine Eſſence *to each Perſon can never be guilty of* Sabellianiſm, *if this be it, which themſelves affirm. And ſo thoſe called* Nominal Trinitarians, *are very unjuſtly ſo called, becauſe they do really hold a* Trinity *of* Perſons *in the* Unity of the Godhead.

Diſcourſe of Nominal and Real. Unit. *p.* 18.

Diſcourſe of Nom. &c. *p.* 19.

2. *Let us now ſee what charge they lay upon thoſe whom they call* Real Trinitarians; *and they tell us,* That the Nominals will ſeem to be profound Philoſophers, deep Sages in compariſon with them. *Theſe are very obliging expreſſions to them in the beginning. But how do they make out this groſs Stupidity of theirs? In ſhort it is,* That they ſtand condemned and anathematized as Hereticks by a general Council, and by all the Moderns, and are every

day challenged and impeached of Tritheiſm, and cannot agree among themſelves, but charge one another with great Abſurdities; *and in plain terms they charge them* with Nonſenſe in the thing, whereas the other lay only in Words. Becauſe theſe aſſert three divine ſubſiſting Perſons, three infinite Spirits, Minds or Subſtances, as diſtinct as ſo many Angels or Men, each of them perfectly God, and yet all of them are but one God. *To underſtand this matter rightly, we muſt conſider, that when the* Socinian Pamphlets *firſt came abroad, ſome Years ſince, a learned and worthy Perſon of our Church, who had appear'd with great vigour and reaſon againſt our* Adverſaries *of the Church of* Rome *in the late Reign (which ought not to be forgotten) undertook to defend the* Doctrine *of the* Trinity *againſt the* Hiſtory of the Unitarians, *and the* Notes on the Athanaſian Creed; *but in the warmth of diſputing, and out of a deſire to make this matter more intelligible, he ſuffer'd himſelf to be carried beyond the ancient Methods which the Church hath uſed to expreſs her Senſe by, ſtill retaining the ſame fundamental Article of* three Perſons in one undivided Eſſence, *but explaining it in ſuch a manner, as to make each Perſon to have a* peculiar and proper Subſtance of his own.

p. 32.

This gave ſo great an advantage to the Author *of thoſe* Treatiſes, *that in a little time he ſet forth his Notes with an Appendix in anſwrr to this* new Explication. *Wherein he charges him with* Hereſie, Tritheiſm *and* Contradiction. *The very ſame charges which have been ſince improved and carried on by others; I wiſh I could ſay, without any unbecoming Heat or Reflections.*

Conſiderat. on the Explication of the Trinity, p. 12.

But I ſhall now examine how far theſe charges have any ground, ſo as to affect the Doctrine *of the* Trinity, *which is the chief end our* Adverſaries *aimed at, in heaping theſe Reproaches upon one who appeared ſo early, and with ſo much zeal to defend it. We are therefore to conſider theſe things:*

1. *That a Man may be very right in* the Belief *of* the Article *it ſelf; and yet may be miſtaken in his* Explication *of it. And this one of his* keeneſt Adverſaries *freely acknowledges. For he plainly diſtinguiſhes between* the fundamental Article *and the* manner *of* explaining *it, and affirms,* That a Man may quit his Explication without parting with the Article it ſelf. *And ſo he may retain the* Article *with his* Explication.

Tritheiſm *charged,* &c. *p.* 309.

But ſuppoſe a Man to aſſent to the fundamental Article *it ſelf, and be miſtaken in his Explication of it, can he be charged with* Hereſie *about this* Article? *For* Hereſie *muſt relate to the fundamental* Article *to which he declares his hearty and unfeigned Aſſent; but here we ſuppoſe the miſtake to lie only in the* Explication. *As for inſtance,* Sabellianiſm *is a condemned and exploded Hereſie, for it is contrary to the very Doctrine of the Trinity; but ſuppoſe one who aſſerts the Doctrine of* three Perſons, *ſhould make them to be* three Modes, *muſt ſuch a one preſently be charged with* Hereſie, *before we ſee whether his Explication be conſiſtent with the fundamental* Article *or not? For this is liable to very obvious Objections, that the Father begets a Mode inſtead of a Son, that we pray to three Modes inſtead of three real Perſons, that Modes are mutable things in their own Nature,* &c. *but muſt we from hence conclude ſuch a one guilty of Hereſie, when he declares, that he withall ſuppoſed them not to be mere Modes, but that the divine Eſſence is to be taken together with the Mode to make a* Perſon? *Yea, ſuppoſe ſome ſpiteful Adverſary ſhould ſay, That it is a Contradiction to ſay, That the ſame common Nature can make a Perſon with a Mode ſuperadded to it, unleſs that be individuated, for a Perſon doth imply an individual Nature, and not a mere relative Mode. Is this ſufficient to charge ſuch a Perſon with the* Sabellian Hereſie, *which he utterly diſowns? Is not the like Equity to be ſhew'd in another though different Explication? Suppoſe then a Perſon ſolemnly profeſſes to own the fundamental Doctrine of the Trinity as much as any others; but he thinks, that three Perſons muſt have diſtinct Subſtances to make them* Perſons, *but ſo as to make no Diviſion or Separation in the* Godhead, *and that he cannot conceive*

a

a Communication of the divine Eſſence without this; muſt this preſently be run down as Hereſie, *when he aſſerts at the ſame time three Perſons in the ſame undivided Eſſence? But this is ſaid to be a* Contradiction; *ſo it was in the other caſe and not allow'd then, and why ſhould it be otherwiſe in this? I ſpeak not this to juſtifie ſuch Explications, but to ſhew that there is a difference between the* Hereſie *of denying an* Article, *and a miſtake in the Explication of it. Even the greateſt Hereſie-makers in the World, diſtinguiſh between Hereſies and erroneous Explications of Articles of Faith, as any one may find that looks into them. And even the* Inquiſitors *of* Hereſie *themſelves allow the diſtinction between* Hereſie *and an erroneous Propoſition in Faith, which amounts to the ſame with a miſtaken* Explication *of it; and they all grant that there may be Propoſitions that tend to Hereſie or ſavour of it, which cannot be condemned for Heretical. And even* Pegna *condemns* Melchior Canus *for being too cruel in aſſerting it to be Hereſie, to contradict the general Senſe of Divines, becauſe the* Schools *cannot make* Hereſies.

Direct. Inquiſit. *part II. quæſt.* 2. p. 226.

2. *It is frequently and ſolemnly affirmed by him,* That the Unity of the Godhead is the moſt real, eſſential, indiviſible, inſeparable Unity; that there is but one divine Nature, which is originally in the Father, and is ſubſtantially communicated by the Father to the Son, as a diſtinct ſubſiſting Perſon, by an eternal ineffable Generation, and to the Holy Ghoſt by an eternal and ſubſtantial Proceſſion from Father and Son. *Do the others who maintain a Trinity deny this? By no means. For we have already ſeen that they aſſert the ſame thing. So that they are fully agreed as to the main fundamental Article. And even the* Unitarians *yield, that from the beginning he aſſerted,* That the three divine Perſons are in one undivided Subſtance. *Wherein then lies the foundation of this mighty Quarrel, and thoſe unreaſonable Heats that Men have fallen into about it; to the great ſcandal of our Church and Religion? In ſhort it is this; that the ſame Author aſſerts,* (1.) That it is groſs Sabellianiſm to ſay, That there are not three perſonal Minds, or Spirits, or Subſtances. (2.) That a diſtinct ſubſtantial Perſon muſt have a diſtinct ſubſtance of his own, proper and peculiar to his own Perſon. *But he owns, that* although there are three diſtinct Perſons, or Minds, each of whom is diſtinctly and by him ſelf God, yet there are not three Gods, but one God, or one Divinity; *which he ſaith,* is intirely, and indiviſibly, and inſeparably in three diſtinct Perſons or Minds. *That the ſame one* divine Nature is wholly and intirely communicated by the eternal Father to the eternal Son, and by the Father and Son to the eternal Spirit without any Diviſion or Separation; and ſo it remains one ſtill.

Modeſt examin. p. 19.
P. 27. 28.
Notes on Athanaſius his Creed, Edit. 2. p. 19.
Modeſt examin. p. 15.
p. 17.
p. 29
p. 30.

This is the ſubſtance of this new Explication, *which hath raiſed ſuch Flames, that* Injunctions *from* Authority *were thought neceſſary to ſuppreſs them? But thoſe can reach no farther than the reſtraint of Mens Tongues and Pens about theſe matters, and unleſs ſomething be found out to ſatisfie their Minds, and to remove Miſapprehenſions, the preſent Heat may be only cover'd over and kept in; which when there is a vent given, may break out into a more dangerous Flame.*

Therefore I ſhall endeavour to ſtate and clear this matter ſo as to prevent any future Eruption thereof, which will be done by conſidering how far they are agreed, and how far the remaining difference ought to be purſued.

1. *They are agreed,* That there are three diſtinct Perſons and but one Godhead.

2. That there are no ſeparate and divided Subſtances in the Trinity; but the divine Nature is wholly and entirely one and undivided.

3. That the divine Eſſence is communicated from the Father to the Son, and from both to the holy Spirit. *So that the charge of* Sabellianiſm *on thoſe*

who reject this new Explication *is without ground. For no* Sabellian *did or could aſſert a* Communication of the divine Eſſence.

Which being agreed on both ſides, the Diſpute turns upon this ſingle point, whether a communicated Eſſence, *doth imply a* diſtinct Subſtance *or not. On the one ſide it is ſaid,* That there being but one God, there can be but one divine Eſſence, and if more Eſſences more Gods.

Remarks upon the examinat. p. 33.

On the other ſide, that ſince they own a communicated Eſſence neceſſary to make a diſtinction of Perſons in the Son and Holy Ghoſt, if the Eſſence be not diſtinct, the foundation of diſtinct Perſonalities is taken away. *But how is this clear'd by the other Party? They ſay,* That it is one peculiar Prerogative of the divine Nature and Subſtance, founded in its infinite and therefore tranſcendent Perfection, whereby it is capable of reſiding in more Perſons than one, and is accordingly communicated from the Father to the Son and Holy Ghoſt.

Remarks p. 34.

So that the Communication of the divine Nature is owned to the Perſons of the Son and Holy Ghoſt. *But how then comes it not to make a diſtinct Eſſence, as it makes diſtinct Perſons, by being communicated?*

The anſwer we ſee is, That it is a peculiar Prerogative founded on the infinite and therefore tranſcendent Perfection of the divine Nature. *But they farther add,* That when the Son and Holy Ghoſt are ſaid to have the ſame divine Nature from the Father, as the Origin and Fountain of the Divinity; not by the Production of a new divine Nature, but by a Communication of his own, which is one and the ſame in all three without Separation, Difference, or Diſtinction; that this is indeed a great Myſtery, which hath been always look'd upon by the greateſt and wiſeſt Men in the Church, to be above all Expreſſions and Deſcription.

p. 35.

So that the greateſt difficulty *is at laſt reſolved into the incomprehenſible Perfection of the divine* Nature; and that neither Man nor Angels can give a ſatisfactory anſwer to Enquiries about the manner of them. *And* the Author *of* the Animadverſions *ſaith,* That in the divine Perſons of the Trinity, the divine Nature and the perſonal Subſiſtence coaleſce into one, by an incomprehenſible, ineffable kind of Union and Conjunction.

Ibid.

Animadv. p. 36.

But do thoſe on the other ſide think, that the aſſerting three diſtinct Subſtances in one and the ſame individual Subſtance tends to clear and explain the Notion of the Trinity and make it more eaſie and intelligible? The Divinity, *they ſay,* is whole, intire, indiviſible, and inſeparable in all three. *But can one whole intire indiviſible Subſtance be actually divided into three Subſtances? For if every Perſon muſt have a peculiar Subſtance of his own; and there be three Perſons, there muſt be three peculiar Subſtances, and how can there be three peculiar Subſtances, and yet but one entire and indiviſible Subſtance? I do not ſay, there muſt be three divided Subſtances in place, or ſeparate Subſtances, but they muſt be divided as three Individuals of the ſame kind, which muſt introduce a* Specifick Divine Nature, *which I think very inconſiſtent with the divine Perfections; but of this at large in the following Diſcourſe.*

Modeſt examin p. 30.

I do not lay any force upon this argument, that there can be no ground of the Diſtinction between the three Subſtances, if there be but one Subſtance in the Godhead, (*as ſome have done*) becauſe the ſame Subſtance cannot both unite and diſtinguiſh them; *for the ground of the diſtinction is not the* Subſtance *but the* Communication *of it, and where that is ſo freely aſſerted, there is a reaſon diſtinct from the* Subſtance *it ſelf, which makes the* Diſtinction of *Perſons.*

Tritheiſm charged. p. 262.

p. 264.

But the difficulty ſtill remains, how each Perſon ſhould have a Subſtance of his own; and yet there be but one entire and indiviſible Subſtance, for every Perſon *muſt have a proper Subſtance of his own; or elſe according to this* Hypotheſis, *he can be no Perſon; and this peculiar Subſtance muſt be really diſtinct from that*

Subſtance which is in the other two: ſo that here muſt be three diſtinct Subſtances in the three Perſons. But how then can there be but one individual Eſſence in all three? We may conceive one common Eſſence to be individuated in three Perſons, as it is in Men; but it is impoſſible to conceive the ſame individual Eſſence to be in three Perſons, which have peculiar Subſtances of their own. For the Subſtances belonging to the Perſons, are the ſame Eſſence individuated in thoſe Perſons: and ſo there is no avoiding making three individual Eſſences and one ſpecifick or common divine Nature. And Maimonides *his Argument is conſiderable againſt more Gods than one;* If, *ſaith he,* there be two Gods, there muſt be ſomething wherein they agree, and ſomething wherein they differ; that wherein they agree muſt be that which makes each of them God; and that wherein they differ muſt make them two Gods. *Now wherein doth this differ from the preſent* Hypotheſis? *There is ſomething wherein they differ, and that is their proper Subſtance; but* Maimonides *thought that* wherein they differ'd *ſufficient* to make them two Gods. *So that I fear it will be impoſſible to clear this* Hypotheſis *as to the reconciling* three individual Eſſences *with* one individual divine Eſſence, *which looks too like aſſerting that there are three Gods and yet but one. And the* Author *of this Explication doth at laſt confeſs,* that three diſtinct whole inſeparable Sames, are hard to conceive as to the manner of it. *Now to what purpoſe are* new Explications *ſtarted, and Diſputes raiſed and carried on ſo warmly about them, if after all, the main difficulty be confeſs'd to be above our Comprehenſion? We had much better ſatisfie our ſelves with that Language which the Church hath receiv'd and is expreſs'd in the* Creeds, *than go about by new Terms, to raiſe new Ferments, eſpecially at a time when our united Forces are moſt neceſſary againſt our common Adverſaries. No wiſe and good Men can be fond of any new* Inventions, *when the Peace of the Church is hazarded by them. And on the other ſide, it is as dangerous to make* new Hereſies *as* new Explications. *If any one denies* the Doctrine *contained in the* Nicene Creed, *that is no* new Hereſie; *but how can ſuch deny the Son to be conſubſtantial to the Father, who aſſert one and the ſame indiviſible Subſtance in the Father, and the Son?* But they may contradict themſelves. *That is not impoſſible on either ſide. But doth it follow that they are guilty of Hereſie?* Are not three Subſtances and but one a Contradiction? *No more, ſay they, than that a* communicated Subſtance *is not diſtinct from that which did communicate. But this whole diſpute we find is at laſt reſolved into the infinite and unconceivable Perfections of the Godhead, where it is moſt ſafely lodged; and that there is no real* Contradiction *in the* Doctrine *it ſelf, is part of the deſign of the Diſcourſe afterwards.*

More Nevoch, par. II. c. 1.

Modeſt examin. p. 30.

But here it will be neceſſary to take notice of what the Unitarians *have objected againſt this* new Explication, *viz.* That it was condemned by the Ancients in the Perſon of *Philoponus*; in the middle Ages, in the Perſon and Writings of *Abbot Joachim*; but more ſeverely ſince the Reformation, in the Perſon of *Valentinus Gentilis*, who was condemned at *Geneva*, and beheaded at *Bern* for this very Doctrine.

Conſiderat. on the Explication of the Trinity, &c. p. 12.

To theſe I ſhall give a diſtinct anſwer:

1. *As to* Joh. Philoponus, *I do freely own, that in the* Greek Church, *when in the ſixth Century he broached his Opinion,* That every Hypoſtaſis muſt have the common Nature individuated in it, *this was look'd upon as a* Doctrine *of dangerous conſequence, both with reſpect to the* Trinity *and* Incarnation. *The latter was the firſt occaſion of it; for as* Leontius *obſerves, the diſpute did not begin about the* Trinity, *but about the* Incarnation; *and* Philoponus *took part with thoſe who aſſerted but one Nature in Chriſt after the Union, and he went upon this ground, That if there were two* Natures *there muſt be two* Hypoſtaſes, *becauſe* Nature *and* Hypoſtaſis *were the ſame. Then thoſe on the Churches ſide, ſaith* Leontius, *objected, That if they were the ſame, there muſt be three diſtinct* Na-

Leont. de Sectis Act. 5.

Natures in the Trinity, as there were three Hypoſtaſes; *which* Philoponus *yielded, and grounded himſelf on* Ariſtotle*'s Doctrine, that there was but one common Subſtance and ſeveral individual Subſtances, and ſo held it was in the* Trinity, *whence he was called the leader of the* Hereſie of the Tritheiſts. *This is the account given by* Leontius *who lived very near his time,* A. D. 620. *The ſame is affirmed of him by* Nicephorus, *and that he wrote a Book on purpoſe about the Union of two Natures in Chriſt, out of which he produces his own Words concerning a common and individual Nature, (which he calls* μερικωτάτην ὕπαρξιν*) which can agree to none elſe. And the main argument he went upon was this, that unleſs we aſſert a ſingular Nature in the* Hypoſtaſes, *we muſt ſay, that the whole* Trinity *was incarnate; as unleſs there be a ſingular humane Nature diſtinct from the common, Chriſt muſt aſſume the whole Nature of Mankind. And this argument from the* Incarnation, *was that which made* Roſcelin, *in the beginning of the diſputing Age,* A. D. 1093, *to aſſert,* That the three Perſons were three things diſtinct from each other, as three Angels or three Men, becauſe otherwiſe the Incarnation of the ſecond Perſon could not be underſtood, *as appears by* Anſelm*'s Epiſtles, and his* Book of the Incarnation *written upon that occaſion. But as* Anſelm *ſhews at large, if this argument hold, it muſt prove the three Perſons not only to be* diſtinct, *but* ſeparate *and divided* Subſtances, (*which is directly contrary to this* new Explication) *and then there is no avoiding* Tritheiſm. *But to return to* Joh. Philoponus, *who, ſaith* Nicephorus, *divided the* indiviſible Nature of God into three Individuals as among Men: Which, *ſaith he*, is repugnant to the Senſe of the Chriſtian Church; *and he produces the Teſtimony of* Gregory Nazianzen *againſt it, and adds, that* Leontius *and* Georgius Piſides *confuted* Philoponus.

Niceph. Calliſt. *l.* 18. c. 46, 47.

Anſelm. epiſt. l. 2. ep. 41. De fide Trinit. &c. c. 3.

C. 48.

But in that divided time, there were ſome called Theodoſiani, *who made but* one Nature and one Hypoſtaſis; *and ſo fell in with the* Sabellians; *but others held,* That there was one immutable divine Eſſence, but each Perſon had a diſtinct individual Nature; *which the reſt charged with* Tritheiſm. *Which conſequence they utterly rejected, becauſe although they held* three diſtinct Natures, *yet they ſaid,* They were but one God, becauſe there was but one invariable Divinity in them. Nicephorus *ſaith, that* Conon's Followers *rejected* Philoponus; *but* Photius *mentions a conference between* Conon *and others, about* Philoponus, *wherein he defends him againſt other* Severians. Photius *grants, that* Conon *and his Followers* held a conſubſtantial Trinity and the Unity of the Godhead, and ſo far they were Orthodox; *but ſaith,* They were far from it, when they aſſerted proper and peculiar Subſtances to each Perſon. *The difference between* Conon *and* Philoponus *about this point,* (*for* Conon *wrote againſt* Philoponus *about the Reſurrection*) *ſeems to have been partly in the Doctrine, but chiefly in the conſequence of it; for theſe rejected all kind of* Tritheiſm, *which* Philoponus *ſaw well enough muſt follow from his Doctrine, but he denied any real Diviſion or Separation in thoſe Subſtances as to the Deity.* Iſidore *ſaith,* That the Tritheiſts owned three Gods, as well as three Perſons; and that if God be ſaid to be Triple, there muſt follow a Plurality of Gods. *But there were others called* Triformiani, *of whom St.* Auguſtin *ſpeaks,* Who held the three Perſons to be three diſtinct parts, which being united made one God; which, *ſaith he*, is repugnant to the divine Perfection.

C. 49.

Phot. Biblioth. Cod. 24.

Phot. Cod. 23.

Iſid. Orig. l. 7. de hæret. de Trinit.

Aug. de hæreſ. c. 74.

But among theſe Severians, *there were three ſeveral Opinions:*

1. *Of* Philoponus, *who held one common Nature and three Individual.*
2. *Of thoſe who ſaid there was but one Nature and one* Hypoſtaſis.
3. *Of thoſe who affirm'd there were three diſtinct Natures, but withal, that there was but* one indiviſible Godhead; *and theſe differ'd from* Philoponus *in the main ground of* Tritheiſm, *which was, that he held the* common Nature *in the* Trinity, *to be only a* ſpecifick Nature, *and ſuch as it is among Men. For*

Philoponus *himſelf in the words which* Nicephorus *produces, doth aſſert plainly, that the common Nature is ſeparated from the Individuals,* τῇ ψιλῇ ἐπινοίᾳ, *by a meer act of the Mind; ſo that he allow'd no individual Unity in the divine Nature, but what was in the ſeveral Perſons; as the common Nature of Man is a Notion of the Mind, as it is abſtracted from the ſeveral Individuals, wherein alone it really ſubſiſts; ſo that here is an apparent difference between the Doctrine of* Joh. Philoponus *and the* new Explication, *for herein the moſt real, eſſential and* indiviſible Unity of the divine Nature *is aſſerted; and it is ſaid to be* no Species, becauſe it is but one, *and ſo it could not be condemned in* Joh. Philoponus.

Modeſt examin. p. 19

2. *We now come to* Abbat Joachim, *whoſe Doctrine ſeems to be as much miſtaken, as it is repreſented in the* Decretal, *where the Condemnation of it by the* Lateran Council *is extant. But here I cannot but obſerve what great Authority theſe* Unitarians *give to this* Lateran Council, *as if they had a Mind to ſet up* Tranſubſtantiation *by it, which they ſo often parallel with the Trinity. Thence in their late Diſcourſe they ſpeak of it as* the moſt general Council that was ever called, and that what was there defined, it was made Hereſie to oppoſe it. *But by their favour, we neither own this to have been a* general Council, *nor that it had* Authority *to* make that Hereſie *which was not ſo before. But that Council might aſſert the Doctrine of the Trinity truly, as it had been receiv'd, and condemn the Opinion of* Joachim *juſtly. But what it was, they do not or would not ſeem to underſtand.* Joachim *was a great* Enthuſiaſt, *but no deep Divine (as Men of that Heat ſeldom are) and he had many Diſputes with* Peter Lombard *in his Life, as the Vindicator of* Joachim *confeſſes. After his Death, a Book of his was found, taxing* Peter Lombard *with ſome ſtrange Doctrine about the* Trinity, *wherein he called him* Heretick *and* Madman; *this Book was complained of in the* Lateran Council, *and upon Examination it was found, that inſtead of charging* Peter Lombard *juſtly, he was fallen into Hereſie himſelf, which was denying the eſſential Unity of the three Perſons, and making it to be Unity of Conſent. He granted that they were* one Eſſence, one Nature, one Subſtance: *But how? Not by any* true proper Unity, *but* Similitudinary and Collective, *as they called it, as many Men are one People, and many Believers make one Church. Whence* Thomas Aquinas *ſaith, that* Joachim fell into the Arian Hereſie. *It is ſufficient to my purpoſe, that he denied the individual Unity of the divine Eſſence, which cannot be charged on the Author of the* new Explication, *and ſo this comes not home to the purpoſe.*

Diſcourſe of Real and Nominal Trinit. p. 4.

Greg de Lau. Apol. Joachim Abbat, c. 66.

Decret. Greg. l. 1. c. 2.

Comment. in decret. opuſc. 24.

3. *But the laſt charge is the moſt terrible, for it not only ſets down the* Hereſie, *but the capital puniſhment which follow'd it. Yet I ſhall make it appear, (notwithſtanding the very warm Proſecution of it by another hand) that there is a great difference between the Doctrine of* Valentinus Gentilis, *and that which is aſſerted in this Explication.*

1. *In the Sentence of his Condemnation it is expreſſed,* That he had been guilty of the vileſt Scurrility and moſt horrid Blaſphemies againſt the Son of God, and the glorious Myſtery of the Trinity. *But can any thing of this Nature be charged upon one, who hath not only written in Defence of it, but ſpeaks of it with the higheſt Veneration?*

Brief Account of Valentin. Gentilis, *p.* 132.

2. *In the ſame Sentence it is ſaid,* That he acknowledged the Father only to be that infinite God which we ought to worſhip, which is plain Blaſphemy againſt the Son. *But can any Man ever think to make this the ſame caſe with one, who makes uſe of that as one of his chief arguments,* That the three Perſons are to be worſhiped with a diſtinct divine Worſhip.

Ibid.

Modeſt examin. p. 20.

3. *It is charged upon him,* That he called the Trinity a meer human Invention, not ſo much as known to any Catholick Creed, and directly contrary to the Word of God. *But the Author here charged, hath made it his buſineſs to*

prove the Doctrine of the Trinity to be grounded on Scripture, and to vindicate it from the Objections drawn from thence againſt it.

Brief Account, &c. p. 40.

4. *One of the main Articles of his charge was,* That he made three Spirits of different Order and Degree, that the Father is the one only God, by which the Son and Holy Ghoſt are excluded manifeſtly from the Unity of the Godhead; *But the Perſon charged with his Hereſie ſaith,* The Reaſon why we muſt not ſay three Gods, is, becauſe there is but one and the ſame Divinity in them all; and that intirely, indiviſibly, inſeparably.

Brief Account, &c. p. 41, 42, 43, 45. *Modeſt examin.* p. 29.

But it is ſaid, that although there may be ſome differences, yet they agree in aſſerting, That there are three diſtinct eternal Spirits or Minds in the Trinity; *and* Genebrard *is brought into the ſame Hereſie with them. But* Genebrard *with great indignation rejects the Doctrine of* Valentinus Gentilis, *becauſe he held an Inequality in the Perſons, and denied the individual Unity of the Godhead in them; but he ſaith, he follow'd* Damaſcen *in aſſerting* three real Hypoſtaſes; *and he utterly denies* Tritheiſm, *and he brings a multitude of reaſons, why the charge of* Tritheiſm *doth not lie againſt his Opinion, although he owns the* Hypoſtaſes *to be* three diſtinct individuals, *but then he adds,* That there is an indiviſible and inſeparable Union of the divine Nature in all three Perſons.

Genebrard de Trinit. l. 2. p. 91. l. 2. p. 159. p. 153.

Now to deal as impartially in this matter as may be, I do not think our underſtandings one jot helped in the Notion of the Trinity by this Hypotheſis; but that it is liable to as great difficulties as any other, and therefore none ought to be fond of it, or to ſet it againſt the general Senſe of others, and the current Expreſſions of Divines about theſe Myſteries; nor to call the different Opinons of others Hereſie *or* Nonſenſe, *which are provoking Words, and tend very much to inflame Mens Paſſions, becauſe their Faith and Underſtanding are both call'd in queſtion, which are very tender things.*

But on the other ſide, a difference ought to be made between the Hereſie and Blaſphemy of Valentinus Gentilis, *and the Opinion of ſuch who maintain the* individual *and* indiviſible Unity *of the Godhead; but withal, believe that every Perſon hath an individual Subſtance as a Perſon, and that* Sabellianiſm *cannot be avoided otherwiſe. Wherein I think they are miſtaken, and that the Fathers were of another Opinion; and that our Church owns but* one Subſtance in the Godhead, *as the Weſtern Church always did, (which made ſuch difficulty about receiving* three Hypoſtaſes, *becauſe they took* Hypoſtaſis *for a* Subſtance) *but yet I ſee no reaſon why thoſe who aſſert three* Hypoſtaſes, *and mean three individual Subſtances ſhould be charged with the Hereſie of* Valentinus Gentilis, *or or ſo much as, with that of* Abbat Joachim *or* Philoponus, *becauſe they all rejected the* individual Unity of the divine Nature, *which is conſtantly maintained by the Defenders of the other* Hypotheſis.

But it is ſaid and urged with vehemency, that theſe two things are inconſiſtent with each other; that it is going forward and backward, being Orthodox in one Breath and otherwiſe in the next; that all this looks like ſhuffling and concealing the true meaning, and acting the old Artifices under a different Form. For the Samoſatenians *and* Arians, *when they were pinched, ſeem'd very Orthodox in their Expreſſions, but retained their Hereſies ſtill in their Minds; and there is reaſon to ſuſpect the ſame Game is playing over again, and we cannot be too cautious in a matter of ſuch Conſequence.*

I grant very great caution is needful, but the mixture of ſome Charity with it will do no hurt. Why ſhould we ſuſpect thoſe to be inwardly falſe, and to think otherwiſe than they ſpeak, who have ſhew'd no want of Courage and Zeal, at a time when ſome thought it Prudence to ſay nothing, and never call'd upon their Superiors *than to own* the cauſe of God, *and to do their Duties as they have now done, and that in no very obliging manner? And if the ſame Men can be cool and unconcerned at ſome times, (when there was ſo great reaſon to be otherwiſe)*

wiſe) and of a ſudden grow very warm, and even to boil over with Zeal; the World is ſo ill natur'd, as to be too apt to conclude there is ſome other cauſe of ſuch an alteration than what openly appears. But there is a kind of bitter Zeal, *which is ſo fierce and violent, that it rather inflames than heals any Wounds that are made; and is of ſo malignant a* Nature, *that it ſpreads and* eats like a Cancer, *and if a ſtop were not given to it, it might endanger the whole Body. I am very ſenſible how little a Man conſults his own eaſe, who offers to interpoſe in a diſpute between Men of Heat and Animoſity; but this moves me very little, when the intereſt of our Church and Religion is concerned, which ought to prevail more than the fear of diſpleaſing one or other Party, or it may be both. I do heartily wiſh, that all who are equally concerned in the common Cauſe, would lay aſide Heats, and Prejudices, and hard Words, and conſider this matter impartially; and I do not queſtion, but they will ſee cauſe to judge, as I do, that the difference is not ſo great as our Adverſaries for their own advantage make it to be. And ſince both ſides yield, that the matter they diſpute about is above their reach, the wiſeſt courſe they can take is to aſſert and defend what is revealed, and not to be too peremptory and quarrelſome about that which is acknowledged to be above our comprehenſion; I mean as to the* manner *how the three Perſons partake of the divine Nature.*

Oderat rixas & jurgia, præſertimque inter eruditos; ac turpe eſſe dicebat viros indubitatè doctos canina rabie famam viciſſim ſuam rodere ac lacerare ſcriptis trucibus, tanquam viliſſimos de plebe cerdones in Angiportis ſeſe luto ac ſtercore conſpurcantes. *Nic. Rigalt. vit. P. Puteani*, p. 48.

It would be of the moſt fatal Conſequence to us, if thoſe Weapons, which might be ſo uſefully imploy'd againſt our common Adverſaries, ſhould ſtill be turned upon one another. I know no manner of advantage they have againſt us, but from thence, and this is it which makes them write with ſuch Inſolence and Scorn towards thoſe who are far their Superiors in Learning and Wit, as well as in the Goodneſs of their Cauſe. And is it poſſible that ſome of our moſt skilful Fencers ſhould play Prizes before them, who plainly animate them againſt each other for their own Diverſion and Intereſt? Sometimes one hath the better, ſometimes the other, and one is cried up in Oppoſition to the other, but taken alone is uſed with the greateſt Contempt. One Man's Work is ſaid to be learned and accurate, *and the more, becauſe it follows,* that he concerns not himſelf with the Socinians. *The wiſer Man no doubt, for that Reaſon. At another time it is called the* Birth of the Mountains, *and the Author parallel'd with no leſs a Man than* Don Quixot, *and his elaborate Writings with his Adventures, and they ridicule his Notion of* Modes *as if they were only ſo many* Gambols and Poſtures. *And then for his Adverſary, they hearten and incourage him all they can; they tell him,* He muſt not allow to the other the leaſt Tittle of all he contends for, *leaſt their ſport ſhould be ſpoiled; and to comfort him, they tell him, that his Adverſary is a* Socinian *at bottom, and doth not know it; that all his* Thingums, Modes, Properties *are* only an Addition of Words and Names, and not of Perſons properly ſo called, *and that his whole* Scheme *is nothing but* Socinianiſm dreſt up in the abſurd Cant of the Schools. *That* his Book hath much more Scurrility than Argument, that his uſage of him was barbarous, and a greater Solœciſm in Manners, than any he accuſes him of in Grammar or Speech; *and in ſhort,* That his Explication of the Trinity is a great Piece of Nonſenſe, (*though it comes ſo near to* Socinianiſm.) *But how doth the other* Antagoniſt *eſcape? What, nothing but good Words to him? In this place they had a mind to keep him in heart, and only charge him with a* Hereſie *which they laugh at; but in another place, they ſet him out with ſuch colours, as ſhew they intended only to play one upon the other. They charge him not only with* Hereſie *but* Polytheiſm, Which, *they ſay,* is next to Atheiſm; *that his Vindication is a* ſupercilious, diſdainful and peeviſh Anſwer: that he had neither Humanity nor good Manners left; that there is nothing conſiderable in his Books but what he borrow'd from Them. *Theſe are ſome of*
the

Conſiderat. on the Explication by Dr. W. &c.
p. 12.
p. 13.
p. 22.
p. 23.
p. 25.
p. 19.
p. 13.

Defence of the Notes on Athanaſius *his Creed,*
p. 24.
p. 31.

the Flowers which they beſtow on theſe Perſons of Reputation in Polemick Squabble *as they call it, which plainly ſhew, that their aim is, as much as may be, to divide and then to expoſe us. And ſhall we ſtill go on to gratifie this inſulting Humour of theirs, by contending with one another, and afford them ſtill new matter for Books againſt both? As we may ſee in their late Diſcourſe about* Nominal *and* Real Trinitarians, *which was intended for a* rare ſhew, *wherein the two Parties are repreſented as combating with one another, and they ſtand by and triumph over theſe* Cadmean Brethren, *as they call them.*

Neither are they the Socinians *only, but thoſe who deſpiſe all Religion (who I doubt are the far greater number) are very much entertained with ſuch encounters between Men of Wit and Parts, becauſe they think, and they do not think amiſs, that Religion it ſelf will be the greateſt ſufferer by them at laſt: And this is the moſt dangerous, but I hope not the moſt prevailing Party of Men among us. The* Socinians *profeſs themſelves Chriſtians, and I hope are ſo, (eſpecially if but One Article of Faith be required to make Men ſo) but I cannot but obſerve that in the late* Socinian *Pamphlets, there is too ſtrong a biaſs towards* Deiſm, *(which conſideration alone ſhould make us unite and look more narrowly to their ſteps.) I do not charge their Writers with a profeſſed deſign to advance* Deiſm *among us; but their way of managing their Diſputes, is as if they had a mind to ſerve them. And ſuch Men who are Enemies to all revealed Religion, could not find out better Tools for their purpoſe than they are. For they know very well, that in ſuch a Nation as ours, which is really concerned for the Profeſſion of Religion one way or other, there is no opening profeſſed Schools of* Atheiſm; *but the deſign muſt be carried on under ſome ſhew of Religion. And nothing ſerves their turn ſo well, as ſetting up natural Religion in oppoſition to Revealed. For this is the way by degrees to looſen and unhinge the Faith of moſt Men, which with great reaſon is built on the Scripture as the ſureſt foundation.*

But here it is fit to obſerve the ſeveral ſteps they take in order to this advancing Deiſm, *and how our* Unitarians *have complied with all of them.*

I. *The firſt point they are to gain is,* The leſſening the Authority *of Scripture, and if this be once done, they know Mens Minds will be left ſo roving and uncertain, that they will ſoon fall into* Scepticiſm *and* Infidelity.

II. *The next is, to repreſent* Church-men *as* Perſons of Intereſt and Deſign, *who maintain Religion only becauſe it ſupports them; and this they call* Prieſt-Craft, *and if they can by this means take away their Authority too, the way lies ſtill more open for them; for it is more eaſie to make a Prey of the Flock, when the Shepherds are ſuſpected only to look after their Fleeces. Since ſuch a ſuſpicion takes away all Truſt and Confidence in their Guides; and they know very well, how little others will be able to defend themſelves.*

III. *Another ſtep is, to magnifie the* Deiſts *as Men of* Probity and good Senſe; *that aſſert the juſt Liberties of Mankind, againſt that terrible thing called* Prieſt-Craft; *and that would reſcue Religion from falſe Gloſſes and abſurd Notions taken up from the* Schools *and taught in the* Univerſities, *on purpoſe to keep under thoſe Principles of univerſal Liberty as to Opinions, which thoſe of freer Minds endeavour to promote. But eſpecially they are great Enemies to all* Myſteries of Faith, *as unreaſonable Impoſitions on thoſe of more refined Underſtandings, and of* clear and diſtinct Preceptions, *as they have learnt to expreſs themſelves. Theſe they account intolerable Uſurpations on Men of ſuch* Elevations *as themſelves; for* Myſteries *are only for the* Mob, *and not for Perſons of ſuch* noble *Capacities.*

IV. *The laſt thing is, to repreſent all Religions as indifferent, ſince they agree in the common Principles of natural Religion, eſpecially the Unity of God, and all the reſt is but according to the different Inventions of Men, the ſkill of the Contrivers, and the ſeveral Humors and Inclinations of Mankind.*

Theſe are the chief Myſteries *of* Deiſm *in our Age*; *for even* Deiſm *hath its* Myſteries, *and it is it ſelf a* Myſtery of Iniquity, *which I am afraid is too much* working already *among us, and will be more if no effectual ſtop be put to it.*

I call it Deiſm, *becauſe that Name obtains now, as more plauſible and modiſh*; *for* Atheiſm *is a rude unmannerly Word, and expoſes Men to the Rabble, and makes* Perſons *ſhun the company and avoid the Converſation and Dealing with ſuch who are noted for it. And this would be a mighty* Prejudice *to them, as to their Intereſts in this World, which they have reaſon to value.*

But to be a Deiſt, *ſeems to be only a ſetting up for having more Wit, than to be cheated by the* Prieſts, *and impoſed upon by the common Forms of Religion, which ſerve well enough for ordinary People that want Senſe, and are not skill'd in Demonſtrations*; *but the Deiſts are ſo wiſe as to ſee through all theſe things. And therefore this name gains a Reputation among all ſuch as hate Religion, but know not how otherwiſe to diſtinguiſh themſelves from profeſſed Atheiſts, which they would by no means be taken for*; *although if they be preſſed home, very few among them will ſincerely own any more than a Series of Cauſes, without any intellectual Perfections, which they call* God. *A ſtrange God without Wiſdom, Goodneſs, Juſtice or Providence!*

But I am now to ſhew, how in all theſe points the preſent Unitarians *have been very ſerviceable to them, in the Books, which they have lately publiſhed and diſperſed both in City and Countrey.*

1. *As to the Authority of Scripture: They have been already juſtly expoſed for undermining the Authority of St.* John's Goſpel, *by muſtring up all the Arguments of the old* Hereticks *againſt it, and giving no anſwers to them. And what defence have they ſince made for themſelves? No other but this very trifling one, that they* repeat their Reaſons but do not affirm them. *What is the meaning of this? If they are true, why do they not affirm them? If they are falſe, why do they not anſwer them? Is this done like thoſe who believe the* Goſpel of St. John *to be* divine, *to produce all the arguments they could meet with againſt it*; *and never offer to ſhew the Weakneſs and Unreaſonableneſs of them? Doth not this look like a deſign to furniſh the* Deiſts *with ſuch arguments as they could meet with againſt it? Eſpecially, when they ſay,* That St. *John* doth not oppoſe them. *Why then are theſe Arguments produced againſt his Goſpel? Men do not uſe to diſpute againſt their Friends, nor to tell the World what all People have ſaid againſt them, and give not a word of anſwer in vindication of them. But they ſay,* The modern *Unitarians* allow of the Goſpel and other Pieces of St. *John*. *A very great favour indeed,* to allow of them. *But how far? As of divine Authority? Not a word of that. But as ancient Books which they think it not fit for them to diſpute againſt. But if* the ancient *Ebionites* were their Predeceſſors, *as they affirm, they can allow none but* the Goſpel according to the *Hebrews*; *and muſt reject the reſt and all St.* Paul's Epiſtles; *and in truth, they make him argue ſo little to the purpoſe, that they muſt have a very mean Opinion of his Writings. But of theſe things in the Diſcourſe it ſelf.*

Vindication of the Archbiſhop's Sermons. p. 5.
Anſwer to Dr. Bull, p. 47.

Hiſtory of the Unitarians, p. 10

As to Church-men, *no profeſſed* Deiſts *could expreſs themſelves more ſpitefully than they have done, and that againſt thoſe to whom they profeſs the greateſt reſpect. What then would they ſay of the reſt? They ſay in general,* That it is natural to Worldlings, to mercenary Spirits, to the timorous and ambitious; in a word, to all ſuch as prefer not God before all other, whether Perſons or Conſiderations to believe as they would have it.

Conſiderat. on the Explication by the Archbiſhop, &c. p. 13.

But although the Words be general, yet any one that looks into them may ſoon find that they were intended for ſuch Church-men who had written againſt their Opinions. And the Inſinuation is, that if it were not for worldly Intereſts, they would own them to be in the right. Whereas I am fully perſwaded, *that they have no way to defend their Opinions, but to reject the Scriptures and declare themſelves* Deiſts; *and as long as we retain a juſt Veneration for the Scriptures, we can be of no other Opinion, becauſe we look on their Interpretations as unreaſonable, new, forced, and inconſiſtent with the circumſtances of Places, and the main Scope and Tenor of the New Teſtament. But their Introduction to the Anſwer to the late* Archbiſhop'*s Sermons about the* Trinity *and* Incarnation, *ſhew their Temper ſufficiently as to all Church-men. He was the Perſon they profeſſed to eſteem and reverence above all others, and confeſs that he inſtructs them* in the Air and Language of a Father, (*which at leaſt deſerved a little more dutiful Language from them.*) *But ſome Mens fondneſs for their Opinions breaks all bounds of Civility and Decency; for preſently after, mentioning the* Archbiſhop *and other* Biſhops *who had written againſt them, they ſay it ſignifies nothing to the caſe.* That they are great Penſioners of the World. For it is certain we have a mighty Propenſity to believe as is for our Turn and Intereſt. *And ſoon after, that their Oppoſers* are under the power of ſuch fatal Biaſſes, that their Doctrine is the more to be ſuſpected becauſe it is theirs. For the reaſon why they maintain the Doctrine of the Trinity is, becauſe they muſt. *The plain meaning of all this is, that the late Archbiſhop (as well as the reſt) was a* mere ſelf-intereſted Man, (*which none who knew either the* outſide *or* inſide *of* Lambeth *could ever imagine*) *that* if he were really againſt them (*as none could think otherwiſe, who knew him ſo well and ſo long as I did*) *it only ſhew'd* what a ſtrange Power, Intereſt hath in the Minds of all Church-Men.

Anſwer to the Arch-biſh. Serm. p. 43.

p. 44.

But what Biaſs *was it, which made him write with that ſtrength and judgment againſt their Opinions? Let us ſet aſide* all Titles of Reſpect and Honour *as they deſire, let Reaſon be compared with Reaſon; and his Arguments with their Anſwers; and it will be ſoon found that the advantage which he had, was not from any other* Dignity *than that of a clearer Judgment, and a much ſtronger way of Reaſoning. Whereas their Anſwers are ſuch, as may well be ſuppoſed to come from thoſe, who had ſome ſuch* Biaſs, *that they muſt at leaſt ſeem to anſwer what in truth they could not. As hath been fully made appear in the* Vindication *of him, to which no reply hath been given, although other Treatiſes of theirs have come out ſince. In the* Concluſion *of that* Anſwer *they ſay,* That they did not expect that their Anſwer ſhould ſatisfie us, *and in truth they had a great deal of reaſon to think ſo. But what reaſon do they give for it? A very kind one no doubt;* becauſe Prepoſſeſſion and Intereſt have taken hold of us. *As though we were Men of ſuch mean and mercenary Spirits, as to believe according to* Prepoſſeſſion *without Reaſon, and to act only as ſerves our preſent* Intereſt. *But we never made mean* Addreſſes *to* Infidels *to ſhew how near our Principles came to theirs, nor made Parallels between the* Trinity *and* Tranſubſtantiation, *as ſome did, and defended them, as well as they could, when Popery was uppermoſt. But enough of this.*

Anſwer to the Archbiſhop. p. 65.

3. *We have ſeen how much they have gratified the* Deiſts *by repreſenting Churchmen in ſuch a manner, let us now ſee in what manner they treat the* Deiſts. *It is with another ſort of Language; and which argues a more than ordinary kindneſs to them, in one place they ſay,* That the Deiſts are moſtly well-natured Men, and Men of Probity and Underſtanding; in effect that they are ſincere honeſt-hearted Men, who do good by the impulſe of their natural Religion, Honeſty and good Conſcience, which have great Influence upon them. *What another ſort of Character is this from that of the greateſt, and in their Opinion the beſt of our Clergy? This muſt proceed from ſome Intimacy and Familiarity with them; and it is eaſie to imagine from hence, that they are upon very good Terms with one another, becauſe they muſt be* Unitarians, *if they believe a God at all.*

Some thoughts upon Dr. Sh. *Vindication. p.* 21.

But where elſe are theſe honeſt conſcientious Deiſts *to be found?*

It is rare indeed for others to find any one that rejects Chriſtianity out of pure Conſcience, and that acts by Principles of ſincere Virtue. I never yet could meet with ſuch, nor hear of thoſe that have. And I would fain know the reaſons on which ſuch conſcientious Men proceeded; for truly the Principles of natural Religion are thoſe which recommend Chriſtianity to me; for without them the Myſteries of Faith *would be far more unaccountable than now they are; and ſuppoſing them, I ſee no incongruity in them,* i. e. *That there is a juſt and holy God, and a wiſe Providence, and a future State of Rewards and Puniſhments; and that* God *deſigns to bring Mankind to happineſs out of a State of Miſery; let theſe be ſuppoſed, and the Scheme of Chriſtianity will appear very reaſonable and fitted to the Condition and Capacity of Mankind. And the ſublimeſt Myſteries of it are not intended to* puzzle *or* amuſe Mankind, *as weak Men imagine; but they are diſcover'd for the greateſt and beſt purpoſes in the World, to bring Men to the hatred of Sin and Love of God, and a* patient continuance in well-doing, *in order to a* bleſſed Immortality. *So that this is truly a* Myſtery of Godlineſs, *being intended for the advancement of real Piety and Goodneſs among Mankind, in order to make them happy. But as to theſe* Unitarians, *who have ſuch happy Acquaintance with theſe* conſcientious Deiſts; *I would fain learn from them, if they think them miſtaken, why they take no more pains to ſatisfie and convince them; for I find they decline ſaying a word againſt them. In one place they compare the* Atheiſt *and* Deiſt *together; and very honeſtly and like any* conſcientious Deiſts, *they impute* all the Deiſm and moſt part of the Atheiſm of our Age to the Doctrines of the Trinity and Incarnation.

Letter of Reſol. concerning the Trinity and Incar. p. 18.

Is it poſſible for Men that live in our Age to give ſuch an account as this of the Growth of Deiſm *and* Atheiſm *among us? What number of* Atheiſts *is there, upon any other account than from a looſeneſs of Thinking and Living? Where are thoſe who believe God to be an incomprehenſible Being, and yet reject the* Myſteries *which relate to his Being, becauſe they are incomprehenſible? Suppoſe any reject* ſpiritual Subſtance as Nonſenſe and Contradiction, *as they do the* Trinity *on the ſame Pretences. Is this a ſufficient reaſon or not? They may tell them, as they do us that they can have no* Ideas, *no* clear and diſtinct Perceptions *of* immaterial Subſtances? *What anſwer do they give in this caſe? Not a Syllable; although they take notice of it. But I hope they give ſome better ſatisfaction to the* Deiſt; *No, for they ſay,* This is not a place to argue againſt either Atheiſt or Deiſt. *By no means: ſome would ſay, They were not ſuch Fools to fall out with their Friends. And it cannot be denied, that they have been the greateſt Incouragers of ſuch kind of Writings, which ſerve their turn ſo well; and in pure Gratitude they forbear to argue againſt them.*

Letter of Reſol. p. 5.

IV. *To ſhew how near they come to an Indifferency in Religion, they ſpeak favourably of* Mahometans, *and* Jews, *and even* Tartars, *becauſe they agree with them in the Unity of the Godhead. What an* honeſt hearted Deiſt *do they make that Impoſtor* Mahomet? *One would hardly think ſuch a Character could have come out of the Mouth of Chriſtians. But theſe are their Words,* Mahomet is affirmed by divers Hiſtorians to have had no other deſign in pretending himſelf to be a Prophet, but to reſtore the Belief of the Unity of God, which at that time was extirpated among the *Eaſtern Chriſtians* by the Doctrines of the Trinity and Incarnation. *Who are thoſe Hiſtorians who give this Character of him? Why are they not named, that their Authority might be examin'd? Was the* Morocco Ambaſſador *one of them? Or* Paulus Alciatus, *who from an* Unitarian *turned* Mahometan? *But by the beſt accounts we can meet with, we find that he was a very cunning Impoſtor, and took in from the* Jews *and* Iſhmaelites *his Countrymen, Circumciſion; from the Chriſtians, an honourable mention of Chriſt, as* a Prophet, and as the Word and Spirit of God, and owned his Miracles; *from the ancient Hereticks he denyed his Suffering but owned his being taken up into Heaven. Yea, he owned,* That he had his Goſpel from Heaven;

Letter of Reſol. concerning the Trinity and Incar. p. 18.

Elmacin hiſt. Sarac. p. 4.
Levin. Warner. de Alcoran.

ven; but that his Diſciples changed it after his Death, and attributed more to Chriſt than he aſſumed to himſelf. *Which ſhews that he had ſo much Sence, as to diſcern, that if the Books of the New Teſtament were genuine, more muſt be given to Chriſt, than either* Mahomet *or the* Unitarians *do allow. Let any indifferent Reader compare their Character of* Mahomet *with that of* Athanaſius, *which theſe Men give, and they will eaſily find that they take as much care to blacken one, as they do to vindicate the other. What Chriſtian Ingenuity is here? But* Mahomet *was a* Deiſt, *and* Athanaſius *a* Trinitarian. *But they go on.*

Acts of Athanaſius, p. 5.

Whatſoever the deſign of *Mahomet* was, it's certain, that *Mahometiſm* hath prevailed over greater Numbers and more Nations, than at this day profeſs Chriſtianity. *But how? Was it not by force of Arms, and the Prevalency of the* Saracen *and* Turkiſh *Empire? No, ſay theſe learned Hiſtorians,* It was not by the Force of the Sword, but by that one Truth in the Alcoran, the Unity of God. *It were endleſs to quote the Hiſtorians, who ſay, That it was* Mahomet'*s Principle,* to ſubdue all by force of Arms who oppoſed his Religion; *but the Authority of* Elmacinus *alone is ſufficient; for in the beginning of his* Hiſtory *he owns that it was his Principle,* To make War upon thoſe that would not ſubmit to his Law. *And others ſay, that in remembrance of this,* Their Law is expounded by their Doctors, with a Sword drawn by them, and that it is the Law of the Alcoran to kill and ſlay thoſe that oppoſe it. *What liberty the Turkiſh Empire allows to Chriſtians* in the conquer'd Provinces *is not to this purpoſe, but by what means* Mahometiſm *prevailed in the World.*

Ricard. contut. legis Saracen. c. 10.

But ſay they, The Jews as well as Mahometans are alienated from us, becauſe they ſuppoſe the Trinity to be the Doctrine of all Chriſtians. *And what then? Muſt we renounce the Chriſtian Doctrine to pleaſe the* Jews *and* Mahometans? *Muſt we quit Chriſt's being the* Meſſias, *becauſe the* Jews *deny it? Or the ſuffering of Chriſt, becauſe the* Mahometans *think it inconſiſtent with his Honour?*

But if this be the truth of the caſe, as to Jews *and* Mahometans; *no Perſons are ſo well qualified to endeavour their Converſion, as our* Unitarians; *which would be a much better imployment for them, than to expoſe the Chriſtian Doctrine by ſuch Writings among us. I am aſhamed to mention what they ſay of the* Tartars, *when they call them,* The Shield and Sword of that way of acknowledging and worſhiping God. *So that* Mahometans, Jews *and* Tartars, *are fairly repreſented becauſe they agree in the grand Fundamental of the Unity of the Godhead; but the Chriſtian Church is charged with believing* Impoſſibilities, Contradictions, and pure Nonſenſe.

Letter of Reſol. p. 19.

And thus we find our Unitarians *ſerving the* Deiſts *in all their methods of overthrowing Revealed Religion and advancing* Deiſm *among us. And if this will not awaken us to look more after them, and unite us in the defence of our Common Cauſe againſt them, I do not think that other Methods will do it. For it is become a reſtleſs and active, although as yet, but a ſmall Body of Men, and they tell the World plainly enough, that they are* free from the Biaſſes of Hopes and Fears; and ſit looſe from the Awes and Bribes of the World. *So that there is no way of dealing with them, but by ſhewing the falſeneſs and weakneſs of the grounds they go upon; and that they have no advantage of us as to* Scripture, Antiquity *or* Reaſon; *which is the Deſign of this Undertaking.*

Anſwer to the Archbiſhop. p. 44. p. 66.

Worceſter, Sept. 30. 1696.

E. W.

A
DISCOURSE
In Vindication of the
Doctrine of the TRINITY.

WITH

An Anſwer to the late SOCINIAN Objections.

CHAP. I.

The Occaſion and Deſign of this Diſcourſe.

IT is now above twenty years ſince I firſt publiſhed *a Diſcourſe about the reaſons of the Sufferings of Chriſt,* (lately reprinted) in anſwer to ſome *Socinian* Objections at that time. But I know not how it came to paſs, that the *Socinian* Controverſie ſeemed to be laid aſleep among us for many years after ; and ſo it had continued to this day, if ſome Mens buſie and indiſcreet Zeal for their own particular Opinions (or other *Hereſies*) had not been more prevalent over them, than their Care and Concernment for the common Intereſt of Chriſtianity among us. For it is that which really ſuffers by theſe unhappy and very unſeaſonable Diſputes about the *Myſteries of the Chriſtian Faith,* which could never have been ſtarted and carried on with more fatal conſequence to all revealed Religion, than in an Age too much inclined to Scepticiſm and Infidelity. For all who are but well-wiſhers to that, do greedily catch at any thing which tends to unſettle Mens Minds as to matters of Faith, and to expoſe them to the ſcorn and contempt of Infidels. And this is all the advantage which they have above others in their Writings. For upon my careful Peruſal of them (which was occaſion'd by reprinting that Diſcourſe) I found nothing extraordinary, as to depth of Judgment, or cloſeneſs of Reaſoning, or ſtrength of Argument, or skill in Scripture or Antiquity, but the old ſtuff ſet out with a *new dreſs,* and too much ſuited to the *Genius* of the Age we live in, *viz.* Brisk and airy, but withal too light and ſuperficial. But although ſuch a ſort of Raillery be very much unbecoming the weight and dignity of the Subject, yet that is not the worſt part of the Character of them ; for they ſeem to be written not with a deſign to convince others, or to juſtifie themſelves, but to *ridicule* the great *Myſteries of our Faith,* calling them, *Jargon, Cant, Nonſenſe, Impoſſibilities, Contradictions, Samaritaniſm,* and what not? Any thing but *Mahometiſm* and *Deiſm.* And at the ſame time they know, that we have not framed theſe Doctrines our ſelves ; but have received them by

Conſiderat. on the explications of the Trinity, by Dr. W. &c. p. 22, 32. *Defence of the Hiſtory of the Unit.* p. 5. *Anſwer to the Archbiſhop's Sermon,* p. 4.

by as univerſal a Tradition and Conſent of the Chriſtian Church, as that whereby we receive the Books of the New Teſtament, and as founded upon their Authority. So that, as far as I can ſee, the truth of theſe Doctrines and authority of thoſe Books muſt ſtand and fall together: For from the time of the writing and publiſhing of them, all Perſons who were admitted into the Chriſtian Church by the *Form of Baptiſm*, preſcribed by our Saviour, were underſtood to be received Members upon profeſſion of *the Faith of the Holy Trinity*; the *Hymns* and *Doxologies* of the Primitive Church were to *Father, Son, and Holy Ghoſt*; and thoſe who openly oppoſed *that Doctrine* were caſt out of the Communion of it; which to me ſeem plain and demonſtrative Arguments, that this was the *Doctrine* of the *Chriſtian* Church from the beginning, as will appear in the progreſs of this Diſcourſe. The chief deſign whereof is to vindicate the *Doctrine of the Trinity*, as it hath been *generally received in the Chriſtian Church*, and is expreſſed in the *Athanaſian Creed*, from thoſe horrible Imputations of *Nonſenſe, Contradiction* and *Impoſſibility*; with which it is charged by our *Unitarians* (as they call themſelves;) and that in the anſwer to the Sermon lately reprinted, about *the Myſteries of the Chriſtian Faith:* which I firſt preached and publiſhed ſome Years ſince, upon the breaking out of this Controverſie among us, by the *Notes on Athanaſius his Creed*, and the other miſchievous Pamphlets one upon another. I was in hopes to have given ſome check to their inſolent way of writing about matters ſo much above our reach, by ſhewing how reaſonable it was for us to ſubmit to divine Revelation in ſuch things, ſince we muſt acknowledge our ſelves ſo much to ſeek, as to the *nature* of *Subſtances*, which are continually before our Eyes; and therefore, if there were ſuch difficulties about a Myſtery which depended upon Revelation, we had no cauſe to wonder at it; but our buſineſs was chiefly to be ſatisfied, whether this Doctrine were any part of that Revelation. As to which I propoſed ſeveral things, which I thought very reaſonable, to the finding out the true ſenſe of the Scripture about theſe matters. After a conſiderable time, they thought fit to publiſh ſomething, which was to paſs for an Anſwer to it; but in it, they wholly paſs over that part which relates to the ſenſe of Scripture, and run into their common place about *Myſteries of Faith*; in which they were ſure to have as many *Friends*, as our Faith had *Enemies*; and yet they managed it in ſo trifling a manner, that I did not then think it deſerved an Anſwer. But a worthy and judicious Friend was willing to take that task upon himſelf, which he hath very well diſcharged; ſo that I am not concerned to meddle with all thoſe particulars, which are fully anſwer'd already, but the *general Charge* as to the *Chriſtian Church* about the Doctrine of the Trinity, I think my ſelf oblig'd to give an anſwer to upon this occaſion. But before I come to that, ſince they ſo confidently charge the Chriſtian Church for ſo many ages, with embracing *Errors* and *Nonſenſe*, and *Contradictions* for *Myſteries of Faith*, I deſire to know (ſuppoſing it poſſible for the Chriſtian Church to be ſo early, ſo generally, and ſo miſerably deceived in a matter of ſuch moment) by *what light* they have diſcovered this *great Error*. Have they any *new Books of Scripture* to judge by? Truly they had need, for they ſeem to be very weary of the old ones; becauſe they find they will not ſerve their turn; therefore they muſter up *the old Objections againſt them*, and give no anſwer to them; they find fault with *Copies*, and ſay, they are *corrupted and falſified to ſpeak the Language of the Church*; they let fall ſuſpicious Words, *as to the Form of Baptiſm*, as though *it were inſerted from the Churches Practice*; they charge us with following *corrupt Copies*, and making *falſe Tranſlations* without any manner of ground for it.

Anſwer to the Archb. Serm. p. 50.
Explicat. of the Trinity, p. 29.
Anſwer to Milbourn, p. 15. 23.
Hiſtory of the Unit. p. 43.
Anſwer to the Archb. p. 29, 30

And doth not all this diſcover no good will to the Scriptures, at leaſt, as they are received among us? And I deſpair of meeting with better Copies, or ſeeing a more faithful Tranſlation than ours is. So that it is plain, that they have no mind to be tried by the *Scriptures.* For theſe exceptions are ſuch, as a Malefactor would make to a Jury he is afraid to be condemned by.

But what then is the peculiar light which theſe happy Men have found in a corner, the want whereof hath made the Chriſtian Church to fall into ſuch *monſtrous* Errors *and Contradictions?* *Nothing* (*they pretend*) *but the mere light of common ſenſe and reaſon*; which they call after a more refined way of ſpeaking, *clear Ideas and diſtinct Perceptions of things.*

But leſt I ſhould be thought to miſrepreſent them; I will produce ſome of their own Expreſſions. In one place they ſay, *We deny the Articles of the new Chriſtianity, or the* Athanaſian *Religion, not becauſe they are Myſteries, or becauſe we do not comprehend them; but we deny them becauſe we do comprehend them; we have a clear and diſtinct Perception, that they are not Myſteries, but Contradictions, Impoſſibilities, and pure Nonſenſe. We have our reaſon in vain, and all ſcience and certainty would be deſtroy'd if we could not diſtinguiſh between Myſteries and Contradictions.* And ſoon after, *We are not to give the venerable name of Myſteries to Doctrines that are contrary to nature's and reaſon's Light, or which deſtroy or contradict our natural Ideas.* Theſe things I have particular reaſon to take notice of here, becauſe they are publiſhed as an *Anſwer* to the foregoing *Sermon* about the *Myſteries of the Chriſtian Faith:* and this ſhews the *general grounds* they go upon, and therefore more fit to be conſider'd here. To which I ſhall add one paſſage more, wherein they inſinuate, that the *Doctrine* of the *Trinity* hath been ſupported only by intereſt and force. Their Words are (after they have called the *Doctrine of the Trinity, a monſtrous Parodox and Contradiction*) *This is that,* ſay they, *which becauſe all other Arguments failed them in their diſputations with the* Photinians *and* Arians, *they at laſt effectually proved, by the Imperial Edicts, by Confiſcations and Baniſhments, by ſeizing and burning all Books written againſt it or them, by capital Puniſhments, and when the Papacy (of which this is the chief Article) prevailed by Fire and Faggot.* This is a new diſcovery indeed, that the Doctrine of the Trinity, as it is generally receiv'd in the Chriſtian Church, is *the chief Article of Popery*; although it were embraced and defended long before *Popery* was known; and I hope would be ſo, if there were no ſuch thing as *Popery* left in the World. But if every thing which diſpleaſes ſome Men muſt paſs for *Popery*, I am afraid *Chriſtianity* it ſelf will not eſcape at laſt: For there are ſome who are building apace on ſuch foundations as theſe; and are endeavouring what they can, to remove out of their way all revealed Religion, by the help of thoſe two powerful *Machines,* viz. *Prieſt-craft* and *Myſteries.*

Anſwer to my Sermon. p. 4.

Anſ. to Dr. Wallis's *four Letters,* p. 4.

But becauſe I intend a clear and diſtinct Diſcourſe concerning the *Doctrine* of the *Trinity,* as it hath been generally received among us; I ſhall proceed in theſe four Enquiries.

(1.) Whether it was accounted a *monſtrous Paradox and Contradiction,* where Perſons were not ſway'd by *Force and Intereſt?*

(2.) Whether there be any *ground* of *common reaſon.* on which it can be juſtly charged with *Nonſenſe, Impoſſibilities* and *Contradiction?*

(3.) Whether their Doctrine about the *Trinity* or ours, be more agreeable to the *ſenſe* of *Scripture* and *Antiquity?*

(4.) Whether our Doctrine being admitted, it doth overthrow all *certainty of reaſon,* and makes way for the believing the greateſt Abſurdities under the pretence of being *Myſteries of Faith?*

CHAP.

CHAP. II.

The Doctrine of the TRINITY *not received in the Chriſtian Church by Force or Intereſt.*

AS to the firſt, it will lead me into an enquiry into the ſenſe of the *Chriſtian Church*, as to this Doctrine, long before *Popery* was hatched, and at a time when the main force of *Imperial Edicts* was againſt *Chriſtianity* it ſelf; at which time this Doctrine was owned by the Chriſtian Church, but diſowned and diſputed againſt by ſome particular Parties and Sects. And the queſtion then will be, whether theſe had engroſſed *Senſe*, and *Reaſon*, and *Knowledge* among themſelves; and all the body of the Chriſtian Church, with their Heads and Governors, were bereft of common Senſe, and given up to believe *Nonſenſe* and *Contradictions* for *Myſteries of Faith*. But in order to the clearing this matter, I take it for granted, That *Senſe* and *Reaſon* are no *late Inventions* only to be found among our *Unitarians*; but that all Mankind have ſuch a competent ſhare of them, as to be able to judge, what is agreeable to them, and what not, if they apply themſelves to it; *That* no Men have ſo little Senſe as to be fond of *Nonſenſe*, when Senſe will do them equal ſervice; *That* if there be no Biaſs of Intereſt to ſway them, Men will generally judge according to the evidence of reaſon; *That* if they be very much concerned for a Doctrine oppoſed by others, and againſt their Intereſt, they are perſwaded of the Truth of it, by other means than by *force* and *fear*; *That* it is poſſible for Men of Senſe and Reaſon to believe a Doctrine to be true on the account of divine Revelation, although they cannot comprehend the manner of it; *That* we have reaſon to believe thoſe to be Men of Senſe above others, who have ſhew'd their Abilities above them in other matters of Knowledge and Speculation; *That* there can be no reaſon to ſuſpect the Integrity of ſuch Men in delivering their own Senſe, who at the ſame time might far better ſecure their Intereſt by renouncing their Faith; laſtly, *That* the more Perſons are concerned to eſtabliſh and defend a Doctrine which is oppoſed and contemned, the greater evidence they give, that they are perſwaded of the truth of it.

Theſe are *Poſtulata* ſo agreeable to Senſe and common reaſon, that I think it an affront to humane Nature to go about to prove them. But to ſhew what uſe we are to make of them; we muſt conſider that it cannot be denied, that *the Doctrine of the Trinity* did meet with oppoſition very early in the *Chriſtian Church*, eſpecially among the *Jewiſh Chriſtians*; I mean thoſe who ſtrictly adhered to the Law of *Moſes*, after the Apoſtles had declared the freedom of Chriſtians from the obligation of it. Theſe (as I ſhall ſhew by and by) ſoon after the diſperſion of the Church of *Jeruſalem*, gathered into a body by themſelves, diſtinct from that which conſiſted of *Jews* and *Gentiles*, and was therefore called the *Catholick Chriſtian Church*. And this ſeparate body, whether called *Ebionites*, *Nazarens*, or *Mineans*, did not only differ from the *Catholick Chriſtian Church*, as to the neceſſity of obſerving the Law of *Moſes*, but likewiſe as to the Divinity of our Saviour, which they denied, although they profeſſed to believe him as *the Chriſt* or promiſed *Meſſias*.

Theodoret hath with very good judgment placed the Hereſies of the firſt Ages of the Chriſtian Church, under two diſtinct heads, (which others reckon up confuſedly) and thoſe are ſuch as relate to the *Humanity of Chriſt*, Theodoret *hæret.* *l.* 1. & 11.

as *Simon Magus*, and all the Sects of thoſe who are called *Gnoſticks*, which are recited in his firſt Book. In his ſecond he begins with thoſe which relate to *the Divinity of Chriſt*; and theſe are of two kinds:

Epiphan. Hareſ. 19. *n.* 5. 29. *n.* 17.

1. The *Jewiſh Chriſtians* who denied it. Of theſe he reckons up the *Ebionites*, *Cerinthians*, the *Nazarens*, and *Elceſaitæ*, whom he diſtinguiſhed from the other *Ebionites*, becauſe of a *Book of Revelation*, which one *Elxai* brought among them; but *Epiphanius* ſaith, he joyned with the *Ebionites* and *Nazarens*.

Tertul. de præſcript. hæret. *c.* 52. Euſeb. hiſt. Eccl. *l.* 5. *c.* 28.

2. Thoſe of the *Gentile Chriſtians*, who were look'd on as broaching a *new Doctrine* among them; of theſe he reckons *Artemon* as the firſt, then *Theodotus*, whom others make the firſt Publiſher of it, as *Tertullian*, and the old Writer in *Euſebius*, ſuppoſed to be *Caius*, who lived near the time, and of whom a conſiderable Fragment is preſerved in *Euſebius*, which gives light to theſe matters. The next is another *Theodotus*, who framed a new Sect of ſuch as ſet up *Melchiſedeck* above Chriſt. Then follow *Paulus Samoſatenus*, and *Sabellius*, who made but *one Perſon* as well as *one God*, and ſo overthrew the Trinity with whom *Marcellus* agreed in ſubſtance, and laſt of all *Photinus*. But *Theodoret* concludes that Book with this paſſage, viz. *That all theſe Hereſies againſt our Saviour's Divinity were then wholly extinct; ſo that there were not ſo much as any ſmall Remainders of them.* What would he have ſaid, if he had lived in our Age, wherein they are not only revived, but are pretended to have been the true Doctrine of the Apoſtolical Churches? Had all Men loſt their *Senſes* in *Theodoret*'s time? And yet there were as many learned and able Men in the Chriſtian Church then, as ever were in any time.

CHAP. III.

The SOCINIAN *Plea for the Antiquity of their* DOCTRINE *examined.*

Hiſt. of the Unit. *p.* 10. *Edit. II.*

BUT this is not the Age our *Unitarians* will ſtand or fall by. They are for going backward; and they ſpeak with great comfort about the old *Ebionites* and *Nazarens* as entirely theirs; "And that they had "conſiderable Men among them, as *Theodotion* and *Symmachus*, two Tran-"ſlators of the Hebrew Bible. And among the *Gentile Chriſtians*, they va-"lue themſelves upon three Men, *Paulus Samoſatenus*, *Lucianus* the moſt "learned Perſon, they ſay, of his Age, and *Photinus* Biſhop of *Sirmium*. "As to the *Unitarians* at *Rome*, (whom they improperly call *Nazarens*) they "pretended that their Doctrine was Apoſtolical, and the general Doctrine "of the Church till the times of *Victor* and *Zepherin*.

This is the ſubſtance of their Plea, which muſt now be examin'd.

I begin with thoſe *Primitive Unitarians*, the *Ebionites*, concerning whom, I obſerve theſe things:

Euſeb. *l.* 3. *c.* 27.

1. That they were a diſtinct, ſeparate body of Men from the Chriſtian Church. For all the ancient Writers who ſpeak of them, do mention them as *Hereticks*, and wholly divided from it, as appears by *Irenæus*, *Tertullian*, *Epiphanius*, *Theodoret*, St. *Auguſtin*, and others. *Euſebius* ſaith of them, *That although the Devil could not make them renounce Chriſtianity, yet finding their weakneſs*, ἐσφετερίζετο, he made them *his own*. He would never have ſaid this of any whom he look'd on as Members of the Chriſtian Church. But wherein is it that *Euſebius* blames them? He tells it in the very next words;

that it was *for the mean opinion they entertained of Chriſt*; for they look'd *on him as a mere Man, but very juſt.* And although there were *two ſorts* of them; ſome owning the *miraculous Conception*, and others not; yet ſaith he, *They at laſt agreed in the ſame Impiety*, which was, *That they would not own Chriſt to have had any Pre-exiſtence before his Birth*, *nor that he was* Θεὸς Λόγος, *God the Word*, It's true, he finds fault with them afterwards *for keeping to the Law of* Moſes; but the firſt *Impiety* he charges them with, is the other. That which I infer from hence is, that *Euſebius* himſelf (to whom they profeſs to ſhew greater reſpect than to moſt of the ancient Writers, for his *exactneſs and diligence* in Church-Hiſtory) doth affirm the Doctrine which overthrows the *Pre exiſtence and Divinity of Chriſt* to be an *Impiety.* And therefore, when he affirms the *firſt fifteen Biſhops of the Church of Jeruſalem who were of the Circumciſion*, viz. to the Siege of it by *Hadrian*, *did hold the genuine Doctrine of Chriſt*, it muſt be underſtood of his *Pre-exiſtence and Divinity*; for the other we ſee he accounted an *Impiety.* And he tells us, *the Church of Jeruſalem then conſiſted of believing Jews, and ſo it had done from the Apoſtles times to that of* Hadrian's *Baniſhment of the Jews.* Which is a conſiderable Teſtimony to two purpoſes:

Ante-Nice-niſm. p. 37.

Anſwer to Miſſ. p. 20. Euſeb. *l.* 4. c. 5.

1. To ſhew that the Primitive Church of *Jeruſalem* did hold the Doctrine of Chriſt's *Pre-exiſtence* and *Divinity.* But ſay our *Unitarians*, *this doth not follow.* For what reaſon? When it is plain that *Euſebius* accounted that the *only genuine Doctrine.* *No*, ſay they, *he meant only the miraculous Conception, and that they held that, in oppoſition to thoſe Ebionites who ſaid that he was born as other Men are.* This is very ſtrange; when *Euſebius* had diſtinguiſhed the two ſorts of *Ebionites* about this matter, and had blamed both of them, even *thoſe that held him born of a Virgin*, for falling *into the ſame Impiety.* What can ſatisfie ſuch Men, who are content with ſuch an anſwer? But ſay they, *Euſebius only ſpake his own ſenſe.* Not ſo neither: For he ſaith in that place, that he had ſearched the moſt ancient Records of the Church of *Jeruſalem.* *Yes*, ſay they, *for the Succeſſion of the firſt Biſhops; but as to their* Doctrine *he had it from* Hegeſippus, *and he was an* Ebionite *himſelf.* Then *Euſebius* muſt not be the Man they take him for. For if *Hegeſippus* were himſelf an *Ebionite*, and told *Euſebius* in his Commentaries, that the Primitive Church of *Jeruſalem* conſiſted of all ſuch, then *Euſebins* muſt ſuppoſe that Church guilty of the ſame *Impiety* with which he charges the *Ebionites*; and would he then have ſaid, *That they had the true knowledge of Chriſt among them?* *No*, ſay they, Euſebius *ſpake his own opinion*, *but* Hegeſippus *being an* Ebionite *himſelf*, *meant otherwiſe.* But *Euſebins* doth not uſe *Hegeſippus* his Words, but his own in that place; and withal, how doth it appear that *Hegeſippus* himſelf was an *Ebionite?* This one of their lateſt Writers hath undertaken, but in ſuch a manner, as is not like to convince me. It is thus, *Hegeſippus was himſelf a Jewiſh Chriſtian, and made uſe of the* Hebrew *Goſpel, and among the Hereticks which crept into the Church of* Jeruſalem, *he never numbers the* Ebionites *or* Cerinthians, *but only the* Gnoſticks. I will not diſpute, whether *Hegeſippus* was a Jewiſh Chriſtian or not. Grant he was ſo, yet how doth it appear that all the *Jewiſh Chriſtians* were at that time *Ebionites* or *Cerinthians?* It ſeems they were neither of them *Hereticks*, although they were oppoſite to each other; the one *held the World created by inferiour Powers*; the other *by God himſelf:* the one, we ſee, *made Chriſt a mere Man*; but the *Cerinthians* held *an illapſe of the* Λόγος *upon him, and ſo made him a kind of a God by his Preſence*, as *Neſtorius* did afterwards. But honeſt *Hegeſippus* took neither one nor the other for *Hereticks*, if our *Unitarians* ſay true. But yet it doth not appear, that *Hegeſippus* was either one or the other. For he ſpeaks of the *Church of Jeruſalem*, as is plain by *Euſebius*, and the *Cerinthians* and *Ebionites*, were in other parts; the former in

Reſp. ad Judic. Eccleſ. p. 176.

Anſ. to Dr. Bull, *Part* I. p. 41.

Euſeb *l.* 4. c. 22.

Egypt and the *leſſer* or *Proconſular Aſia*; and the latter about *Decapolis* and *Cœleſyria*, from whence they ſpread into *Arabia* and *Armenia*, as appears by *Epiphanius*. But *Origen* ſaith, *That all the Jewiſh Chriſtians were* Ebionites. What! no *Cerinthians* among them? Were not thoſe *Jewiſh Chriſtians*? Or were they all turned *Ebionites* then? No ſuch thing appears by *Origen*'s ſaying. But we are not enquiring now, what they were *in his time*, but in the Church of *Jeruſalem*. Doth *Origen* ſay, all the *Jewiſh Chriſtians* there were ſuch? And as to his own time, it is not improbable that thoſe who then made up the ſeparate Body of Jewiſh Chriſtians *were Ebionites*. But what is this to the *firſt Chriſtians* of the Church of *Jeruſalem*? *Very much*, ſay they, *becauſe the firſt Chriſtians were called Nazarens, and the Nazarens held the ſame Doctrine with the Ebionites.* But the title of *Nazarens* did not
Acts 24.5. always ſignifie the ſame thing. It was at firſt uſed for *all Chriſtians*, as appears by the Sect of the *Nazarens* in *Tertullus*, his Accuſation of St. *Paul*;
Epiphan. Hæreſ. 29. n. 7. then it was taken for the *Chriſtians* who ſtaid at *Pella*, and ſettled at *Decapolis* and thereabouts, as *Epiphanius* affirms; for although all the Chriſtians withdrew thither before the Deſtruction of *Jeruſalem*, as *Euſebius* ſaith, yet they did not all continue there, but a great number returned to *Jeruſalem*, and were there ſettled under their Biſhops; but thoſe who remained about *Pella* kept the name of *Nazarens*, and never were united with the Gentile Chriſtians, but kept up their old Jewiſh Cuſtoms, as to their Synagogues, even in St. *Jerom* and St. *Auguſtine*'s time. Now theſe *Nazarens* might be all *Ebionites*, and yet thoſe of the *Church of Jeruſalem* not ſo at all.

2. The next thing obſervable from this place of *Euſebius* is, that while the *Nazarens* and *Ebionites* were ſettled in *Cœleſyria*, and the Parts thereabouts, there was a regular Chriſtian Church at *Jeruſalem*, under the Biſhops of the Circumciſion, to the Siege of *Hadrian*. *Euſebius* obſerves, that be-
Euſeb. l. 3. c. 5. fore the deſtruction of *Jeruſalem*, *all the Chriſtians forſook not only Jeruſalem, but the* Coaſts *of Judea*. But that they did not all continue there, is moſt evident from what *Euſebius* here ſaith of the Church and Biſhops of *Jeruſalem*; between the two Sieges of *Titus Veſpaſian* and *Hadrian*, which was in
L. 4. c. 8. the 18th Year of his Empire, ſaith *Euſebius*. Who produces another Teſtimony out of *Juſtin Martyr*, which ſhews that the Chriſtians were returned to *Jeruſalem*. For therein he ſaith, *That* Barchochebas *in that War uſed the* Chriſtians *with very great ſeverity to make them renounce Chriſtianity.* How could this be, if all the Chriſtians were out of his reach, then being ſettled
L. 4. c. 6. about *Pella*? And although *Euſebius* ſaith, *That when the Jews were baniſhed their* Country *by* Hadrian*'s Edict, that then the* Church *of* Jeruſalem *was made up of* Gentiles; yet we are not ſo ſtrictly to underſtand him, as though the Chriſtians who ſuffer'd under *Barchochebas*, were wholly excluded. *O-*
Oroſ. l. 7. c. 13. *roſius* ſaith, *That they were permitted by the Emperor's Edict.* It is ſufficient for me, if they were connived at, which is very probable, although they did not think fit to have any ſuch publick Perſons as their *Biſhops* to be any other than *Gentiles*. And *Hegeſippus* is allow'd after this time, to have been a *Jewiſh Chriſtian* of the Church of *Jeruſalem*: ſo that the Church there muſt conſiſt both of *Jews* and *Gentiles*; but they can never ſhew that any of the *Ebionites* did admit any *Gentile Chriſtians* among them, which ſhews that they were then diſtinct Bodies.

2. They were not only diſtinct in Communion, but had a different *rule of Faith*. This is a point of great conſequence, and ought to be well conſider'd. For, ſince our *Unitarians* own the *Ebionites* as their *Predeceſſors*, we ought to have a particular eye to the *rule of Faith* received by them, which muſt be very different from ours, if they follow the *Ebionites*, as I doubt
Anſwer to Dr Bull p. 42. not to make it appear. They ſay, *The Ebionites uſed only St.* Mathew*'s Goſpel.* But the Chriſtian Church then, and ever ſince, have receiv'd the four

Goſpels, as of divine *Authority*. *Euſebius*, one of the moſt approved Authors in *Antiquity* by our *Unitarians*, reckons up the *four Evangeliſts and St.* Paul's *Epiſtles*, as writings univerſally received by the Chriſtian Church; then he mentions ſome generally rejected as ſpurious; and after thoſe which were doubted, among which he mentions *the Goſpel according to the Hebrews*, which *the Jewiſh Chriſtians follow'd*. Now here is an apparent difference put between *the Goſpel according to the Hebrews, and St.* Matthew's *Goſpel*; as much as between a Book receiv'd without Controverſie, and one that was not. But if *the Goſpel according to the Hebrews* were then acknowledged to be the *true Goſpel of St.* Matthew, it was impoſſible a Man of ſo much ſenſe as *Euſebius*, ſhould make this difference between them. But it is worth our obſerving, what our *Unitarians* ſay about this matter. And by that we may judge very much of their Opinion about the Goſpels. I ſhall ſet down their Words, for fear I ſhould be thought to do them wrong. “*Symmachus* and the *Ebionites*, ſay they, as they held our Saviour to be the Son of *Joſeph* and *Mary*; ſo they contended that the firſt Chapter of St. *Matthew*'s Goſpel was added by the *Greek* Tranſlators. St. *Matthew* wrote his Goſpel in Hebrew, when it was tranſlated into Greek, the Tranſlator prefaced it with a Genealogy and Narration that our Saviour was conceived by the Holy Spirit of God, and was not the Son of *Joſeph*, but this Genealogy and Narration, ſaid *Symmachus* and the *Ebionites*, is not in the Hebrew Goſpel of St. *Matthew*, nay, is the mere invention of the Tranſlator. As for the other Goſpels, the *Ebionites* and *Symmachians* did not receive the Goſpel of St. *Luke*; and for that of St. *John*, they ſaid it was indeed written by *Cerinthus*, to confirm his *Platonick Conceits* about the *Logos* or Word, which he ſuppoſed to be the Chriſt or Spirit of God, which reſted on and inhabited the Perſon of Jeſus. Let us now but join to this another Paſſage, which is this, “Thoſe whom we now call *Socinians*, were by the Fathers and the firſt Ages of Chriſtianity called *Nazarens*; and afterwards they were called *Ebionites*, *Mineans*, *Symmachians*, &c.

Anſwer to Dr. Bull. p. 39.

If this be true, they muſt have the ſame Opinions as to the Books of the new Teſtament; and hereby we ſee what ſort of Men we have to deal with, who under the pretence of the *old Ebionites*, undermine the Authority of the new Teſtament. As to St. *Matthew's Goſpel*, I ſee no reaſon to queſtion its being firſt written in the Language then uſed among the Jews, which was mixt of *Hebrew*, *Syriack* and *Chaldee*: ſince this is affirmed, not merely by *Papias*, whoſe Authority never went far; but by *Origen*, *Irenæus*, *Euſebius*, St. *Jerom*, and others. But I muſt diſtinguiſh between St. *Matthew's Authentick Goſpel*, which *Pantænus* ſaw in the *Indies*, and that which was called *the Goſpel according to the Hebrews, and the Nazaren Goſpel*. St. *Jerom* in one place ſeems to inſinuate, that St. *Matthew's Goſpel* was preſerved in the Library of *Pamphilus* at *Cæſarea*, and that the *Nazarens* at *Berrhæa* in *Syria* had given him leave to tranſcribe it. But if we compare this with other places in him, we ſhall find, that he queſtion'd whether this were the Authentick Goſpel of St. *Matthew* or not; he ſaith, *It is ſo called by many*; but he confeſſes it was the ſame which the *Ebionites* and *Nazarens* uſed. In which were many interpolations, as appears by the collections out of it in St. *Jerom*'s Works and other *ancient Writers*; which ſome learned Men have put together. And St. *Jerom* often calls it *the Goſpel according to the Hebrews*. And ſo do other *ancient Writers*. From the laying ſeveral Paſſages together, *Eraſmus* ſuſpects, that St. *Jerom* never ſaw any other than the common *Nazaren* Goſpel, and offers a good reaſon for it, *viz.* That he never made uſe of its *Authority* to correct the Greek of St. *Matthew*, which he would not have failed to have done in his Commentaries; and he produces the *Nazaren*

Euſeb. *l.* 3. c. 24, 39. *l.* 5. c. 8, 10. L. 6. c. 25.
Hieron. c. Pelag. *l.* 3.
Hieron. de ſcript. in Matth.
Comment. in Matth. c. 12.
In Iſa. c. 11. In Ezek. c. 18.
Eraſm. ad verſ. Stunic. c. 1.

ren Goſpel upon ſlight occaſions. But how came the Preface to be curtail'd in the *Ebionite Goſpel*? Of which *Epiphanius* gives an account, and ſhews what was inſerted inſtead of it: *No*, ſay the *Ebionites*, *the Preface was added by the Tranſlator into Greek.* From what evidence? and to what end? *To prove that Chriſt was born of the Holy Spirit.* This then muſt be look'd on as a mere Forgery; and thoſe *Ebionites* were in the right, who held him to be *the Son* of *Joſeph* and *Mary.* What do theſe Men mean by ſuch ſuggeſtions as theſe? Are they reſolved to ſet up *Deiſm* among us, and in order thereto, to undermine the Authority of the new Teſtament? For it is not only St. *Matthew's Goſpel*, but St. *Luke*'s and St. *John*'s which they ſtrike at, under the pretence of repreſenting the arguments of theſe wretched *Ebionites.* If their arguments are mean and trifling, and merely precarious, why are they not ſlighted and anſwered by ſuch as pretend to be Chriſtians? If they think them good, we ſee what we have to do with theſe Men; it is not the *Doctrine of the Trinity*, ſo much as the *Authority of the Goſpels*, which we are to maintain againſt them: And not thoſe only, for *the Ebionites rejected all St.* Paul's *Epiſtles and called him an Apoſtate and a Tranſgreſſor of the Law.* Anſwer to Dr. Bull. p. 35. What ſay our *Unitarians* to this? Why truly, *This comes from* Epiphanius, *and becauſe he quotes no Author, it ſeems to be one of his malicious Tales.* This is a very ſhort way of anſwering, if it would ſatisfie any Men of Senſe. But p. 40. they ought to have remembred that within a few Pages, they alledge *Epiphanius* as a very competent Witneſs about the *Ebionites*, *becauſe he was born in* Paleſtine, *and lived very near it.* But we do not rely wholly upon *Epiphanius* in this matter. For thoſe whom they allow to be the beſt Witneſſes as to the Doctrine of the *Nazarens*, ſay the ſame thing concerning them. *As* p. 39. *the moſt learned* Origen, as they call him, *who lived a long time in* Syria *and* Origen. c. Celſ. *l.* 5. *p.* 274. Paleſtine *it ſelf*; and he affirms, *that both ſorts of* Ebionites *rejected St.* Paul's *Epiſtles*: and *Theodoret*, who they ſay, *lived in* Cœleſyria, *where the Nazarens moſt abound*, affirms of them, *That they allowed only the Goſpel according to the Hebrews, and called the Apoſtle an Apoſtate*: by whom they meant St. *Paul.* Theodor. hæret. *l.* 2. *c.* 1. Hieron. in Matt. c. 12. And the ſame is ſaid by St. *Jerom*, who converſed among them; *That they look on St.* Paul *as a Tranſgreſſor of the Law, and receive none of his Writings.* Have we not now a very comfortable account of the Canon of the *New Teſtament* from theſe ancient *Unitarians*? And if our modern ones account them their *Predeceſſors*, we may judge what a mean Opinion they muſt have of the Writings of the New Teſtament. For if they had any concernment for them, they would never ſuffer ſuch ſcandalous inſinuations to paſs without a ſevere cenſure, and a ſufficient anſwer. But their Work ſeems to be rather to pull down, than to eſtabliſh the Authority of revealed Religion; and we know what ſort of Men are gratified by it.

CHAP. IV.

Of the conſiderable Men they pretend to have been of their Opinion in the Primitive Church.

I Now come to conſider the Men of Senſe they pretend to among theſe *ancient Unitarians.*

The firſt is *Theodotion*, whom they make to be an *Unitarian.* But he Euſeb. *l.* 5. *c.* 8. was, ſaith *Euſebius* from *Irenæus*, a *Jewiſh Proſelyte*, and ſo they may very much increaſe the number of *Unitarians*, by taking in all the *Jews* as well as *Pro-*

Proſelytes. But muſt theſe paſs for *Men of Senſe* too, becauſe they are againſt the Doctrine of the Trinity, and much upon the ſame grounds with our modern *Unitarians*? For they cry out of *Contradictions* and *Impoſſibilities* juſt as they do; *i. e.* with as much confidence and as little reaſon. *Symmachus* is another of their ancient *Heroes*: he was, if *Epiphanius* may be believed, firſt a *Samaritan*, and then a *Jew*; and *Euſebius* ſaith indeed, *That he was an Ebionite, and therefore for obſerving the Law of* Moſes. St. *Auguſtin* ſaith, *That in his time the* Symmachiani *were both for Circumciſion and Baptiſm.* St. *Jerom* obſerves, That *Theodotion* and *Symmachus*, both *Ebionites*, *tranſlated the Old Teſtament in what concerned our Saviour, like Jews; and* Aquila, *who was a Jew, like a Chriſtian*; but in another place he blames all three for the ſame fault. *Euſebius* goes ſomewhat farther; for he ſaith, *Symmachus wrote againſt St.* Matthew's *Goſpel, to eſtabliſh his own Hereſy*, which ſhew'd he was a true *Ebionite*.

Epiph. de ponder. & menſ. *n.* 6. Euſeb. *l.* 6. *c.* 17. Auguſt. c. Creſcon. *l.* 1. *c.* 31. Hier. in Heb. *c.* 3. Adverſ. Ruffin.

The next they mention as one of their great Lights, was *Paulus Samoſatenus, Biſhop and Patriarch of Antioch.* But in another place they have a ſpiteful Inſinuation, that *Men in ſuch places are the great Penſioners of the World*, as though they were ſwayed only by Intereſt; and *that it keeps them from embracing of the truth.* Now *Paulus Samoſatenus* gave greater occaſion for ſuch a Suſpicion, than any of the perſons ſo unworthily reflected upon. For he was a man noted for his Affectation of *exceſſive Vanity and Pomp, and very unjuſt methods of growing rich.* It is well we have *Euſebius* his Teſtimony for this; for they ſlight *Epiphanius* for his *malicious Tales*, and St. *Jerom* for his *Legends*; but they commend *Euſebius* for his *Exactneſs* and *Diligence*. And I hope *Theodoret* may eſcape their cenſure, who affirms, that *Paulus Samoſatenus* ſuited his Doctrine to his *intereſt* with *Zenobia*, *who then governed in thoſe parts of* Syria *and* Phœnicia, *who profeſſed her ſelf to be of the Jewiſh Perſuaſion. Athanaſius* ſaith, *She was a Jew, and a Favourer of* Paulus Samoſatenus. What his opinions were, our *Unitarians* do not take the pains to inform us, taking it for granted that he was of their Mind. *Euſebius* ſaith, *He had a very mean and low opinion of Chriſt, as having nothing in him above the common nature of Mankind. Theodoret* ſaith, he fell into the Doctrine of *Artemon* to oblige *Zenobia*; and *Artemon*, he ſaith, held *that Chriſt was a meer Man born of a Virgin, but exceeding the Prophets in Excellency.* Where the words Ψιλὸς ἄνθρωπος are uſed to expreſs the opinion of *Artemon*; which ought to be taken notice of, becauſe our modern *Unitarians* ſay, *That thoſe words among the ancient Writers were taken in oppoſition to the miraculous Conception of our Saviour.*

Anſwer to the Archb. Sermon. p. 44, 46. Euſeb. *l.* 7. *c.* 30. *Reflect. on* Dr. Bull, *p.* 35. *Anſwer to* Milbourn, *p.* 20. Athan. ad ſolit. vit. agent. *p.* 857. Euſeb. *l.* 3. *c.* 27. Reſponſ. ad judicium Eccleſiæ per D. Buli, *p.* 150.

But *Paulus Samoſatenus* was univerſally diſowned by the Chriſtian Church of that time; although as long as *Zenobia* held her Power, he kept his See; which was for ſome time after he was firſt called in queſtion for his Hereſie. But at firſt he made uſe of many *Arts* and *Devices* to deceive the Chriſtian Biſhops of the beſt Reputation, who aſſembled at *Antioch* in order to the ſuppreſſing this dangerous Doctrine, as they all accounted it. *For hearing of his Opinions about our Saviour, they ran together*, ſaith *Euſebius*, *as againſt a Wolf which deſigned to deſtroy the Flock.* Now from hence it is very reaſonable to argue, that the *Samoſatenian Doctrine* was then look'd on as a very dangerous Novelty in the Chriſtian Church. For although the *Ebionites* had aſſerted the ſame thing, as to the Divinity of our Saviour, yet they were not look'd on as true Members of the Chriſtian Church; but as St. *Jerom* ſaith, *While they affected to be both Jews and Chriſtians, they were neither Jews nor Chriſtians. Artemon*, whoever he was, was but an obſcure Perſon; and *Theodotus* had Learning, they ſay, but was of no place in the Church; but for ſuch a conſiderable Perſon as the Biſhop of *Antioch* to own ſuch a Doctrine, muſt unavoidably diſcover the general ſenſe of the

Reſtaurant Pauli Samoſatenſis Artes & Dolos. Decret. Conc. Sardin. apud Hilar fragment. *p.* 1310. Ed. Par. 1692. Euſeb. *l.* 7. *c.* 27. Theodor. hær. fab. *l.* 2. *c.* 8.

Chriſtian Church concerning it. *Paulus Samoſatenus* wanted neither parts, nor intereſt, nor experience; and he was ſupported by a Princeſs of great Spirit and Courage, enough to have daunted all the Biſhops, at leaſt in thoſe parts, from appearing againſt him. But ſuch was the zeal and concernment of the Biſhops of the Chriſtian Church in this great affair, that Athanaſ. de ſentent. Dionyſii, p. 558. they not only aſſembled themſelves, but they communicated it to *Dionyſius* Biſhop of *Alexandria*, and to another of the ſame name, Biſhop of *Rome*, and others, and deſired their advice and concurrence; who did all agree in the condemnation of his Doctrine. The former ſaid, He would have gone himſelf to *Antioch*, but for his extreme old Age, and he died ſoon after the firſt Council which met at *Antioch* on this occaſion; but he ſent his Judgement and Reaſons thither, which we find in an Epiſtle of his ſtill extant, whereof mention is made in the *Epiſtle* of the ſecond Synod of *Antioch*, to *Dionyſius* Biſhop of *Rome*, and *Maximus* Biſhop of *Alexandria*, *and all other Biſhops, Prieſts and Deacons of the Catholick Church*; wherein they give an Euſeb. l. 7. c. 30. account of their proceedings againſt *Paulus Samoſatenus*, and they ſay, *They had invited the Biſhops of the remoter parts to come to* Antioch *for the ſuppreſſion of this damnable Doctrine*; among the reſt, *Dionyſius* of *Alexandria*, and *Firmilian* of *Cappadocia*, as Perſons of greateſt reputation then in the Church. *Firmilian* was there at the former Synod, (of whom *Theodoret* ſaith, that he was famous both *for divine and humane Learning*) and ſo were *Gregorius Thaumaturgus* and *Athenodorus* Biſhops of *Pontus*, and *Helenus* Biſhop of *Tarſus* in *Cilicia*, and *Nicomas* of *Iconium*, and *Hymenæus* of *Jeruſalem*, and *Theotecnus* of *Cæſarea*; who all condemned his Doctrine, but they ſpared his Perſon upon his ſolemn promiſes to retract it; but he perſiſting in it when they were gone home, and freſh complaints being made of him, *Firmilian* was coming a third time to *Antioch*, but died by the way: But thoſe Biſhops who wrote the Synodical Epiſtle, do all affirm, *That they were Witneſſes and many others, when he condemned his Doctrine, but was willing to forbear his Perſon upon his promiſe of amendment, which they found afterwards was merely deluſory.*

Dionyſius Alexandrinus, they ſay, *would not write to him, but ſent his mind about him to the Church of* Antioch. Which *Epiſtle* is mention'd by St. *Jerom*, (as written by him a little before his Death) as well as by *Euſebius* and *Theodoret*; and I do not ſee ſufficient reaſon to queſtion the authority of that, which *Fronto Ducæus* publiſhed from *Turrian*'s Copy, although it be denied by *H. Valeſius* and others. It's ſaid indeed, *That he did not write to him*, i. e. he did not direct it to him, but he might ſend it to the Council in anſwer to his Letters, which he mentions. How far *it differs from his ſtyle in other Epiſtles*, I will not take upon me to judge; but the deſign is very agreeable to an *Epiſtle* from him on that occaſion. It's true, that it ſeems to repreſent the opinion of *Paulus Samoſatenus* after a different manner from what it is commonly thought to have been: But we are to conſider, that he made uſe of all the *Arts* to diſguiſe himſelf that he could; and when he found the making Chriſt to be a *mere Man* would not be born, he went from the *Ebionite* to the *Cerinthian Hypotheſis*, viz. That the Λόγος *did dwell in him, and that there were two Perſons in Chriſt, one Divine and the other Humane*; and two Sons, the *one by Nature the Son of God, who had a Pre-exiſtence, and the other the Son of* David, *who had no ſubſiſtence before.* This is the opinion which *Dionyſius* ſets himſelf againſt in that *Epiſtle*, and which therefore ſome may imagine was written after *Neſtorius* his Hereſy: But that was no *new Hereſy*, as appears by the *Cerinthians*; and it was that which *Paulus Samoſatenus* fled to as more plauſible; which not only appears by this Epiſtle, but by what *Athanaſius* and *Epiphanius* have delivered concerning it.

Athanaſius wrote a Book of the *Incarnation* againſt the followers of *Paulus Samoſatenus*, who held, as he ſaith, *Two Perſons in Chriſt*, viz. *One born of the Virgin*, and a divine Perſon, which *deſcended upon him and dwelt in him.* Againſt which opinion he diſputes from two places of Scripture, *viz. God was manifeſt in the Fleſh*, and *the Word was made Fleſh*; and from the ancient Doctrine of the Chriſtian Church, and the *Synod* of *Antioch* againſt *Paulus Samoſatenus.* And in another place he ſaith, that he held, *That the divine Word dwelt in Chriſt.* And the words of *Epiphanius* are expreſs to the ſame purpoſe, *That the Logos came and dwelt in the Man Jeſus.* And the Clergy of *Conſtantinople* charged *Neſtorius* with following the Hereſy of *Paulus Samoſatenus.* And *Photius* in his Epiſtle ſaith, *That* Neſtorius *taſted too much of the intoxicated Cups of* Paulus Samoſatenus; and in the foregoing Epiſtle, he ſaith, That *Paulus his followers aſſerted two Hypoſtaſes in Chriſt.* But ſome think, that *Paulus Samoſatenus* did not hold any ſubſiſtence of the Λόγος before, but that the Word was in God before without any ſubſiſtence of its own, and that God gave it a diſtinct ſubſiſtence when it inhabited in the Perſon of Chriſt; and ſo *Marius Mercator* and *Leontius* underſtand him; who ſay that he differ'd from *Neſtorius* therein, who aſſerted a *Divine Word with its proper ſubſiſtence.* But according to them *Paulus* by *the Word* underſtood that *Divine Energy* whereby Chriſt acted, and which dwelt in him: But *Dionyſius* ſaith, *he made two Chriſts, and two Sons of God.* But the Doctrine of the Chriſtian Church, he ſaith, was, *That there was but one Chriſt, and one Son, who was the eternal Word, and was made Fleſh.* And it is obſervable, that he brings the very ſame places we do now to prove this Doctrine, as *in the beginning was the Word*, &c. and *before* Abraham *was I am.* It ſeems that ſome of the Biſhops who had been upon the examination of his Opinions before the *ſecond Synod*, which depoſed him, ſent him an account of their Faith, and required his anſwer; wherein they declare the Son *not to be God, according to God's Decree*, (which he did not ſtick at) but that he was *ſo really and ſubſtantially*; and whoſoever denied this, they ſaid, *was out of the Communion of the Church, and all the Catholick Churches agreed with them in it.*

Athan. de Incarn. Tom. *I.* p. 591.

P. 635.

Ἐλθόντα δὲ τὸν λόγον ϗ ἐνοικήσαντα ἐν Ἰησοῦ Ἀνθρώπῳ ὄντι. Epiph. hær. 61. *n.* 1.

Concil Epheſin. part I. Supplicatio Baſilii, &c.

Phot. Epiſt. 35.

Marius Mercat. de 12 Anath. Neſtorii, *n.* 16.

Leontius de ſectis, p. 436. edit. Baſil.

And they declare, *That they received this Doctrine from the Scriptures of the Old and New Teſtament*, and bring the ſame places we do now; as, *Thy Throne, O God, was for ever*, &c. *Who is over all, God bleſſed for ever. All things were made by him*, &c. And we do not find that *Paulus Samoſatenus*, as ſubtle as he was, ever imagin'd that theſe places belong'd to any other than *Chriſt*, or that the *making of all things* was to be underſtood of the *making of nothing*, but putting it into mens power to make themſelves *new Creatures.* Theſe were diſcoveries only reſerved for the *Men of Senſe* and *clear Ideas* in theſe brighter Ages of the World.

But at laſt, after all the arts and ſubterfuges which *Paulus Samoſatenus* uſed, there was a Man of Senſe, as it happen'd, among the Clergy of *Antioch*, called *Malchion*, who was ſo well acquainted with his Sophiſtry, that he drove him out of all, and laid his Senſe ſo open before the *ſecond Synod*, that he was ſolemnly depoſed for denying *the Divinity of the Son of God, and his Deſcent from Heaven*, as appears by their *Synodical Epiſtle.* It is pity we have it not entire; but by the Fragments of it which are preſerved by ſome ancient Writers, we find that his Doctrine of the Divinity in him by *Inhabitation* was then condemned, and the ſubſtantial Union of both Natures aſſerted. I have only one thing more to obſerve concerning him, which is, that the *Arian* Party in their Decree at *Sardica* (or rather *Philippopolis*) do confeſs, that *Paulus Samoſatenus* his Doctrine was condemned by the whole Chriſtian World. For they ſay, *That which paſſed in the*

Euſeb. *l.* 7. c. 30.

Leont. c. Neſtor. *l.*

Eaſtern Synod, was ſigned and approved by all. And *Alexander* Biſhop of *Alexandria*, in his Epiſtle to *Alexander* of *Conſtantinople*, affirms the ſame. And now, I hope, I may deſire our *Men of Senſe* to reflect upon theſe Matters. Here was *no Fire nor Faggot* threatned, no *Imperial Edicts* to enforce this Doctrine; nay, the Queen of thoſe parts, under whoſe Juriſdiction they lived at that time, openly eſpouſed the cauſe of *Paulus Samoſatenus*; ſo that here could be nothing of *Intereſt* to ſway them to act in oppoſition to her. And they found his Intereſt ſo ſtrong, that he retained the Poſſeſſion of his See, till *Aurelian* had conquered *Zenobia*, and by his authority he was ejected: This *Synod* which depoſed him, did not ſit in the time of *Aurelian*, as is commonly thought, but before his time while *Zenobia* had all the power in her hands in thoſe Eaſtern parts, which ſhe enjoy'd five years: till ſhe was diſpoſſeſt by *Aurelian*, from whence *Ant. Pagi* concludes, that *Paulus kept his See three years after the Sentence againſt him*; but upon application to *Aurelian*, he who afterwards began a Perſecution againſt all Chriſtians, gave this rule, *That he with whom the* Italian *Biſhops and thoſe of* Rome *communicated, ſhould enjoy the See*; upon which *Paulus* was at laſt turned out. By this we ſee a *concurrence* of all the *Chriſtian Biſhops* of that time againſt him that denied the *Divinity of our Saviour*; and this without any *force*, and againſt their *intereſt*, and with a general conſent of the Chriſtian World: For there were no *mighty Awes* and *Draconic Sanctions* to compel, of which they ſometimes ſpeak, as if they were the only powerful methods to make this Doctrine go down. And what greater argument can there be, that it was then the general ſenſe of the Chriſtian Church? And it would be very hard to condemn all his Oppoſers for men that wanted *Senſe and Reaſon*, becauſe they ſo unanimouſly oppoſed him.

Hil. fragment, *p.* 1321.
Theod. *l.* 1. *c.* 4.
Pagi Critica in Bar. A.272.*n.*2.
Anſwer to the Arch-Biſhop, p. 54.

Not ſo unanimouſly neither, ſay our *Unitarians*, *becauſe* Lucian, *a Presbyter of the Church of* Antioch, *and a very learned man, joined with him.* It would have been ſtrange indeed, if ſo great a Man as *Paulus Samoſatenus* could prevail with none of his own Church to join with him, eſpecially one that came from the ſame place of *Samoſata*, as *Lucian* did, and probably was by him brought thither.

He had an extraordinary Character given him by *Euſebius*, both *for his Life and Learning*; and ſo by St. *Jerom*, without the leaſt reflection upon him as to matter of Faith. But on the other ſide, *Alexander* Biſhop of *Alexandria*, in his Epiſtle concerning *Arius* to *Alexander* of *Conſtantinople*, doth ſay, *That he followed* Paulus Samoſatenus, *and held ſeparate Communion for many years, under the three following Biſhops.* He doth not ſay that he died ſo, when he ſuffer'd Martyrdom under *Maximinus* at *Nicomedia*; neither doth he ſay the contrary: Upon which learned Men are divided, whether he perſiſted in that opinion or not. *Petavius* and *Valeſius* give him up; on the other ſide *Baronius* vindicates him, and ſaith, The miſreport of him came from his zeal againſt *Sabellianiſm*; and that *Alexander* wrote that of him before his Books were throughly examin'd, that *Athanaſius* never joins him with *Paulus Samoſatenus*, that the *Arians* never produced his authority in their debates, as they would have done, ſince the Emperor's Mother had built a City in the place where he ſuffer'd Martyrdom. It cannot be doubted that the *Arian* Party would have it believed that they came out of *Lucian*'s School, as appears by *Arius* his Epiſtle to *Euſebius* of *Nicomedia*; but on the other ſide, the great argument to me is, That this very Party, at the Council of *Antioch*, produced a *Creed*, which they ſaid was there found written with *Lucian's own hand*, which is directly contrary to the *Samoſatenian* Doctrine. Now either this was true or falſe: If it were true, then it was falſe that he was a *Samoſatenian*; if it were falſe, how came the *Arian* Party to give it out for true? Eſpecially thoſe who valued

Euſeb. *l.*8, 13. 9. *c.*6.
Theod. *l.* 1. *c.* 4.
Petav. de Trin. *l.* . *c.* 4 *n.* 13.
H. Valeſius in Theod. *l.* 1. *c.* 4.
Baron. A. 3 8 *n* 75, &c.
Soz *l.*3 *c.*5.

lued themſelves for coming out of his *School*. They were far enough from being ſuch weak Men to produce the *Authority* of *Lucian* at *Antioch*, where he was ſo much eſteemed, for a Doctrine utterly inconſiſtent with that of *Paulus Samoſatenus*, if it were there known, that he was his Diſciple, and ſeparated from three Biſhops on that account. For therein the Son is owned to be *God of God, begotten of the Father before all Ages, perfect God of perfect God*, &c. Suppoſe they had a mind to ſubvert the *Nicene Faith* by this Creed, under the name of *Lucian*, (only becauſe ὁμοούσιος was left out) yet what an improbable way did they take, when they ſupported the main points by his *Authority*, and that at *Antioch*, where it was greateſt? If *Philoſtorgius* may be credited, the great Men of the *Arian* Party had been his Scholars, as beſides *Euſebius* of *Nicomedia*, *Maris* of *Chalcedon*, *Theognis* of *Nice*, *Leontius* of *Antioch*, and ſeveral other leading Biſhops, and even *Arius* himſelf pretended to it. Which makes me apt to think, that *Alexander* knowing this, and at firſt not being able ſo well to judge of *Lucian*'s Opinion, charged him with following *Paulus Samoſatenus*, from whence the *odium* would fall upon his Scholars. For his deſign is to draw the Succeſſion down from *Ebion* and *Artemon*, and *Paulus Samoſatenus*, and *Lucian*, to *Arius* and his Aſſociates; and charges them with holding the ſame Doctrine, wherein he was certainly miſtaken; and ſo he might be about *Lucian*'s Separation from the following Biſhops on that account.

Philoſt. l. 2. c. 5, 16.

The laſt our *Unitarians* mention among their great Men, is *Photinus* Biſhop of *Sirmium*. They take it for granted that he was of their Opinion. This is certain, that whatever it was, it was generally condemned, as well by the *Arians* as others; and after ſeveral Councils called he was depoſed for his Hereſie. The firſt time we find him condemned, was by the *Arian Party* in a ſecond Council at *Antioch*, as appears by the profeſſion of Faith drawn up by them, extant in *Athanaſius* and *Socrates*. There they anathematize expreſly *the Diſciples of* Marcellus *and* Photinus, *for denying the Pre-exiſtence and Deity of Chriſt*. But by *Chriſt*, they underſtood, *The Perſon born of the Virgin, who was the Son of God*; but they did not deny the *Pre-exiſtence* of the Λόγος, and never dream'd that any could think that Chriſt was to be called the Λόγος, from his *Office of Preaching*, as our modern *Unitarians* aſſert. But *Photinus* his Opinion was, *That the* Λόγος *was before all Ages, but not Chriſt, or the Son of God, which divine Word was partly internal, and ſo it was ever with God, and partly external, when it was communicated to the Perſon of Chriſt, whereby he became the Son of God*. But the *Arians* there declare their Belief, *That Chriſt was the living Word, and Son of God before all Worlds, and by whom he made all things*. The next time he is ſaid to be condemned, was in that which is called the Council at *Sardica*, but was the Council of the Eaſtern Biſhops after their parting from the Weſtern. This is mention'd by *Epiphanius* and *Sulpitius Severus*, the latter ſaith, he differ'd from *Sabellius* only *in the point of Union*, i. e. becauſe *Sabellius* made the Perſons to be merely *Denominations*, which was then called the Hereſie of the *Unionitæ*; and therefore *Photinus* muſt aſſert an *Hypoſtaſis* to the Λόγος, or elſe he did not at all differ from *Sabellius*. And it appears by *Epiphanius*, that *Photinus* did diſtinguiſh between *Chriſt and the Word*. *In the Beginning was the Word*, ſaid he, *but not the Son, which title was promiſed and foretold, but did not belong to Chriſt till he was born of the Holy Ghoſt and* Mary, ſo he expreſſes it. Herein, ſaith *Epiphanius*, *he follow'd Paulus Samoſatenus, but exceeded him in his Inventions*. In anſwer to him, he ſaith, that St. *John*'s Words are not, *In the beginning was the Word, and the Word was in God, but the Word was with God, and the Word was God*. Little did either ſide imagine that this was to be underſtood of *the beginning of the Goſpel*, as our modern *Photinians* would make us believe they think; but *Photinus* himſelf was a Perſon of too

Athanaſ. Tom. 1 p. 898.
Socr. l. 2. c. 19.
Athan. de Synodis Arim. &c. p. 897.
Epiph. hæret. 71. Sulpit. Sever. l. 2. p. 397.
Prudent. Apoth.
Epiph. n. 2.
N. 1, 2.
N. 4.

much Sagacity to take up with ſuch an abſurd and inſipid Senſe. I paſs over the freſh condemnations of *Photinus* in the Councils at *Milan* and *Rome*, becauſe his Opinion is not to be learnt from them; and come to that at *Sirmium*, where it is more particularly ſet forth, as well as condemned. But here we muſt diſtinguiſh the two Councils at *Sirmium*; in the former, he was *condemned*, but *the People would not part with him*; but in the *ſecond*, he was not only *condemned*, but effectually depoſed, the Emperor *Conſtantius* a profeſſed *Arian*, forcing him to withdraw: But it was upon his own Appeal to the Emperor againſt the Judgment of the Council, who appointed Judges Delegates to hear this Cauſe; and *Baſilius Ancyranus* was the manager of the debate with him, wherein he is ſaid to have been ſo much too hard for *Photinus*, that the Emperor himſelf order'd his Baniſhment. And I can find nothing of his return; but our *Unitarians* have found out (but they do not tell us where) *That the People recall'd him, and ſo he planted his Doctrine among them, that it overſpread, and was the Religion of the* Illyrican *Provinces, till the Papacy on one hand, and the* Turk *on the other, ſwallow'd up thoſe Provinces.* This looks too like *making Hiſtory* to ſerve a turn, unleſs ſome good Proof were brought for it. But inſtead of *Photinus his returning, and his Doctrine prevailing and continuing there,* we find *Valentinian* calling a Council in *Illyricum*, and eſtabliſhing the *Nicene Faith* there: and a Council at *Aquileia* againſt the *Arians*, where the Biſhop of *Sirmium* was preſent, and declared againſt *Arianiſm*, and joyned with St. *Ambroſe*, who condemns *Photinus* for making *Chriſt the Son of* David, *and not the Son of God.* *Paulinus* ſaith in his Life, that he went on purpoſe to *Sirmium* to conſecrate an Orthodox Biſhop there; which he did, notwithſtanding the power of *Juſtina* the Empreſs, who favoured the *Arians.* St. *Jerom* in his *Chronicon* ſaith, that *Photinus* died in *Galatia* which was his own Country; ſo that there is no probability in what they affirm of *Photinus* his ſettling his Doctrince in thoſe parts, *till the Papacy and the* Turk *ſwallow'd thoſe Provinces*; for any one that looks into the Hiſtory of thoſe Parts may be ſoon ſatisfied, that *not the Pope, nor the* Turk, but the *Huns* under *Attila*, made the horrible Devaſtations not only at *Sirmium*, but in all the conſiderable places of that Country: So that if theſe Mens reaſon be no better than their *Hiſtory*, there is very little cauſe for any to be fond of their Writings.

Epiph. hæret. 71. Socr. *l.* 2. *c.* 30. Soz *l.* 4. *c.* 6. Hiſt. Tripart *l.* 5. *c.* 8.

Hiſtory of the Unit. *p.* 10.

Concil. general. To. II *p.* 838.

Ib. *p.* 989.

Ambroſ Apol. David. *c.* 4.

But as though it were not enough to mention ſuch things once; in their anſwer to the late *Archbiſhop*'s Sermons, they inlarge upon it. For he having juſtly rebuked them for the *Novelty of their Interpretations*, they, to avoid this, boaſt of the concurrence of the ancient *Unitarians*, and followers of *Paulus* and *Photinus*, who, they ſay, *abounded every-where, and even poſſeſſed ſome whole Provinces.* This paſſage I was not a little ſurprized at: Since *Theodoret*, who, I think, was ſomewhat more to be credited than *Sandius*, doth ſo expreſly ſay, *That the* Samoſatenians *and* Photinians *were extinct in his time*, in a place already mention'd. But upon ſearch I could find no other ground for it, but a paſſage or two in *Sandius*, who is none of the exacteſt Hiſtorians. In one place he ſaith from an obſcure *Poliſh Chronicle* (extant in no other Language but of that Country) *that the* Bulgarians *when they firſt received Chriſtianity embraced Photinianiſm.* And is not this very good Authority among us? From hence he takes it for granted, *that they all continued* Photinians *to the time of* Pope Nicolas, *who converted them.* But all this is grounded on a ridiculous miſtake in *Platina*, who in the Life of *Nicolas* ſaith, *That the Pope confirmed them in the Faith, pulſo Photino*; whereas it ſhould be *pulſo Photio*; for *Photius* at that time was *Patriarch of Conſtantinople*, and as appears by his firſt Epiſtle, aſſumed their Converſion to himſelf; and inſiſted upon the right of Juriſdiction over that Country. *Sandius* refers to *Blondus*, who ſaith no ſuch thing, but only *that the* Bulgarians

Anſwer to the Archbiſhop's Sermon, p 53.

Theodor. hæret. Fab. *l.* 2. in. *Photino.*

Sand. *Hiſt.* Enucl. *l.* 3. *p.* 357.

p. 372.

Blond. Dec. 2. *l.* 2.

were converted before, which is true; and the Greek Hiſtorians, as *Joh. Curopalates*, *Zonaras* and others, give a particular Account of it; but not a word of *Photinianiſm* in it. So that the *Archbiſhop* had very great reaſon to charge their Interpretation with *Novelty*; and that not only becauſe the *Photinians* had no ſuch Provinces as they boaſt of; but that neither *Paulus Samoſatenus*, nor *Photinus*, nor any of their followers, that we can find, did ever interpret *the beginning of St.* John, as they do; i. e. *Of the New Creation and not of the Old*; and ſo, *as the Word had no Pre-exiſtence before he was born of the Virgin.* I do not confine them to the *Niceniſts*, as they call them; but let them produce any one among the *Samoſatenians*, or *Photinians*, who ſo underſtood St. *John.* And therein *Sandius* was in the right (which ought to be allow'd him, for he is not often ſo) when he ſaith, *That no Chriſtian Interpreter before* Socinus *ever held ſuch a ſenſe of the Word as he did; and therefore his followers, he ſaith, ought to be called* Socinians *only, and not* Ebionites, Samoſatenians, *or* Photinians.

Sand. *Hiſt.* Eccleſ. *l.* 1. p. 64. 93.

But to return to *Photinus* his Opinion. It is obſervable, what *Socrates* ſaith, concerning his being depoſed at *Sirmium*, *viz.* That what was done in that matter was univerſally approved, *not only then, but afterwards.* So that here we have the general Conſent of the Chriſtian World, in that divided time, againſt the *Photinian* Doctrine. And yet it was not near ſo unreaſonable as our *Unitarians*; for *Photinus* aſſerted the *Pre-exiſtence* of the Λόγος and *its inhabiting in Chriſt from his Conception*; wherein he differ'd from *Paulus Samoſatenus* who aſſerted it to have been *upon the Merit of his Vertue.* In the *Anathema*'s of the Council of *Sirmium* againſt *Photinus*, one is *againſt any one that aſſerts that there is one God, but denies Chriſt to have been the Son of God before all Worlds, and that the World was made by him in obedience to the Will of the Father.* Others againſt *him that aſſerts that there was a Dilatation of the Divine Subſtance to make him the Son of God, who was a Man born of the Virgin Mary*; this appears from *Anath.* 6, 7, 9. put together. Which is beſt explained by *Hilary* himſelf in another place, where he mentions this as the *Photinian* Doctrine, *That God the Word did extend himſelf ſo far, as to inhabit the perſon born of the Virgin.* This he calls a *ſubtle and dangerous Doctrine.* And therein he ſaith *Photinus* differ'd from *Sabellius*; that the latter denied *any difference between Father and Son, but only in Names*; but *Photinus* held a real difference, but not before the Nativity of Chriſt; then he ſaid, *The divine Word inhabiting in Chriſt made him to be the real Son of God.*

Socr. *l.* 2. c. 29. Καὶ τȣ͂το μὲν ὡς καλῶς ϗ δικαίως γενόμενον πάντες ἐπήνεσαν ϗ τότε ϗ μετὰ ταῦτα.

Hilar de Synod. *p.* 1175. Ed. Pariſ.

Hilar. de Trinit. *l.* 10. *n.* 50.

Hilar. de Trin. *l.* 7. *n.* 7.

The only doubt is, whether *Photinus* held, *the Word* to have had a diſtinct *Hypoſtaſis* before or not. *Marius Mercator*, an Author of good credit, who lived in St. *Auguſtin*'s time (and to whom an Epiſtle of his is extant in the new Edition of his Works) gives a very particular account of the Opinion of *Photinus* with relation to the *Neſtorian* Controverſie, in which he was very well verſed. In an *Epiſtle* written by him on purpoſe, he ſhews that *Neſtorius* agreed with *Photinus* in aſſerting, *That the Word had a Pre-exiſtence; and that the name of Son of God did not belong to the Word, but to Chriſt after the inhabitation of the Word.* But he there ſeems to think, that *Photinus* did not hold the Word to have had a *real Hypoſtaſis* before the Birth of Chriſt: but when he comes after to compare their Opinions more exactly, he then affirms, that *Photinus* and *Neſtorius* were agreed, *and that he did not deny the Word to be Conſubſtantial with God; but that he was not the Son of God till Chriſt was born in whom he dwelt.* By which we ſee how little reaſon our *Unitarians* have to boaſt of *Photinus* as their Predeceſſor.

Auguſt. *Ep.* 193.

Marii Mercat. Oper. *Par.* 2. *p.* 17.

De. 12. Anath. Neſtorii *p.* 128.

As to the boaſt of *the firſt* Unitarians *at* Rome, *that theirs was the general Doctrine, before the time of* Victor; it is ſo fully confuted by the ancient Writer in *Euſebius*, who mentions it, from the Scriptures and the firſt Chriſtian

Euſeb. *l.* 5. c. 28.

ſtian Writers, named by him, that it doth not deſerve to be taken notice of; eſpecially ſince he makes it appear, that it was not heard of among them at *Rome*, till it was firſt broached there by *Theodotus*, as not only he, but *Tertullian* affirms; as I have already obſerved.

Thus I have clearly proved, that *the Doctrine of the Trinity*, was ſo far from being embraced only *on the account of force and fear*, that I have ſhewed there was in the firſt Ages of the Chriſtian Church, *a free and general Conſent* in it, even when they were *under Perſecution*; and after the *Arian Controverſie* broke out, yet thoſe who denied the *Pre-exiſtence*, and *Co-eternity* of the Son of *God* were univerſally condemned; even the *Arian* Party concurring in the Synods mention'd by *Hilary*. But our *Unitarians* are ſuch great Pretenders to *Reaſon*, that this Argument from the *Authority* of the whole Chriſtian Church, ſignifies little or nothing to them.

Therefore they would conclude ſtill that they have the better of us in point of Reaſon, becauſe they tell us, that they have clear and diſtinct Perceptions, that what we call *Myſteries of Faith*, are *Contradictions*, *Impoſſibilities*, and *pure Nonſenſe*; and *that they do not reject them*, *becauſe they do not comprehend them*, *but becauſe they do comprehend them to be ſo.*

This is a very bold Charge, and not very becoming the Modeſty and Decency of ſuch, who know at the ſame time that they oppoſe the Religion publickly eſtabliſhed, and in ſuch things which we look on as ſome of the principal Articles of the Chriſtian Faith.

CHAP. V.

Of their Charge of Contradiction in the Doctrine of the TRINITY.

BUT I ſhall not take any Advantages from thence, but immediately proceed to the next thing I undertook in this Diſcourſe, *viz.* To conſider what *Grounds* they have for ſuch a Charge as this, of *Contradiction* and *Impoſſibility*. In my Sermon which gave occaſion to theſe Expreſſions (as is before intimated) I had undertaken to prove, that conſidering the infinite Perfections of the Divine Nature, which are ſo far above our reach, God may juſtly oblige us to believe thoſe things concerning himſelf, which we are not able to comprehend; and I inſtanced in ſome *Eſſential Attributes* of God, as his Eternity, Omniſcience, Spirituality, *&c.* And therefore, if there be ſuch Divine Perfections, which we have all the Reaſon to believe, but no Faculties ſufficient to comprehend, there can be no ground from Reaſon to reject ſuch a Doctrine which God hath revealed, becauſe the manner of it may be incomprehenſible by us. And what anſwer do they give to this?

Anſwer to the Serm. about the Trinity, p. 4, 5, 8.

They do not deny it in general, that God may oblige us to believe things above our Comprehenſion; but he never obliges us to believe Contradictions, and that they charge *the Doctrine of the Trinity* with; and for this they only refer me to their Books, where they ſay it is made out. But I muſt ſay, that I have read and conſider'd thoſe Tracts, and am very far from being convinced that there is any ſuch *Contradiction* in this Doctrine, as it is generally received in the *Chriſtian Church*; or as it is explained in the *Athanaſian Creed.* And I ſhall ſhew the unreaſonableneſs of this Charge from theſe things.

1. That there is a Difference between a *Contradiction* in *Numbers*, and in the *Nature* of *things*.

2. That it is *no Contradiction* to aſſert *three Perſons* in *One common Nature*.

3. That it is *no Contradiction* to ſay that *there are three diſtinct Perſons in the Trinity, and not three Gods.* If I can make out theſe things, I hope I may abate ſomething of that ſtrange and unreaſonable confidence, wherewith theſe Men charge the Doctrine of the Trinity with *Contradictions*.

1. I begin with the firſt of them; and I ſhall draw up the Charge in their own words. In one of their late Books they have theſe Words.

Theirs, they ſay, *is an Accountable and Reaſonable Faith, but that of the* Trinitarians *is abſurd and contrary both to Reaſon and it ſelf, and therefore not only falſe but impoſſible.* But wherein lies this *Impoſſibility*? That they ſoon tell us. *Becauſe we affirm that there are three Perſons, who are ſeverally and each of them true God, and yet there is but one true God. Now*, ſay they, *this is an Error in counting or numbring, which when ſtood in is of all others the moſt brutal and inexcuſable; and not to diſcern it is not to be a Man.* What muſt theſe Men think the Chriſtian Church hath been made up of all this while? What? were there *no Men* among them but the *Unitarians*? None that had common ſenſe, and could tell the difference between One and Three? But this is too choice a Notion to be delivered but once; we have it over and over from them. In another place they ſay, *We cannot be miſtaken in the Notion of One and Three; we are moſt certain that One is not Three, and Three are not One.* This it is to be Men! but the whole Chriſtian World beſides are in *Brutal* and *Inexcuſable* Errors about *One* and *Three.* This is not enough, for they love to charge home; for one of their terrible Objections againſt the *Athanaſian Creed*, is, *That here is an Arithmetical as well as Grammatical Contradiction. For in ſaying God the Father, God the Son, and God the Holy Ghoſt, yet not three Gods but one God; a Man firſt diſtinctly numbers three Gods, and then in ſumming them up, brutiſhly ſays, not three Gods but one God. Brutiſhly* ſtill! Have the *Brutes* and *Trinitarians* learnt *Arithmetick* together? Methinks ſuch Expreſſions do not become ſuch whom the Chriſtian Church hath ſo long ſince condemned for Hereſies. But it may be with the ſame Civility they will ſay, *It was brutiſhly done of them.* But can theſe Men of Senſe and Reaſon think, that the Point in Controverſy ever was, whether in Numbers, *One could be Three*, or *Three One*? If they think ſo, I wonder they do not think of another thing, which is the begging all *Trinitarians* for *Fools*, becauſe they cannot count *One, Two and Three*, and an *Unitarian* Jury would certainly caſt them. One would think ſuch Writers had never gone beyond *Shop-books*; for they take it for granted, that all depends upon *counting*. But theſe terrible Charges were ſome of the moſt common and trite Objections of Infidels. St. *Auguſtin* mentions it as ſuch, when he ſaith, *The Infidels ſometimes ask us, what do you call the Father? We anſwer God. What the Son? We anſwer God. What the Holy Ghoſt, we anſwer God.* So that here the Infidels make the ſame Objection, and draw the very ſame Inference. *Then*, ſay they, *the Father, Son and Holy Ghoſt are three Gods.* But what ſaith St. *Auguſtin* to this? Had he no more skill in *Arithmetick* than to ſay *there are Three and yet but One?* He ſaith plainly, *that there are not three Gods. The Infidels are troubled becauſe they are not enlighten'd, their heart is ſhut up, becauſe they are without Faith.* By which it is plain, he look'd on theſe as the proper Objections of Infidels, and not of Chriſtians. But may not Chriſtians have ſuch doubts in their minds? He doth not deny it; but then

Hiſtory of the Unitar. *p.* 9. *n.* 7.

Defence of the Hiſtory of the Unitarians, *p.* 7.

Acts of Athanaſius, *p.* 13.

Interrogant enim nos aliquando Infideles, & dicunt, Patrem quem dicitis, Deum dicitis? Reſpondemus Deum. Filium quem dicitis, Deum dicitis? Reſpondemus Deum. Spiritum Sanctum quem dicitis, Deum dicitis? Reſpondemus Deum. Ergo inquiunt, Pater & Filius & Spiritus Sanctus tres ſunt Dei. Reſpondemus non. Turbantur, quia non illuminantur, cor clauſum habent quia clavem fidei non habent. *Aug.* in *Joh.* Tr. 39.

he

Nos ergo Fratres, fide præcedente, quæ ſanat oculum cordis noſtri, quod intelligimus ſine obſcuritate capiamus quod non intelligimus ſine dubitatione credamus. *Ibid.*

he ſaith, *Where the true foundation of Faith is laid in the heart, which helps the Underſtanding, we are to embrace with it all that it can reach to; and where we can go no farther, we muſt believe without doubting*; which is a wiſe reſolution of this matter. For there are ſome things revealed which we can entertain the notion of in our minds, as we do of any other matters, and yet there may be ſome things belonging to them which we cannot diſtinctly conceive. We believe God to have been from all Eternity, and that becauſe God hath revealed it; but here is ſomething we can conceive, *viz. that he was ſo*; and here is ſomething we cannot conceive, *viz. How he was ſo.* This Inſtance I had produced in my *Sermon*, to ſhew that we might be obliged to believe ſuch things concerning God, of which we cannot have a clear and diſtinct Notion; as that God was from all Eternity, although we cannot conceive in our minds how he could be from himſelf. Now what ſaith the *Unitarian* to this, who pretended to anſwer me? He ſaith, *If God muſt be from himſelf, then an Eternal God is a Contradiction; for that implies that he was before he was, and ſo charges me with eſpouſing the cauſe of Atheiſts.* I wiſh our *Unitarians* were as free from this Charge as I am. But this is malicious cavilling. For my deſign was only to ſhew, that we could have no diſtinct conception of ſomething which we are bound to believe. For upon all accounts we are bound to believe an Eternal God, and yet we cannot form a diſtinct and clear Idea of the manner of it. Whether being from himſelf be taken *poſitively* or *negatively*, the matter is not cleared; the one is abſurd, and the other unconceivable by us. But ſtill I ſay, it is a thing that we are bound to believe ſtedfaſtly, although it is above our comprehenſion. But inſtead of anſwering to this, he runs out into an Examination of one notion of Eternity; and, as he thinks, ſhews ſome Abſurdities in that, which are already anſwered. But that was not my meaning, but to ſhew that we could have no clear and diſtinct Notion of Eternity; and if his Arguments were good, they prove what I aimed at, at leaſt as to that part; and himſelf produces my own Words to ſhew, that there were ſuch difficulties every way which we could not maſter; and yet are bound to believe, that neceſſary Exiſtence is an inſeparable Attribute of God. So that here we have a clear inſtance of what St. *Auguſtin* ſaith, That we may believe ſomething upon full Conviction, as that God is eternal, and yet there may remain ſomething which we cannot reach to by our underſtanding, *viz.* the manner how Eternity is to be conceived by us; which goes a great way towards clearing the point of the *Trinity*, notwithſtanding the Difficulty in our conceiving the manner how Three ſhould be One, and One Three.

Anſw. to Serm. p. 5.

A fundamento fidei non recedamus, ut ad culmen Perfectionis veniamus. Deus eſt Pater, Deus eſt Filius, Deus eſt Spiritus Sanctus, & tamen Pater non eſt qui Filius; nec Filius eſt qui Pater, nec Spiritus Sanctus, Patris & Filii Spiritus, Pater eſt aut Filius. *Ibid.*

Trinitas unus Deus, Trinitas una Æternitas, una Poteſtas, una Majeſtas, tres Perſonæ ſed non tres Dii.

But St. *Auguſtin* doth not give it over ſo; *Let us keep ſtedfaſt*, ſaith he, *to the Foundation of our Faith, that we may arrive to the top of Perfection; the Father is God, the Son is God, the Holy Ghoſt is God; the Father is not the Son, nor the Son the Father, nor the Holy Ghoſt either Father or Son.* And he goes on, *The Trinity is one God, one Eternity, one Power, one Majeſty, Three Perſons and one God.* So it is in *Eraſmus* his Edition; but the late Editors ſay, that the word *Perſonæ* was not in their Manuſcript. And it is not material in this place, ſince elſewhere he approves the uſe of the word *Perſons*, as the fitteſt to expreſs our meaning in this Caſe. *For ſince ſome Word muſt be agreed upon to declare our Senſe by*, he ſaith, *thoſe who underſtood the Propriety of the Latin Tongue, could not pitch upon any more proper than that, to ſignifie that they did not mean three diſtinct Eſſen-*

ces, but the ſame Eſſence with a different Hypoſtaſis, founded in the relation of one to the other; as Father and Son have the ſame Divine Eſſence, but the Relations being ſo different that one cannot be confounded with the other, that which reſults from the Relation being joined with the Eſſence, was it which was called a Perſon.

Non audemus dicere unam Eſſentiam tres Subſtantias, ſed unam Eſſentiam vel Subſtantiam, tres autem Perſonas, quemadmodum multi Latini iſta tractantes & digni auctoritate dixerunt, cum alium modum aptiorem non invenirent, quo enunciarent verbis, quod ſine verbis intelligebant. *Aug. de Trinitat. l. 5. c. 8.*

But ſaith St. *Auguſtin*, *The Caviller will ask, If there be Three, what Three are they? He anſwers, Father, Son, and Holy Ghoſt.* But then he diſtinguiſhes between what they are in themſelves, and what they are to each other. *The Father as to himſelf is God, but as to the Son he is Father; the Son as to himſelf is God, but as to the Father he is the Son.* But how is it poſſible to underſtand this? Why, ſaith he, *Take two Men, Father and Son; the one as to himſelf is a Man, but as to the Son a Father; the Son as to himſelf is a Man, but as to the Father he is a Son: but theſe two have the ſame common Nature.*

Nunc mihi calumniator reſpondeat, quid ergo tres? ecce inquit tres dixiſti, ſed quid tres exprime? Immo tu numera. Nam ego compleo tres cum dico, Pater & Filius & Spiritus Sanctus. *Id. ubi ſupra.* Id enim quod Pater ad ſe eſt, Deus eſt, quod ad Filium eſt, Pater eſt: quod Filius ad ſeipſum eſt, Deus eſt: quod ad Patrem eſt, Filius eſt.

But, ſaith he, *Will it not hence follow, that as theſe are two Men, ſo the Father and Son in the Divine Eſſence muſt be two Gods? No; there lies the Difference between the Humane and Divine Nature, that one cannot be multiplied and divided as the other is.*

Sed non quomodo illi duo homines ſunt ſic iſti duo Dii. Quare hoc non eſt ita ibi? Quia illud aliud, hoc autem aliud eſt, quia illa Divinitas eſt, hæc humanitas.

And therein lies the true Solution of the Difficulty, as will appear afterwards. *When you begin to count*, ſaith he, *you go on, One, Two and Three. But when you have reckon'd them what is it you have been counting? The Father is the Father, the Son the Son, and the Holy Ghoſt the Holy Ghoſt. What are theſe Three? Are they not three Gods? No; Are they not three Almighties? No: They are capable of Number as to their Relation to each other; but not as to their Eſſence which is but One.*

Ubi cogitare cœperis, incipis numerare; ubi numeraveris, quid numeraveris non potes reſpondere. Pater, Pater eſt; Filius, Filius; Spiritus Sanctus, Spiritus Sanctus eſt. Quid ſunt iſti tres? Non tres Dii? Non. Non tres omnipotentes? Non. ſed unus omnipotens. Hoc ſolo numerum inſinuant, quod ad invicem ſunt non quod ad ſe ſunt.

The ſubſtance of the Anſwer lies here: The Divine Eſſence is that alone which makes God, that can be but One, and therefore there can be no more Gods than one. But becauſe the ſame Scripture, which aſſures us of the Unity of the Divine Eſſence, doth likewiſe join the Son and Holy Ghoſt in the ſame Attributes, Operations, and Worſhip; therefore as to the mutual Relations, we may reckon Three, but as to the Divine Eſſence, that can be no more than One.

Boethius was a great Man in all reſpects, for his *Quality*, as well as for his *Skill* in *Philoſophy* and *Chriſtianity*; and he wrote a ſhort but learned Diſcourſe to clear this matter. *The Catholick Doctrine of the Trinity*, ſaith he, *is this; the Father is God, the Son God, and the Holy Ghoſt God; but they are not three Gods, but one God.* And yet (which our *Unitarians* may wonder at) this very Man hath written a learned Book of *Arithmetick*. But how doth he make this out? How is it poſſible for *Three to be but One?* Firſt, he ſhews, "That there can be but one Divine Eſſence; for to make more than One muſt ſuppoſe a Diverſity. *Principium enim Pluralitatis Alteritas eſt.* If you make a real difference in Nature as the *Arians* did, then there muſt be as many Gods as there are different Natures. Among Men there are different Individuals of the ſame kind; but, ſaith he, it is the diverſity of Accidents which makes it; and if you can abſtract from all other Accidents, yet they muſt have a different Place, for two Bodies cannot be in the ſame place. The Divine Eſſence is ſimple and immaterial, and is what it is of it ſelf; but other things are what they are made, and conſiſt of Parts, and therefore may be divided. Now

Boëth. oper. p. 1121

“ that which is of it ſelf can be but One, and therefore cannot be numbred. And one God cannot differ from another, either by Accidents or ſubſtantial Differences. But, ſaith he, there is a twofold Number, one by which we reckon, and another in the things reckoned. And the repeating of Units in the former makes a Plurality, but not in the latter. It may be ſaid, that this holds where there are only different Names for the ſame thing; but here is a real Diſtinction of Father, Son, and Holy Ghoſt. But then he ſhews, “ That the difference of Relation can make no Alteration in the Eſſence; and where there is no diverſity, there can be but one Eſſence, although the different Relation may make three Perſons. This is the ſubſtance of what he ſaith concerning this Difficulty; which, as he ſuggeſts, ariſes from our Imaginations, which are ſo filled with the Diviſion and Multiplicity of compound and material things, that it is a hard matter for them ſo to recollect themſelves, as to conſider the firſt Principles and Grounds of *Unity* and *Diverſity*. But if our *Unitarians* have not throughly conſidered thoſe foundations, they muſt, as they ſay to one of their Adverſaries, *argue like Novices in theſe queſtions*. For theſe are ſome of the moſt neceſſary Speculations for underſtanding theſe matters; as, What that *Unity* is which belongs to a perfect Being? What *Diverſity* is required to multiply an infinite Eſſence, which hath *Unity* in its own Nature? Whether it be therefore poſſible, that there ſhould be more divine Eſſenees than one, ſince the ſame eſſential Attributes muſt be, where-ever there is the divine Eſſence? Whether there can be more *Individuals*, where there is no *Diſſimilitude*, and can be no *Diviſion* or *Separation*? Whether a *ſpecifick Divine Nature* be not inconſiſtent with the abſolute Perfection, and neceſſary Exiſtence which belongs to it? Whether the Divine Nature can be *individually the ſame*, and yet there be ſeveral individual Eſſences? Theſe and a great many other Queſtions it will be neceſſary for them to reſolve, before they can ſo peremptorily pronounce that the Doctrine of the Trinity doth imply a Contradiction on the account of the *Numbers* of *Three* and *One*. And ſo I come to the ſecond Particular.

Numerus enim duplex eſt, unus quidem, quo numeramus, alter verò qui in rebus numerabilibus conſtat; ergo in Numero quo numeramus, repetitio unitatum facit Pluralitatem; in rerum vero numero non facit PluralitatemUnitatum repetitio.

Ita igitur ſubſtantia continet Unitatem, relatio verò multiplicat Trinitatem. Nam idem Pater qui Filius non eſt; nec idem uterque qui Spiritus Sanctus. Idem tamen Deus eſt, Pater, Filius & Spiritus Sanctus.

Anſw to Milb. *p*. 5.

CHAP. VI.

No Contradiction for three Perſons to be in one common Nature.

II. THat it is no contradiction to aſſert *three Perſons* in one *common Nature*. I ſhall endeavour to make theſe matters as clear as I can; for the greateſt difficulties in moſt mens minds have riſen from the want of clear and diſtinct apprehenſions of thoſe fundamental Notions, which are neceſſary in order to the right underſtanding of them.

1. We are to diſtinguiſh between the *Being of a thing*, and a *thing in Being*; or between *Eſſence* and *Exiſtence*.

2. Between the *Unity* of *Nature* or *Eſſence*, and of *Exiſtence* or *Individuals* of the ſame nature.

3. Between the Notion of *Perſons* in a *finite and limited Nature*, and in a *Being uncapable of Diviſion and Separation*.

1. Between the *Being of a thing*, and a *thing in Being*. By the former we mean the Nature and Eſſential Properties of a thing; whereby it is diſtinguiſhed from all other kinds of Beings. So God and his Creatures are eſſentially diſtinguiſhed from each other by ſuch Attributes which are incommunicable; and the Creatures of ſeveral kinds are diſtinguiſhed by their Natures or Eſſences; for the Eſſence of a Man and of a Brute are not barely diſtinguiſhed by *Individuals*, but by their kinds. And that which doth conſtitute a diſtinct kind is One and Indiviſible in it ſelf: for the Eſſence of a Man is but one and can be no more; for if there were more, the kind would be alter'd; ſo that there can be but one common Nature or Eſſence to all the Individuals of that kind. But becauſe theſe Individuals may be or may not be, therefore we muſt diſtinguiſh them as they are in actual Being, from what they are in their common Nature; for that continues the ſame, under all the Variety and Succeſſion of Individuals.

2. We muſt now diſtinguiſh the *Unity* which belongs to the *common Nature*, from that which belongs to the Individuals in *actual Being*. And the *Unity* of *Eſſence* is two-fold:

1. Where the Eſſence and Exiſtence are the ſame, *i. e.* where neceſſary Exiſtence doth belong to the Eſſence, as it is in God, and in him alone; it being an eſſential and incommunicable Perfection.

2. Where the Exiſtence is contingent, and belongs to the Will of another; and ſo it is in all Creatures, Intellectual and Material, whoſe actual Being is dependent on the Will of God.

The *Unity* of *Exiſtence* may be conſider'd two ways.

1. As to it ſelf, and ſo it is called *Identity*; or a thing continuing the ſame with it ſelf: the Foundation whereof in Man is that vital Principle which reſults from the Union of Soul and Body. For as long as that continues, notwithſtanding the great variety of changes in the material Parts, the Man continues entirely the ſame.

2. The *Unity* of *Exiſtence* as to Individuals may be conſider'd as to others, *i. e.* as every one ſtands divided from every other Individulal of the ſame kind; although they do all partake of the ſame common Eſſence. And the clearing of this is the main Point, on which the right Notion of theſe matters depends.

In order to that, we muſt conſider two things.

1. What that is, whereby we perceive the difference of Individuals?

2. What that is, which really makes two Beings of the ſame kind to be different from each other?

1. As to the reaſon of our Perception of the difference between Individuals of the ſame kind, it depends on theſe things.

1. Difference of outward Accidents, as Features, Age, Bulk, Mein, Speech, Habit and Place.

2. Difference of inward Qualities and Diſpoſitions; which we perceive by obſervation, and ariſe either from Conſtitution, or Education, or Company, or acquired Habits.

2. As to the true ground of the real Difference between the Exiſtence of one Individual from the reſt, it depends upon the *ſeparate Exiſtence* which it hath from all others. For that which gives it a Being diſtinct from all others and divided by Individual Properties, is the true ground of the difference between them, and that can be no other but the Will of God. And no conſequent Faculties or Acts of the Mind by Self Reflection, *&c.* can be the reaſon of this difference; becauſe the difference muſt be ſuppoſed antecedent to them. And nothing can be ſaid to make that, which muſt be ſuppoſed to be before it ſelf; for there muſt be a diſtinct Mind in Being from all other Minds, before it can reflect upon it ſelf.

But we are not yet come *to the bottom of this matter.* For as to Individual Perſons, there are theſe things ſtill to be conſider'd

1. *Actual Exiſtence* in it ſelf, which hath a *Mode* belonging to it, or elſe the humane Nature of Chriſt could not have been united with the divine, but it muſt have had the *perſonal Subſiſtence,* and conſequently there muſt have been *two Perſons* in *Chriſt.*

2. A *ſeparate* and *divided Exiſtence* form all others, which ariſes from the actual Exiſtence, but may be diſtinguiſhed from it; and ſo the humane Nature of Chriſt, although it had the Subſiſtence proper to Being, yet had not a *ſeparate Exiſtence,* after the *Hypoſtatical Union.*

3. The *peculiar manner* of *Subſiſtence,* which lies in ſuch Properties as are incommunicable to any other; and herein lies the proper reaſon of *Perſonality.* Which doth not conſiſt in a mere *Intelligent Being.* but in that peculiar manner of Subſiſtence, in that Being which can be in no other. For when the common Nature doth ſubſiſt in Individuals, there is not only a ſeparate Exiſtence, but ſomething ſo peculiar to it ſelf, that it can be communicated to no other. And this is that which makes the diſtinction of Perſons.

4. There is a *common Nature* which muſt be joyned with this manner of Subſiſtence to make a *Perſon;* otherwiſe it would be a mere *Mode;* but we never conceive a *Perſon* without the Eſſence in Conjunction with it. But here appears no manner of contradiction in aſſerting ſeveral Perſons in one and the ſame common Nature.

5. The Individuals of the ſame kind are ſaid to differ in number from each other, becauſe of their different Accidents and ſeparate Exiſtence. For ſo they are capable of being numbred. Whatever is compounded is capable of number as to its parts, and may be ſaid to be one by the Union of them; whatever is ſeparated from another is capable of number by diſtinction. But where there can be no Accidents nor Diviſion, there muſt be perfect Unity.

Διαιρετικὸν μὲν ἀεὶ τὸ καθ' ἕκαστον, συλληπτικὸν δὲ καὶ ἑνοποιὸν τὸ κοινόν. Porphyr. Iſag. *c.* 2.

36 Niceph. Calliſt. *l.* 18. *c.* 47.

6. There muſt be a *Separation in Nature,* where-ever there is a difference of Individuals under the ſame kind. I do not ſay there muſt be an *actual Separation* and *Diviſion* as to place; but that there is and muſt be ſo in Nature, where one *common Nature* ſubſiſts in ſeveral Individuals. For *all Individuals muſt divide the Species, and the common Nature unites them.* And this *Philoponus* underſtood very well, and therefore he never denied ſuch a *Diviſion* and *Separation* in the divine Perſons, as is implied in diſtinct Individuals; which is the laſt thing to be conſider'd here.

3. We are now to enquire how far theſe things will hold as to the *Perſons* in the Trinity, and whether it be a *Contradiction* to aſſert *three Perſons* in the Godhead and but *one God.* We are very far from diſputing the *Unity* of the *divine Eſſence,* which we aſſert to be ſo perfect and indiviſible, as not to be capable of ſuch a difference of Perſons as is among Men. Becauſe there can be no difference of Accidents, or Place, or Qualities in the divine Nature; and there can be no ſeparate Exiſtence, becauſe the Eſſence and Exiſtence are the ſame in God; and if *neceſſary Exiſtence* be an inſeparable Attribute of the divine Eſſence, it is impoſſible there ſhould be any ſeparate Exiſtence; for what always was and muſt be, can have no other Exiſtence than what is implied in the very Eſſence. *But will not this overthrow the diſtinction of Perſons, and run us into Sabellianiſm?* By no means. For our *Unitarians* grant, *That the* Noetians *and* Sabellians *held, that there is but one divine Subſtance, Eſſence or Nature, and but one Perſon.* And how can thoſe who hold *three Perſons* be Sabellians? *Yes,* ſay they, *the Sabellians held three relative Perſons.* But did they mean three *diſtinct Subſiſtences,* or only one Subſiſtence ſuſtaining the Names, or Appearances, or Manifeſtations of

Diſcourſe *concerning the nominal and real Trinitarian,* p. 16.

three Perſons? The latter they cannot deny to have been the true ſenſe of the *Sabellians*. But ſay they, *Theſe are three Perſons in a claſſical critical Senſe*. We meddle not at preſent with the Diſpute which *Valla* hath againſt *Boethius* about the proper Latin Senſe of a *Perſon* (and *Petavius* ſaith *Valla*'s Objections are mere *Jeſts* and *Trifles*) but our Senſe of a *Perſon* is plain, that it ſignifies the Eſſence with a particular manner of Subſiſtence, which the Greek Fathers called an *Hypoſtaſis*, taking it for that incommunicable Property which makes a *Perſon*.

Petav. de Trinit. *l.* 4. *c.* 4.

But ſay our *Unitarians*, a Perſon is an *intelligent Being, and therefore three Perſons muſt be three intelligent Beings*. I anſwer, that this may be taken two ways. 1. That there is no Perſon where there is no intelligent Nature to make it a Perſon, and ſo we grant it. 2. That a Perſon implies an intelligent Being, ſeparate and divided from other Individuals of the ſame kind, as it is among Men: and ſo we deny it as to the Perſons of the Trinity, becauſe the Divine Eſſence is not capable of ſuch Diviſion and Separation as the humane Nature is.

Defence of the Hiſtory of the Unit. *p.* 5.

But ſay they again, *The Fathers did hold a ſpecifical Divine Nature, and the Perſons to be as ſo many Individuals*. This they repeat very often in their *late Books*; and after all, refer us to *Curcellæus* for *undeniable Proofs* of it. Let us for the preſent ſuppoſe it, then I hope the Fathers are freed from holding *Contradictions* in the Doctrine of the Trinity; for what *Contradiction* can it be, to hold three individual Perſons in the Godhead, and one common Nature, more than it is to hold that there are three humane Perſons in *One* and the *ſame common Nature* of Man? Will they make this a *Contradiction* too? But ſome have ſo uſed themſelves to the Language of *Jargon*, *Nonſenſe*, *Contradiction*, *Impoſſibility*, that it comes from them, as ſome Men ſwear, when they do not know it. But I am not willing to go off with this Anſwer; For I do take the Fathers to have been Men of two great Senſe and Capacity to have maintained ſuch an abſurd Opinion, as that of a *Specifick Nature* in God. For either it is a mere Logical Notion, an Act of the Mind, without any real Exiſtence belonging to it as ſuch, which is contrary to the very Notion of God, which implies a neceſſary Exiſtence; or it muſt imply a Divine Nature, which is neither Father, Son, nor Holy Ghoſt. Which is ſo repugnant to the Doctrine of the Fathers, that no one that is any ways converſant in their Writings on this Argument, can imagine they ſhould hold ſuch an Opinion. And I am ſo far from being convinced by *Curcellæus his* undeniable Proofs, that I think it no hard matter to bring undeniable Proofs that he hath miſtaken their meaning.

Ib.
Anſwer to La Moth. *p.* 5.
Explicat. p. 13.
Letter to the Univerſity, p. 13.

Of which I ſhall give an Account in this Place, becauſe I fear his Authority hath had too much ſway with ſome, as to this matter. I ſhall not inſiſt upon his groſs miſtake in the very entrance of that Diſcourſe, where he ſaith, *That the Biſhops of* Gaul *and* Germany *diſliked the* Homoouſion, *and gave three Reaſons againſt it*; whereas *Hilary* ſpeaks of the *Eaſtern Biſhops* whom he goes about to vindicate to the Weſtern Biſhops, who were offended with them for that reaſon; as any one that reads *Hilary de Synodis* may ſee. But I come to the main Point. His great Argument is *from the uſe of the Word* Ὁμοούσιος *which may extend to Individuals of the ſame kind*. Who denies it? But the Queſtion is whether the Fathers uſed it in that ſenſe, ſo as to imply a difference of Individuals in the ſame common Eſſence? There were two things aimed at by them in their Diſpute with the *Arians*.

Curcell. de vocibus Trinit. *Sect.* 70.

(1.) To ſhew, That the Son was of the ſame Subſtance with the Father, which they denied, and made him of an inferior created Subſtance of another kind. Now the Fathers thought this term very proper to expreſs their Senſe againſt them. But then this Word being capable of a larger Senſe than they intended, they took care, (2.) To aſſert a perfect Unity and Indiviſibility of the Divine Eſſence. For the *Arians* were very ready to charge them with one of theſe two things. (1.) That they muſt fall into *Sabellianiſm*, if they held a perfect Unity of Eſſence: or (2.) When they clear'd themſelves of this, that they muſt hold *Three Gods*; and both theſe they conſtantly denied. To make this clear, I ſhall produce the Teſtimonies of ſome of the chief both of the *Greek* and *Latin Fathers*, and anſwer *Curcellæus* his Objections.

Athanaſ. de Sentent. Dionyſ. *p.* 558, 567.
Orat. 4. de Arian. *p.* 456.
De Communi Eſſent. &c. *p.* 214.
Expoſ. Fidei, *p.* 251.
In illud Omnia mihi trad. *p.* 154.
Ep. ad Serap. *p.* 259.
Orat. 4. c. Arian. *p.* 554, 456, 459, *&c.*
Curcell. *Sect. III.*
Petav. de Trinit. *l.* 4. *c.* 16.

Athanaſius takes notice of both theſe Charges upon their Doctrine of the Trinity: As to *Sabellianiſm* he declared, *That he abhorred it equally with* Arianiſm; and he ſaith, *it lay in making Father and Son to be only different Names of the ſame Perſon*; and ſo they aſſerted but *one Perſon in the Godhead.* As to the other Charge of *Polytheiſm*, he obſerves, *That in the Scripture Language, all Mankind was reckon'd as one, becauſe they have the ſame Eſſence; and if it be ſo, as to Men, who have ſuch a difference of Features, of Strength, of Underſtanding, of Language, how much more may God be ſaid to be One, in whom is an undivided Dignity, Power, Counſel and Operation?* Doth this prove ſuch a difference, as is among Individuals of the ſame kind among Men? No Man doth more frequently aſſert the *indiviſible Unity of the Divine Nature than he.* He expreſly denies *ſuch divided Hypoſtaſes, as are among Men*; and ſaith, *That in the Trinity there is a Conjunction without Confuſion, and a Diſtinction without Diviſion; that in the Trinity there is ſo perfect an Union, and that it is ſo undivided and united in it ſelf; that where-ever the Father is, there is the Son and the Holy Ghoſt*, and ſo the reſt, *becauſe there is but one Godhead, and one God who is over all, and through all, and in all.* But ſaith *Curcellæus*, *The contrary rather follows from this* περιχώρησις *or mutual Inexiſtence, for that could not be without diſtinct Subſtance, as in Water and Wine.* But this is a very groſs miſtake of the Fathers Notion, who did not underſtand by it a *Local In-exiſtence* as of bodies, but ſuch an *indiviſible Unity that one cannot be without the other*, as even *Petavius* hath made it appear from *Athanaſius* and others.

De Decret. Synod. Nic. *p.* 259. 269. 274, 276.
Orat. 5. *c.* Arian. *p.* 514.
De Decret. Synod *p.* 275.
Curcell. Diſſert. *n.* 106.

Athanaſius upon all Occaſions aſſerts the Unity of the Divine Nature to be *perfect and indiviſible.* God, ſaith he, *is the Father of his Son* ἀμερίστως, *without any Diviſion of the Subſtance.* And in other places, *That the Subſtance of the Father and Son admit of no Diviſion*, and he affirms this to have been *the ſenſe of the Council of* Nice; ſo that the ὁμοούσιος muſt be underſtood of the *ſame indiviſible Subſtance.* *Curcellæus* anſwers, That *Athanaſius* by this *indiviſible Unity* meant only a *cloſe and indiſſoluble Union.* But he excluded *any kind of Diviſion*, and that of a *Specifick Nature* into ſeveral individuals as a real *Diviſion in Nature*; for no Man who-ever treated of thoſe matters denied, that a *Specifick Nature was divided*, when there were ſeveral Individuals under it. But what is it which makes the *Union indiſſoluble?* Is it the *Unity* of the *Eſſence* or not? If it be, is it the ſame individual Eſſence, or not? If the ſame individual Eſſence makes the inſeparable Union, what is it, which makes the difference of Individuals? If it be ſaid, *The incommunicable Properties of the Perſons*; I muſt ſtill ask how ſuch *Properties* in the ſame individual Eſſence, can make different Individuals? If it be ſaid to be the ſame *Specifick Nature*; then how comes that which is in it ſelf capable of *Diviſion* to make an *indiſſoluble Union?*

Curcell. *n.* 82.
Athanaſ. de Synod. Arim. & Seleuc. *p.* 916, 920, 928.

But ſaith Curcellæus, Athanaſius *makes Chriſt to be of the ſame Subſtance as* Adam, *and* Seth, *and* Abraham, *and* Iſaac *are ſaid to be Con-ſubſtantial with each other.* And what follows? *That the Father and Son are divided from each other, as they were?* This is not poſſible to be his Senſe; conſidering what he ſaith of the Indiviſibility of the Divine Nature. And *Athanaſius* himſelf hath given ſufficient warning againſt ſuch a Miſ-conſtruction of his Words; and ſtill urges *that our Conceptions ought to be ſuitable to the Divine*

Nature, not taken from what we ſee among Men. And it is obſervable, that when *Paulus Samoſatenus* had urged this as the beſt Argument againſt the term Ὁμοούσιος, *That it made ſuch a difference of Subſtances as is among Men*; for that Reaſon ſaith *Athanaſius, his Judges were content to let it alone, for the Son of God is not in ſuch a ſenſe Con-ſubſtantial; but afterwards the* Nicene *Fathers finding out the Art of* Paulus, *and the ſignificancy of the Word to diſcriminate the* Arians, *made uſe of it, and only thought it neceſſary to declare, that when it is applied to God, it is not to be underſtood, as among individual Men.*

P. 919.

As to the *Dialogues* under *Athanaſius* his Name, on which *Curcellæus* inſiſts ſo much; it is now very well known that they belong not to him, but to *Maximus*; and by comparing them with other places in him, it may appear, that he intended *no Specifick Nature in God.*

Curcell. n. 84.
Maxim. Oper. T. II. p. 384. T. I. p. 413.

But ſaith *Curcellæus, If the Fathers intended any more than a Specifick Nature, why did they not uſe Words which would expreſs it more fully,* As Μονοούσιος and ταυτοούσιος? For that very Reaſon, which he mentions from *Epiphanius, becauſe they would ſeem to approach too near to Sabellianiſm.*

Curcell. Sect. 73.

St. *Baſil* was *a great Man*, (notwithſtanding the flout of our *Unitarians*,) and apply'd his thoughts to this matter, to clear the Doctrine of the Church from the Charge of *Sabellianiſm* and *Tritheiſm.* As to the former, he ſaith, in many places, That *the Hereſie lay in making but one Perſon as well as one God*, or one Subſtance with three ſeveral Names. As to the latter, no Man aſſerts the individual Unity of the Divine Eſſence in more ſignificant Words than he doth. For he uſes the ταυτότης and τὸ τῆς οὐσίας ταυτὸν, as St. *Cyril* of *Alexandria* doth likewiſe, and yet both theſe are produced by *Curcellæus* for a *Specifick Nature.*

A Diſcourſe concerning Nominal and real Unitar. p. 26.
Baſil Hom. 27. p. 602. 604.
Epiſt. 141. 391, 64. T. I. p. 605. T. II. p. 926.
Cyril. Alex. Dialog. de Trinit. 3. p. 498, 500.

But ſaith *Curcellæus*, St. *Baſil* in his *Epiſtle* to *Gregory Nyſſen* doth aſſert the difference between *Subſtance* and *Hypoſtaſis* to conſiſt in this, That *the one is taken for common Nature, and the other for individual*, and ſo making *three Hypoſtaſes*, he muſt make *three Individuals*, and *one common* or *Specifick Nature.* I anſwer, That it is plain by the deſign of that *Epiſtle*, that by *three Hypoſtaſes* he could not mean *three Individual Eſſences.* For he ſaith, The deſign of his writing it, was to clear the difference between *Subſtance* and *Hypoſtaſis.* For ſaith he, *From the want of this ſome aſſert but one Hypoſtaſis, as well as one Eſſence; and others, becauſe there are three Hypoſtaſes, ſuppoſe there are three diſtinct Eſſences.* For both went upon the ſame Ground, that *Hypoſtaſis* and *Eſſence* were the ſame. Therefore ſaith he, thoſe who held three *Hypoſtaſes*, did make τὴν τῶν οὐσιῶν διαίρεσιν *a Diviſion of Subſtances.* From whence it follows, that St. *Baſil* did look upon the Notion of three diſtinct Subſtances as a miſtake: I ſay *diſtinct Subſtances*, as *Individuals* are diſtinct; for ſo the firſt Principles of Phiſoſophy do own that Individuals make a Διαίρεσις, or *Diviſion of the Species* into ſeveral and diſtinct Individuals.

Curcell. n. 74.

But doth not St. Baſil *go about to explain his Notion by the common Nature of Man, and the ſeveral Individuals under it; and what can this ſignifie to his purpoſe, unleſs he allows the ſame in the Godhead?* I grant he doth ſo, but he ſaith, the *Subſtance* is that which is common to the whole kind; the *Hypoſtaſis* is that which properly diſtinguiſheth one Individual from another; which he calls the τὸ ἰδιάζον the peculiar incommunicable Property. Which he deſcribes by *a Concourſe of diſtinguiſhing Characters in every Individual.* But how doth he apply theſe things to the divine Nature? For therein lies the whole difficulty. Doth he own ſuch a *Community of Nature*, and *Diſtinction of Individuals* there? He firſt confeſſes the divine Nature to be incomprehenſible by us; but yet we may have ſome diſtinct Notions about theſe things. As for inſtance, *In the Father we conceive ſomething common to him and to the Son; and that is the divine Eſſence; and the ſame as*

Συνδρομὴ τῶν περὶ ἕκαστον ἰδιωμάτων.

to the Holy Ghoſt. But there muſt be ſome proper Characters to diſtinguiſh theſe one from another; or elſe there will be nothing but confuſion: which is *Sabellianiſm.* Now *the eſſential Attributes and divine Operations are common to them*; and therefore theſe cannot diſtinguiſh them from each other. And thoſe are the *peculiar Properties of each Perſon,* as he ſhews at large.

But may not each Perſon have a diſtinct Eſſence belonging to him, as we ſee it is among Men?

Οὐ γὰρ ἔστιν ἐπινοῆσαι τομὴν, ἢ διαίρεσιν καθ' οὐδένα τρόπον, p. 810. B.

For this St. *Baſil* anſwers: (1.) He utterly denies any poſſible *Diviſion in the divine Nature.*

Phot. Cod. 24.

Cod. 234

And he never queſtion'd, but the diſtinction of Individuals under the ſame *Species* was a ſort of *Diviſion,* although there were no *Separation.* And the followers of *Joh. Philoponus* did hold *an indiſſoluble Union* between the three individual Eſſences in the divine Nature; but they held a diſtinction of *peculiar Eſſences,* beſides the *common Nature,* which they called μερικὰς οὐσίας καὶ ἰδικὰς θεότητας and ἰδικὰς φύσεις; as appears by *Photius,* who was very able to judge. And it appears by one of themſelves in *Photius,* that the Controverſie was, whether an *Hypoſtaſis* could be without an individual Eſſence belonging to it ſelf; or whether the *peculiar Properties* and *Characters* did make the *Hypoſtaſis.* But as to St. *Baſil*'s Notion we are to obſerve: (2.) That he makes the divine Eſſence to be *uncapable of Number,* by reaſon of its perfect Unity. Here our *Unitarians* tell us, that when St. *Baſil* ſaith, *That God is not one in number, but in nature, he means; as the Nature of Man is one, but there are many particular Men, as* Peter, James *and* John, &c. *ſo the Nature of God, or the common Divinity is one, but there are as truly more Gods in number, or more particular Gods, as there are more particular Men.* But that this is a groſs miſtake or abuſe of St. *Baſil*'s meaning, I ſhall make it plain from himſelf. For, they ſay, *That he held, that as to this queſtion, How many Gods? it muſt be anſwer'd, Three Gods in number, or three perſonal Gods, and one in Nature, or divine Properties*; whereas he is ſo far from giving ſuch an anſwer, that he abſolutely denies that there can be more Gods than one in that very place. He mentions it as an Objection, that ſince he ſaid, *That the Father is God, the Son God, the Holy Ghoſt God*; *he muſt hold three Gods*; to which he anſwers, *We own but one God, not in Number, but in Nature:* Then, ſay they, *He held but one God in Nature and more in Number.* That is ſo far from his meaning, that I hardly think any that read the paſſage in St. *Baſil,* could ſo wilfully pervert his meaning. For his intention was ſo far from aſſerting *more Gods in Number,* that it was to prove ſo perfect a Unity in God, that he was not capable of number, or of being *more* than *one.* For, ſaith he, *That which is ſaid to be one in number, is not really and ſimply one, but is made up of many, which by compoſition become one; as we ſay, the World is one, which is made up of many things. But God is a ſimple uncompounded Being; and therefore cannot be ſaid to be one in number. But the World is not one by Nature, becauſe it is made up of ſo many things, but it is one by Number, as thoſe ſeveral parts make but one World.* Is not this fair dealing with ſuch a Man as St. *Baſil,* to repreſent his Senſe quite otherwiſe than it is? As though he allow'd *more Gods than one in Number? Number,* ſaith he again, *belongs to Quantity, and Quantity to Bodies, but what relation have theſe to God, but as he is the Maker of them? Number belongs to material and circumſcribed Beings; but,* ſaith he, *the moſt perfect Unity is to be conceived in the moſt ſimple and incomprehenſible Eſſence.* Where it is obſervable, that he uſes thoſe Words which are allow'd to expreſs the moſt perfect and ſingular Unity. This *Petavius* himſelf confeſſeth, that they can *never be underſtood of a ſpecifick Nature:* and *Curcellæus* cannot deny, *That* μόνος *being added to* Εἷς *doth reſtrain the Senſe more to a nume-*

Diſcourſe concerning the nominal and real Unitar. p. 26, 27. Baſil. Ep. 141.

ἡ δὲ Μονὰς καὶ Ἑνὰς τῆς ἁπλῆς καὶ ἀπεριλήπτου οὐσίας ἐστὶ σημαντικόν. Baſil. Tom. II. *p.* 9 6.

Petav. de Trinit. *l.*4. *c.*13. *n.*10.

rical Unity, as he calls it. How then is it poſſible to underſtand St. *Baſil* of more *Gods than one in number?* And in the very ſame Page he mentions the ταυτότης τῆς φύσεως, the *Sameneſs of the divine nature*, by which the ὁμοούσιον is better underſtood.

But *Curcellæus* will have no more than a *ſpecifick Unity* underſtood. Cur. n. 106. Before he ſaid, that ταυτοούσιος *would have ſignified more*, but now he finds it uſed, the caſe is alter'd: So that the Fathers could not mean any other than a *ſpecifick Unity*, let them uſe what Expreſſions they pleas'd. But theſe, I think, are plain enough to any one that will not ſhut his Eyes.

In another place St. *Baſil* makes the ſame objection, and gives the ſame anſwer. *One God the Father, and one God the Son; how can this be, and yet not two Gods? Becauſe*, ſaith he, *the Son hath the very ſame Eſſence with the Father. Not two Eſſences divided out of one, as two Brothers, but as Father and Son, the Son ſubſiſting as from the Father, but in the ſame individual* Baſil. T. I. p. 604. *Eſſence*: τὸ γὰρ τῆς οὐσίας ταυτόν.

But *Curcellæus* hath one fetch yet, *viz. That St.* Baſil *denied God to be one* Cur. n. 113. *in Number, and made him to be one in Nature, becauſe he look'd on a ſpecifick Unity, or Unity of Nature, as more exact than numerical.* St. *Baſil* look'd on the divine Nature as ſuch to have the *moſt perfect Unity*, becauſe of its *Simplicity*, and not in the leaſt ſpeaking of it as a *ſpecifick Unity*; but N. 105. *Curcellæus* himſelf calls this *an Unity by a mere Fiction of the Mind*; and can he imagine this to have been more *accurate* than a real Unity? Theſe are hard ſhifts in a deſperate cauſe.

After all, our *Unitarians* tell us, *That St.* Baſil *doth againſt* Eunomius *al-* T. II. p. 30. *low a diſtinction in Number with reſpect to the Deity.* But how? *As to the Eſſence?* By no means. For he aſſerts the *perfect Unity* thereof in the ſame place, even the *Unity of the Subſtance.* But as to the *characteriſtical Properties of the Perſons*, he allows of *Number*, and no farther. But ſay they, *This is to make one God as to Eſſential Properties, and three as to Perſonal.* How can that be, when he ſaith ſo often, there can be but one God, becauſe there can be but one divine Eſſence; and therefore thoſe Properties can only make diſtinct *Hypoſtaſes*, but not *diſtinct Eſſences.* And is this indeed *the great Secret* which *this bold Man*, as they call him, hath diſcover'd? I think thoſe are much *more bold*, (I will not ſay impudent) who upon ſuch ſlight grounds charge him with aſſerting *more Gods than one in number.* But *Gregory Nyſſen*, ſaith *Curcellæus*, ſpeaks more plainly in his Cur. n 106. Epiſtle to *Ablabius*; for ſaith he, *To avoid the difficulty of making three* Greg. Nyſſen. Tom. *Gods as three Individuals among Men are three Men; he anſwers, that truly* III. p. 17. *they are not three Men, becauſe they have but one common Eſſence, which is exactly one, and indiviſible in it ſelf, however it be diſperſed in Individuals: the ſame, he ſaith, is to be underſtood of God.* And this *Petavius* had char- Petav. de Trin. l. 4. c. 9. n. 2, 3. ged him with before, as appears by *Curcellæus* his *Appendix.*

This ſeems the hardeſt paſſage in Antiquity for this purpoſe; to which I hope to give a ſatisfactory Anſwer from *Gregory Nyſſen* himſelf.

1. It cannot be denied, that he aſſerts the *Unity of Eſſence* to be *indiviſible in it ſelf*, and to be the true ground of the Denomination of Individuals; as *Peter* hath the Name of a Man, not from his *individual properties* whereby he is diſtinguiſhed from *James* and *John*; but from that *one indiviſible Eſſence* which is common to them all, but yet receives no Addition or Diminution in any of them.

2. He grants a *Diviſion* of *Hypoſtaſes* among Men, notwithſtanding this *Indiviſibility of one common Eſſence*: For ſaith he, among Men, although the Eſſence remain one and the ſame in all, without any Diviſion, yet *the ſeveral Hypoſtaſes are divided from each other, according to the individual properties* ἀλλ᾽ ὁ μὲν ὑποςάσεων λόγος διὰ τὰς ἐνθεωρουμένας ἰδιότητας τ̃ διαμερισμὸν ἐπιδέχεται.

perties belonging to them. So that here is a double conſideration of the Eſſence: as in it ſelf, ſo it is one, and indiviſible; as it ſubſiſts in Individuals, and ſo it is actually divided according to the Subjects. For although the Eſſence of a Man be the ſame in it ſelf in *Peter*, *James* and *John*; yet taking it as in the Individuals, ſo the particular Eſſence in each of them is divided from the reſt. And ſo *Philoponus* took *Hypoſtaſis* for *an Eſſence individuated by peculiar Properties*; and therefore aſſerted, that where-ever there was an *Hypoſtaſis*, there muſt be a diſtinct Eſſence; and from hence he held the three Perſons to have three diſtinct Eſſences.

Niceph. Calliſt. hiſt. *l.* 18. *c.* 47.

3. We are now to conſider how far *Gregory Nyſſen* carried this, whether he thought it held equally as to the *divine Hypoſtaſis*; and that he did not, appears to me from theſe arguments:

1. He utterly denies *any kind of Diviſion* in the divine Nature; for in the concluſion of that Diſcourſe, he ſaith, *it is not only* ἀπαράλλακτος, (a word often uſed by the Greek Fathers on this occaſion, from whence *Athanaſius* againſt *Macedonius* inferr'd an *Identity*, and *Cæſarius* joins τὸ ταυτὸν τῆς οὐσίας καὶ τὸ ἀπαράλλακτον τῆς θεότητος; and ſo St. *Baſil* uſes it) but he adds another Word, which is ἀδιαίρετος, Indiviſible. *Yes, as all Eſſences are indiviſible in themſelves, but they may be divided in their Subjects, as* Gregory Nyſſen *allows it to be in Men.* I grant it, but then he owns a Diviſion of ſome kind, which he here abſolutely denies as to the divine Nature; for his words are, that it is ἀδιαίρετος διὰ πάσης ἐννοίας in any conſideration whatſoever. *Then he muſt deſtroy the Hypoſtaſes.* Not ſo neither, for he allows that there is a διαφορὰ as to the *Hypoſtaſes* however. For he propoſes the Objection himſelf, *That by allowing no difference in the divine Nature, the Hypoſtaſes would be confounded.* To which he anſwers, *That he did not deny their difference, which was founded in the relation they had to one another*, which he there explains; and that *therein only conſiſts the difference of the Perſons.* Which is a very conſiderable teſtimony, to ſhew that both *Petavius* and *Curcellæus* miſtook *Gregory Nyſſen*'s meaning. But there are other arguments to prove it.

Athan. T. II. *p.* 280, Cæſar. Quæſt. 3. *p.* 12.

Ὅτι τὸ ἀπαράλλακτον τῆς φύσεως ὁμολογοῦντες τὴν κατὰ τὸ αἴτιον καὶ αἰτιατὸν διαφορὰν οὐκ ἀρνούμεθα, ἐν ᾧ μόνῳ διακρίνεσθαι τὸ ἕτερον τοῦ ἑτέρου καταλαμβάνομεν.

2. He aſſerts ſuch a difference between the divine and human Perſons, as is unanſwerable, *viz* the *Unity of Operation. For*, ſaith he, *among Men, if ſeveral go about the ſame Work, yet every particular Perſon works by himſelf, and therefore they may well be called many, becauſe every one is circumſcribed; but in the divine Perſons he proves that it is quite otherwiſe, for they all concur in the Action towards us*, as he there ſhews at large. *Petavius* was aware of this, and therefore he ſaith, *he quitted it and returned to the other*; whereas he only ſaith, *If his Adverſaries be diſpleaſed with it, he thinks the other ſufficient.* Which in ſhort is, that Eſſence in it ſelf is one and indiviſible, but among Men it is divided according to the Subjects; that the divine Nature is capable of no Diviſion at all, and therefore the difference of *Hypoſtaſes* muſt be from the different Relations and manner of *Subſiſtence*.

3. He expreſſes his meaning fully in another place. For in his *Catechetical Oration*, he ſaith, *he looks on the Doctrine of the Trinity as a profound Myſtery*, (which three *individual Perſons* in one *ſpecifick Nature* is far from.) But wherein lies it? Chiefly in this, *That there ſhould be Number and no Number, different View and yet but one, a diſtinction of Hypoſtaſes, and yet no Diviſion in the Subjects.* For ſo his words are, καὶ οὐ μεμερίσθαι τὸ ὑποκείμενον, which is contrary to what he ſaid of *human Hypoſtaſes*. Now what is the *Subject* in this caſe? According to *Curcellæus* his Notion, it muſt be an *Individual*. But ſince he aſſerts there can be *no Diviſion in the Subjects*, then he muſt overthrow any ſuch *Individuals* as are among Men. Theſe are the chief Teſtimonies out of the *Greek Fathers*, whoſe authority *Curcellæus* and

Greg. Nyſſen. Tom. III. *p.*

others rely moſt upon as to this matter, which I have therefore more particularly examin'd.

But St. *Jerom*, ſaith *Curcellæus*, in his Epiſtle to *Damaſus*, *thought three Hypoſtaſes implied three diſtinct Subſtances; and therefore when the* Campenſes *would have him own them, he refuſed it, and asked his Advice.* Then it is plain St. *Jerom* would not own *three diſtinct Subſtances*, and ſo could not be of *Curcellæus* his mind. But ſaith he, St. *Jerom* meant *by three Subſtances, three Gods different in kind, as the* Arians *did*. But how doth that appear? *Doth he not ſay the* Arian *Biſhop and the* Campenſes *put him upon it?* But who was this *Arian Biſhop*, and theſe *Campenſes?* No other than the *Meletian Party*; for *Meletius* was brought in by the *Arians*, but he joined againſt them with St. *Baſil* and others, who aſſerted three *Hypoſtaſes*; and the *Campenſes* were his People who met without the Gates, as the Hiſtorians tell us. But it is evident by St. *Jerom*, that the Latin Church underſtood *Hypoſtaſis* to be the ſame then with *Subſtance*; and the reaſon why they would not allow three *Hypoſtaſes*, was, becauſe they would not aſſert *three Subſtances.* So that *Curcellæus* his *Hypotheſis* hath very little colour for it among the *Latin Fathers*; ſince St. *Jerom* there ſaith, it would be *Sacrilege to hold three Subſtances*; and he freely beſtows an *Anathema* upon any one that aſſerted more than one.

Cur. n. 48.

N. 107.

But *Hilary*, ſaith *Curcellæus*, *owns a ſpecifick Unity*; for in his Book *de Synodis*, he ſhews, *That by one Subſtance they did not mean one individual Subſtance, but ſuch as was in* Adam *and* Seth, *that is of the ſame kind.* No Man aſſerts the *Unity* and *Indiſcrimination* of the divine Subſtance more fully and frequently than he doth, and that without any Difference or Variation as to the Father and the Son. And although againſt the *Arians* he may uſe that for an Illuſtration of *Adam* and *Seth*; yet when he comes to explain himſelf, he declares it muſt be underſtood in a way agreeable to the divine Nature. And he denies any *Diviſion of the Subſtance* between Father and Son, but he aſſerts one and the ſame Subſtance to be in both; and *although the Perſon of the Son remains diſtinct from the Perſon of the Father, yet he ſubſiſts in that Subſtance of which he was begotten, and nothing is taken off from the Subſtance of the Father, by his being begotten of it.*

Cur. n. 89.

Hilar. de Synod. n. 67.

Hilar. de Trinit. l. 4. n. 6.

But doth he not ſay, *That he hath a Legitimate and proper Subſtance of his own begotten Nature from God the Father? And what is this but to own two diſtinct Subſtances?*

Hilar. de Synod. n. 18.

How can the *Subſtance be diſtinct*, if it be the very ſame, and the *Son ſubſiſt in that Subſtance of which he was begotten?* And that *Hilary* (beſides a multitude of paſſages to the ſame purpoſe in him) cannot be underſtood of two diſtinct Subſtances will appear by this Evidence.

The *Arians* in their Confeſſion of Faith before the Council of *Nice* ſet down among the ſeveral Hereſies which they condemned, that of *Hieracas*, who ſaid *the Father and Son were like two Lamps ſhining out of one common Veſſel of Oil. Hilary* was ſenſible that under this that Expreſſion was ſtruck at *God of God, Light of Light*, which the Church owned. His Anſwer is, *Luminis Naturæ Unitas eſt, non ex connexione porrectio*, i. e. they are not two divided Lights from one common Stock, but the ſame Light remaining after it was kindled that it was before; as appears by his Words, *Light of Light*, ſaith he, implies, That it gives to another that which it continues to have it ſelf. And *Petavius* ſaith, that the Opinion of *Hieracas* was, *That the ſubſtance of the Father and Son differ'd numerically as one Lamp from another.* And *Hilary* calls it an Error of human Underſtanding, which would judge of God, by what they find in one another.

Hilar. de Trinit. l. 6. n. 12.

Lumen ex lumine, quod ſine detrimento ſuo naturam ſuam præſtat ex ſeſe, & quod dat habeat, naſcaturq; quod ſit.

Petav. de Trinit. l. 5. c. 8. n. 9, 12.

Curcell. *n.* 96.

Doth not St. *Ambroſe* ſay, as *Curcellæus* quotes him, *That the Father and Son are not two Gods, becauſe all Men are ſaid to be of one Subſtance?*

Ambroſ. de Fide *l.* 5. *c.* 3. ed. Nov.

But St. *Ambroſe is directly againſt him.* For he ſaith, *The* Arians *objected, that if they made the Son true God, and Conſubſtantial with the Father, they muſt make two Gods; as there are two Men, or two Sheep of the ſame Eſſence; but a Man and a Sheep are not ſaid to be Men, or two Sheep. Which they ſaid to excuſe themſelves, becauſe they made the Son of a different kind and ſubſtance from the Father.* And what Anſwer doth St. *Ambroſe* give to this?

1. He ſaith, *Plurality according to the Scriptures rather falls on thoſe of different kinds;* and therefore when they make them of ſeveral kinds, they muſt make ſeveral Gods.

2. That we who hold but *One Subſtance, cannot make more Gods than One.*

3. To his inſtance of Men, he anſwers, *That although they are of the ſame Nature by Birth, yet they differ in Age, and Thought, and Work, and Place from one another; and where there is ſuch Diverſity, there cannot be Unity; but in God there is no difference of Nature, Will, or Operation; and therefore there can be but one God.*

Cur. *n.* 97.

Aug. de Trinit. *l.* 7. *c.* 6.

C. Maxim. *l.* 1.

Cur. *n.* 114.

The laſt I ſhall mention is St. *Auguſtine*, whom *Curcellæus* produces to as little purpoſe; for although he doth mention the ſame inſtance *of ſeveral Men being of the ſame kind*; yet he ſpeaks ſo expreſly againſt a *Specifick Unity* in God; that he ſaith, *The Conſequence muſt be, that the three Perſons muſt be three Gods; as three humane Perſons are three Men.* And in another place, *That the Father, Son and Holy Ghoſt, are One in the ſame individual Nature.* And what ſaith *Curcellæus* to theſe places, for he was aware of them. To the latter he ſaith, *That by Individual, he means Specifick.* This is an extraordinary Anſwer indeed. But what Reaſon doth he give for it? *Becauſe they are not divided in Place or Time, but they may have their proper Eſſences however.*

Auguſt de Trinit *l.* 4. *c.* 21. *l.* 5. *c.* 3, 5, 8. *l.* 6. *c.* 1. De Agone Chriſt. *c.* 16. C. Maxim. *l.* 3. *c.* 10.

But where doth St. *Auguſtin* give any ſuch Account of it? He often ſpeaks upon this Subject; but always gives another Reaſon, *viz.* becauſe they are but *one and the ſame Subſtance. The Three Perſons are but One God, becauſe they are of One Subſtance; and they have a perfect Unity, becauſe there is no Diverſity of Nature, or of Will.* But it may be ſaid, *That here he ſpeaks of a Diverſity of Nature.* In the next Words he explains himſelf, that the Three Perſons are One God, *propter ineffabilem conjunctionem Deitatis*; but the Union of three *Perſons* in *one Specifick Nature, is* no *ineffable Conjunction*, it being one of the commoneſt things in the World; and in the ſame Chapter, *propter Individuam Deitatem unus Deus eſt; & propter uniuſcujuſque Proprietatem tres Perſonæ ſunt.* Here we find one Individual Nature; and no difference but in the peculiar Properties of the Perſons.

Cur. *n.* 114.

In the other place he is ſo expreſs againſt *a ſpecifick Unity*, that *Curcellæus* his beſt Anſwer is, *That in that Chapter he is too intricate and obſcure*, i. e. He durſt not to ſpeak his Mind.

Thus much I thought fit to ſay in anſwer to thoſe *undeniable Proofs* of *Curcellæus*, which our *Unitarians* boaſt ſo much of, and whether they be ſo or not, let the Reader examine and judge.

CHAP. VII.

The Athanaſian Creed *clear'd from* Contradictions.

III. I Now come to the laſt thing I propoſed, *viz.* to ſhew, *That it is no contradiction to aſſert three Perſons in the* Trinity *and but one God*; and for that purpoſe, I ſhall examine the Charge of *Contradictions* on the *Athanaſian Creed. The ſum of the firſt Articles,* ſay they, *is this, The one true God is three diſtinct Perſons, and three diſtinct Perſons, Father, Son and Holy Ghoſt are the one true God. Which is plainly, as if a Man ſhould ſay,* Peter, James *and* John, *being three Perſons are one Man; and one Man is theſe three diſtinct Perſons,* Peter, James *and* John. *Is it not now a ridiculous Attempt as well as a barbarous Indignity, to go about thus to make Aſſes of all Mankind, under pretence of teaching them a Creed.* This is very freely ſpoken, with reſpect, not merely to our Church, but the Chriſtian World, which owns this Creed to be a *juſt and true Explication* of the Doctrine of the Trinity. But there are ſome Creatures as remarkable for their untoward kicking, as for their Stupidity. And is not this great skill in theſe Matters, to make ſuch a Parallel between *three Perſons in the Godhead* and *Peter, James* and *John*? Do they think there is no difference between an infinitely perfect Being, and ſuch finite limited Creatures as Individuals among Men are? Do they ſuppoſe the divine Nature capable of ſuch *Diviſion* and *Separation* by Individuals, as humane Nature is? *No,* they may ſay, *but ye who hold three Perſons muſt think ſo*: For what reaſon? We do aſſert three Perſons, but it is on the account of divine Revelation, and in ſuch a manner, as the divine Nature is capable of it. For it is a good rule of *Boethius, Talia ſunt prædicata, qualia ſubjecta permiſerint.* We muſt not ſay that there are Perſons in the Trinity, but in ſuch a manner as is agreeable to the divine Nature; and if that be not capable of *Diviſion* and *Separation*, then the Perſons muſt be in the ſame undivided Eſſence. The next Article is, Neither confounding the Perſons, nor dividing the Subſtance; *But how can we,* ſay they, *not confound the Perſons that have, as ye ſay, but one numerical Subſtance? And how can we but divide the Subſtance, which we find in three diſtinct divided Perſons?* I think the terms *numerical Subſtance* not very proper in this caſe; and I had rather uſe the Language of the *Fathers,* than of the *Schools*; and ſome of the moſt judicious and learned Fathers would not allow the terms of *one numerical Subſtance* to be applied to the divine Eſſence. For their Notion was, That *Number* was only proper for compound Beings, but God being a pure and ſimple Being, was *one by Nature* and *not by Number,* as St. *Baſil* ſpeaks (as is before obſerved) becauſe he is not compounded, nor hath any beſides himſelf to be reckon'd with him. But becauſe there are different *Hypoſtaſes,* therefore they allow'd the uſe of *Number* about them, and ſo we may ſay the Hypoſtaſes or Perſons are *numerically different*; but we cannot ſay that the Eſſence is *one Numerically.* But why muſt they *confound the Perſons, if there be but one Eſſence?* The relative Properties cannot be confounded; for the Father cannot be the Son, nor the Son the Father; and on theſe the difference of Perſons is founded. For, there can be no difference, as to eſſential Properties, and therefore all the difference, or rather diſtinction muſt be from thoſe that are Relative. A Perſon of it ſelf imports no *Relation,* but the Perſon of the Father or of the Son muſt; and theſe Relations cannot be confounded with one another. And if the Father cannot be the Son, nor the Son the Father, then they muſt be diſtinct from each other. But

Notes on Athanaſius *his Creed,* p. 11.

Baſil. Ep. 141.

how? *By dividing the Subſtance?* That is impoſſible in a Subſtance that is indiviſible. It may be ſaid, *That the Eſſence of created Beings is indiviſible, and yet there are divided Perſons.* I grant it, but then a created Eſſence is capable of different accidents and qualities to divide one Perſon from another, which cannot be ſuppoſed in the divine Nature; and withal the ſame power which gives a Being to a created Eſſence, gives it a ſeparate and divided Exiſtence from all others. As when *Peter*, *James*, and *John* received their ſeveral diſtinct Perſonalities from God; at the ſame time he gave them their ſeparate Beings from each other, although the ſame Eſſence be in them all.

But how can we but divide the Subſtance which we ſee in three diſtinct divided Perſons? The queſtion is, Whether the diſtinct Properties of the Perſons do imply a *Diviſion* of the *Subſtance?* We deny that the *Perſons* are *divided* as to the *Subſtance*, becauſe that is impoſſible to be divided; but we ſay, they are and muſt be diſtinguiſhed as to thoſe incommunicable Properties which make the Perſons diſtinct. *The eſſential Properties* are uncapable of being divided, and the *Relations* cannot be confounded; ſo that there muſt be *one undivided Subſtance* and yet *three diſtinct* Perſons.

But every Perſon muſt have his own proper Subſtance; and ſo the Subſtance muſt be divided if there be three Perſons. That every Perſon muſt have a Subſtance to ſupport his Subſiſtence is not denied, but the queſtion is, Whether that Subſtance muſt be divided or not. We ſay, where the Subſtance will bear it as in created Beings a Perſon hath a ſeparate Subſtance, *i. e.* the ſame Nature diverſified by Accidents, Qualities and a ſeparate Exiſtence, but where theſe things cannot be, there the *ſame Eſſence* muſt remain undivided, but with ſuch relative Properties as cannot be confounded. *But may not the ſame undivided Subſtance be communicated to three divided Perſons; ſo as that each Perſon may have his own proper Subſtance, and yet the divine Eſſence be in it ſelf undivided?* This is not the caſe before us. For the queſtion upon the Creed is, Whether the Subſtance can be divided? And here it is allow'd to remain undivided. *Yes, in it ſelf, but it may be divided in the Perſons.* The Subſtance, we ſay, is uncapable of being divided any way; and to ſay, that a Subſtance wholly undivided in it ſelf, is yet divided into as many proper and peculiar Subſtances, as there are Perſons, doth not at all help our Underſtanding in this matter; but if no more be meant, as is expreſly declared, than *That the ſame one divine Nature is wholly and entirely communicated by the eternal Father to the eternal Son, and by Father and Son to the eternal Spirit, without any diviſion or ſeparation*; it is the ſame which all *Trinitarians* aſſert. And it is a great pity, that any *new Phraſes* or Ways of Expreſſion ſhould cauſe unreaſonable Heats among thoſe who are really of the ſame Mind. For thoſe who oppoſe the Expreſſions of *three diſtinct Subſtances* as new and dangerous; yet grant, *That it is one peculiar Prerogative of the divine Nature and Subſtance, founded in its infinite, and therefore tranſcendent Perfection, whereby it is capable of reſiding in more Perſons than one; and is accordingly communicated from the Father to the Son and Holy Ghoſt; but this is done without any Diviſion or Multiplication.* Now if both Parties mean what they ſay, where lies the difference? It is ſufficient for my purpoſe that they are agreed, that there can be no *Diviſion* as to the *divine Eſſence* by the diſtinction of Perſons. And ſo this paſſage of the *Athanaſian* Creed holds good, *Neither confounding the Perſons nor dividing the Subſtance.*

The next Article, as it is ſet down in the *Notes on* Athanaſius *his Creed*, is a contradiction to this. For there it runs, "There is one Subſtance of "the Father, another of the Son another of the Holy Ghoſt. They might well charge it with *Contradictions* at this rate. But that is a plain miſtake for

Perſon; for there is no other variety in the Copies but this, that *Bayſius* his Greek Copy hath ὑπόστασις, and that of *Conſtantinople* πρόσωπον, but all the Latin Copies *Perſona*. But what conſequence do they draw from hence? *Then*, ſay they, *The Son is not the Father, nor the Father the Son, nor the Holy Ghoſt either of them.* If they had put in *Perſon* as they ought to have done, it is what we do own. And what follows? *If the Father be not the Son, and yet is the one true God, then the Son is not the one true God, becauſe he is not the Father.* The *one true God* may be taken two ways: 1. The *one true God*, as having the *true divine Nature* in him, and ſo the *Father* is the *one true God*; but not excluſive of the Son, if he have the ſame *divine Nature*. 2. The *one true God*, as having the *divine Nature* ſo *wholly in himſelf*, as to make it incommunicable to the Son; *ſo* we do not ſay, that the Father is the *one true God*, becauſe this muſt exclude the Son from being God; which the Scripture aſſures us that he is; and therefore though the Son be not the Father, nor the Father the Son, yet the Son may be the *one true God* as well as the Father, becauſe they both partake of the *ſame divine Nature*, ſo that there is no contradiction in this, *That there is but one true God, and one of the Perſons is not the other.* For that ſuppoſes it impoſſible, that there ſhould be three Perſons in the ſame Nature; but if the diſtinction of *Nature* and *Perſons* be allow'd, as it muſt be by all that underſtand any thing of theſe matters, then it muſt be granted, that although one Perſon cannot be another, yet they may have the ſame common Eſſence. As for inſtance, let us take their own, *Peter*, *James* and *John*. What pleaſant arguing would this be, *Peter* is not *James* nor *John*, nor *James* nor *John* are *Peter*, but *Peter* hath the true Eſſence of a Man in him; and the true Eſſence is but one and indiviſible; and therefore *James* and *John* cannot be true Men, becauſe *Peter* hath the *one* and *indiviſible Eſſence* of a *Man* in him? But they will ſay, *We cannot ſay that* Peter *is the One true Man*, as we ſay, *That the Father is the One true God.* Yes, we ſay the ſame in other Words, for he can be ſaid to be the *One true God* in no other Reſpect, but as he hath the *One true divine Eſſence.* All the difference lies, that a finite Nature is capable of *Diviſion*, but an infinite is not.

It follows, "The Godhead of the Father, and of the Son, and of the "Holy Ghoſt is all one, the Glory Equal, the Majeſty Co-eternal.

To this they ſay, *That this Article doth impugn and deſtroy it ſelf.* How ſo? *For, if the Glory and Majeſty be the ſame in Number, then it can be neither Equal, nor Co-eternal. Not Equal for it is the ſame, which Equals never are, nor Co-eternal for that intimates that they are diſtinct. For nothing is Co eternal, nor Cotemporary with it ſelf.*

There is no appearance of Difficulty or Contradiction in this, if the Diſtinction of *Perſons* is allowed; for the *three Perſons* may be well ſaid to be *Co-equal and Co eternal*; and if we *honour the Son, as we honour the Father*, we muſt give *equal Glory* to him.

But one great Point of *Contradiction* remains, *viz.* "So that the Father "is God, the Son is God, and the Holy Ghoſt is God, and yet there are "not three Gods, but one God.

Firſt, they ſay, *This is as if a Man ſhould ſay, the Father is a Perſon, the Son a Perſon, and the Holy Ghoſt a Perſon, yet there are not three Perſons, but one Perſon.* How is this poſſible, if a *Perſon* doth ſuppoſe ſome *peculiar Property*, which muſt diſtinguiſh him from all others? And how can *three Perſons* be *one Perſon*, unleſs three incommunicable Properties may become one communicated Property to three Perſons? But they are aware of a Diſtinction in this Caſe, *viz.* That the term God is uſed *Perſonally*, when it is ſaid, *God the Father, God the Son, and God the Holy Ghoſt*; but when it is ſaid, *There are not three Gods, but one God, the term God is uſed Eſſentially*, *Notes on Athanaſius's Creed*, p. 13.

and therefore comprehends the whole three Perſons, ſo that there is neither a *Grammatical*, nor *Arithmetical Contradiction*. And what ſay our *Unitarians* to this? Truly no leſs, *Than that the Remedy is worſe (if poſſible) than the Diſeaſe*. Nay then we are in a very ill Caſe. But how I pray doth this appear? 1. Say they, *Three perſonal Gods and one eſſential God make four Gods, if the eſſential God be not the ſame with the perſonal Gods; and though he is the ſame, yet ſince they are not the ſame with one another, but diſtinct, it follows that there are three Gods*, i.e. *three perſonal Gods*. 2. *It introduces two ſorts of Gods, three Perſonal and one Eſſential. But the Chriſtian Religion knows and owns but One, true and moſt high God of any ſort.* So far then we are agreed, *That there is but One true and moſt high God*; and that becauſe of the perfect *Unity* of the *Divine Eſſence*, which can be no more than One, and where there is but *One Divine Eſſence*, there can be but *One true God*, unleſs we can ſuppoſe a God without an Eſſence, and that would be a ſtrange ſort of God. He would be a *perſonal God* indeed in their critical Senſe of a *Perſon* for a ſhape or appearance. *But may not the ſame Eſſence be divided?* That I have already ſhewed to be impoſſible. Therefore we cannot make ſo many *perſonal Gods*, becauſe we aſſert one and the ſame Eſſence in the three Perſons of the Father, Son and Holy Ghoſt. *But they are diſtinct, and therefore muſt be diſtinct Gods, ſince every one is diſtinct from the other.* They are diſtinct as to *perſonal Properties*, but not as to *eſſential Attributes*, which are and muſt be the ſame in all: So that here is but one eſſential God, and three Perſons.

But after all, why do we aſſert three Perſons in the Godhead? Not becauſe we find them in the *Athanaſian Creed*, but becauſe the Scripture hath revealed that there are *Three*, Father, Son, and Holy Ghoſt, to whom the Divine Nature and Attributes are given. This we verily believe that the Scripture hath revealed; and that there are a great many places, of which we think no tolerable Senſe can be given without it; and therefore we aſſert this Doctrine on the ſame Grounds on which we believe the Scriptures. And if there are *three Perſons* which have the *Divine Nature* attributed to them, what muſt we do in this Caſe? Muſt we caſt off the *Unity of the Divine Eſſence*? No, that is too frequently and plainly aſſerted for us to call it into Queſtion. Muſt we reject thoſe Scriptures which attribute Divinity to the Son and Holy Ghoſt, as well as to the Father? That we cannot do, unleſs we caſt off thoſe Books of Scripture, wherein thoſe things are contained.

But why do we call them Perſons, when that Term is not found in Scripture, and is of a doubtful Senſe? The true Account whereof I take to be this: It is obſerved by *Facundus Hermianenſis*, that *the Chriſtian Church received the Doctrine of the Trinity before the Terms of three Perſons were uſed. But* Sabellianiſm *was the occaſion of making uſe of the name of Perſons*. It's true, That the *Sabellians* did not diſlike one Senſe of the Word *Perſon*, (which they knew was not the Church's Senſe) as it was taken for an *Appearance* or an *external Quality*; which was conſiſtent enough with their *Hypotheſis*, who allow'd but *One real Perſon* with *different Manifeſtations*. That this was their true Opinion, appears from the beſt account we have of their Doctrine, from the firſt Riſe of *Sabellianiſm*. The Foundations of it were laid in the earlieſt and moſt dangerous Hereſies in the Chriſtian Church, *viz.* that which is commonly called by the name of the *Gnoſticks*, and that of the *Cerinthians* and *Ebionites*. For how much ſoever they differ'd from each other in other things; yet they both agreed in this, that there was no ſuch thing as a *Trinity*, conſiſting of *Father, Son and Holy Ghoſt*; but that all was but different *Appearances* and *Manifeſtations* of God to Mankind. In conſequence whereof, the *Gnoſticks* denied the very *Humanity* of Chriſt,

Facund. l. 1. p. 19. Ed. Sirm.

and the *Cerinthians* and *Ebionites* his *Divinity*. But both theſe ſorts, were utterly rejected the Communion of the Chriſtian Church; and no ſuch thing as *Sabellianiſm* was found within it. Afterwards there aroſe ſome Perſons who ſtarted the ſame Opinion within the Church; the firſt we meet with of this ſort are thoſe mention'd by *Theodoret*, *Epigonus*, *Cleomenes*, and *Noetus*, from whom they were called *Noetians*. Not long after, *Sabellius* broached the ſame Doctrine in *Pentapolis*, and the parts thereabouts, which made *Dionyſius* of *Alexandria* appear ſo early and ſo warmly againſt it. But he happening to let fall ſome Expreſſions, as though he aſſerted an *Inequality* of *Hypoſtaſes* in the *Godhead*, Complaint was made of it to *Dionyſius* then Biſhop of *Rome*; who thereupon explained that which he took to be the true Senſe of the Chriſtian Church in this matter, which is ſtill preſerved in *Athanaſius*: Therein he diſowns the *Sabellian Doctrine*, which *confounded the Father, Son and Holy Ghoſt, and made them to be the ſame*; and withal, he rejected thoſe who held *three diſtinct and ſeparate Hypoſtaſes*, as the *Platoniſts*, and after them, the *Marcioniſts* did. *Dionyſius* of *Alexandria*, when he came to explain himſelf, agreed with the others, and aſſerted the Son to be *of the ſame Subſtance with the Father*, as *Athanaſius* hath proved at large; but yet he ſaid, *That if a diſtinction of Hypoſtaſes were not kept up, the Doctrine of the Trinity would be loſt*, as appears by an Epiſtle of his in St. *Baſil*. *Athanaſius* ſaith, *That the Hereſy of* Sabellius *lay in making the Father and Son to be only different Names of the ſame Perſon; ſo that in one reſpect he is the Father, and in another the Son*. *Gregory Nazianzen* in oppoſition to *Sabellianiſm*, ſaith, *We muſt believe one God, and three Hypoſtaſes*, and commends *Athanaſius* for preſerving the true Mean, in aſſerting *the Unity of Nature, and the Diſtinction of Properties*. St. *Baſil* ſaith, *That the* Sabellians *made but one Perſon of the Father and Son; that in Name they confeſſed the Son, but in reality they denied him*. In another place, *That the* Sabellians *aſſerted but one Hypoſtaſis in the divine Nature, but that God took ſeveral Perſons upon him as occaſion required; ſometimes that of a Father, at other times of a Son*; and ſo *of the Holy Ghoſt*. And to the ſame purpoſe in other places, he ſaith, *That there are diſtinct Hypoſtaſes with their peculiar properties; which being joined with the Unity of Nature, make up the true Confeſſion of Faith*. There were ſome who would have but *one Hypoſtaſis*, whom he oppoſes with great vehemency; and the Reaſon he gives, is, *That then they muſt make the Perſons to be mere Names*, which is *Sabellianiſm*. And he ſaith, *That if our Notions of diſtinct Perſons have no certain Foundation they are mere Names, ſuch as* Sabellius *called Perſons*. But by this *Foundation* he doth not mean any *diſtinct Eſſences*, but *the incommunicable Properties belonging to them, as Father, Son and Holy Ghoſt*.

Theod. Hæret. Fab. *l.* 2. *c.* 3.

Athan. de Sent. Dionyſ. *p.* 558.

Athanaſ. de Decret. Fidei Nicen. *p.* 275.

Athanaſ. de Sent. Dionyſ.

Baſil de Sp. Sancto c. 29.

Athan. Orat. 4. c. Arian *p.* 456.

Greg. Nazian. Or. I. *p.* 16, 17. Or. XXI. *p.* 380.

Baſil Hom. 27. *p.* 602, 604.

Baſil Epiſt. 141. Epiſt. 64. 391.

It is plain from hence, that the neceſſity of aſſerting *three Hypoſtaſes*, came from thence, that otherwiſe they could not ſo well diſtinguiſh themſelves from the *Sabellians*, whoſe Doctrine they utterly diſown'd, as well as *Arianiſm* and *Judaiſm*; and it appears by the Teſtimonies of *Athanaſius*, *Gregory Nazianzen*, and St. *Baſil*, that they look'd on one *as bad as the other*, and they commonly join *Judaiſm* and *Sabellianiſm* together.

Athanaſ. *p.* 567. Greg. Naz. *p.* 16. Baſil. Hom. 27.

But yet there aroſe Difficulties, whether they were to hold one *Hypoſtaſis* or *three*. The former inſiſted on the generally received Senſe of *Hypoſtaſis* for *Subſtance* or *Eſſence*; and therefore they could not hold three *Hypoſtaſes* without three *diſtinct Eſſences*, as the *Platoniſts* and *Marcioniſts* held. Upon this a Synod was called at *Alexandria* to adjuſt this matter, where both Parties were deſired to explain themſelves. Thoſe who held three Hypoſtaſes were asked, *Whether they maintained three Hypoſtaſes as the* Arians *did, of different Subſtances and ſeparate Subſiſtences, as Mankind and other Creatures are? Or as other Hereticks, three Principles or three Gods?* All which they

Ruffin. *p.* 211. Hiſt. *l.* 1.

Athan. Ep. ad Antioch. *p.* 577.

ſtedfaſtly denied. Then they were asked, *Why they uſed theſe terms?* They anſwered, *Becauſe they believed the Holy Trinity to be more than mere Names; and that the Father, and Son, and Holy Ghoſt had a real Subſiſtence belonging to them; but ſtill they held but one Godhead, one Principle, and the Son of the ſame Subſtance with the Father; and the Holy Ghoſt not to be a Creature, but to bear the ſame proper and inſeparable Eſſence with the Father and the Son.* Then the other ſide were asked, *When they aſſerted but one Hypoſtaſis, whether they held with* Sabellius *or not; and that the Son and Holy Ghoſt had no Eſſence or Subſiſtence?* Which they utterly denied; but ſaid, that their meaning was, *That Hypoſtaſis was the ſame with Subſtance; and by one Hypoſtaſis they intended no more, but that the Father, Son, and Holy Ghoſt were of the ſame individual Subſtance;* (for the Words are διὰ τὴν ταυτότητα τῆς φύσεως) and ſo they held *but one Godhead and one divine Nature*, and upon theſe terms they agreed. From whence it follows, that the Notion of *three Hypoſtaſes*, as it was received in the Chriſtian Church, was to be underſtood ſo as to be conſiſtent with the *Individual Unity* of the *divine Eſſence.* And the great rule of the Chriſtian Church was to keep in the middle, between the Doctrines of *Sabellius* and *Arius*; and ſo by degrees the Notion of *three Hypoſtaſes* and *one Eſſence* was look'd on in the Eaſtern Church, as the moſt proper Diſcrimination of the Orthodox from the *Sabellians* and *Arians.*

But the Latin Church was not ſo eaſily brought to the uſe of three *Hypoſtaſes*, becauſe they knew no other Senſe of it, but for *Subſtance* or *Eſſence*; and they all denied that there was any more than *one divine Subſtance*, and therefore they rather embraced the Word *Perſona*; and did agree in the name of *Perſons* as moſt proper to ſignifie their meaning, which was, *That there were three which had diſtinct ſubſiſtences, and incommunicable properties, and one and the ſame divine Eſſence.* And ſince the Notion of it is ſo well underſtood to ſignifie ſuch a peculiar Senſe, I ſee no reaſon why any ſhould ſcruple the uſe of it. As to its *not being uſed in Scripture*, *Socinus* himſelf deſpiſes it, and allows it to be no good reaſon. For when *Franciſcus Davides*
Socin. Vol. I. p. 778. objected, *That the terms of Eſſence and Perſon were not in Scripture*; *Socinus* tells him, *That they expoſed their cauſe who went upon ſuch grounds; and that if the ſenſe of them were in Scripture, it was no matter whether the terms were or not.*

Having thus clear'd the Notion of three *Perſons*, I return to the *Senſe* of *Scripture* about theſe matters; and our *Unitarians* tell us, that *we ought to interpret Scripture otherwiſe.* How doth that appear? They give us very little encouragement to follow their *Interpretations*, which are ſo new, ſo forced, ſo different from the general Senſe of the Chriſtian World, and which, I may ſay, reflect ſo highly on the Honour of Chriſt and his Apoſtles, *i. e.* by making uſe of ſuch Expreſſions, which if they do not mean what to honeſt and ſincere Minds they appear to do, muſt be intended (according to them) to ſet up *Chriſt* a mere *Man* to be *a God.* And if ſuch a thought as this could enter into the Mind of a thinking Man, it would tempt him to ſuſpect much more as to thoſe Writings, than there is the leaſt colour or reaſon for. Therefore theſe bold inconſiderate Writers ought to reflect on the conſequence of ſuch ſort of Arguments, and if they have any regard to Chriſtianity, not to trifle with *Scripture* as they do.

Notes on Athanaſ. his Creed, p 13 But ſay they, *The queſtion only is, Whether we ought to interpret Scripture when it ſpeaks of God, according to Reaſon or not, that is, like Fools or like wiſe Men? Like wiſe Men* no doubt, if they can hit upon it; but they go about it as untowardly as ever Men did. For is this *to interpret Scripture like wiſe Men*, to take up ſome *novel Interpretations* againſt the *general ſenſe* of the Chriſtian Church from the Apoſtles times? Is this to act *like wiſe Men*, to raiſe Objections againſt the Authority of the Books they cannot anſwer, and to cry out of falſe *Copies* and *Tranſlations* without reaſon, and to render all places ſuſpicious which make againſt them? Is this *to interpret Scripture like wiſe Men*, to make our Saviour affect to be thought a *God*, when he knew himſelf to be a *mere Man*, and by their own Confeſſion had not his *divine Authority* and *Power* conferr'd upon him? And to make his Apoſtles ſet up the *Worſhip* of a *Creature*, when their deſign was to take away the Worſhip of all ſuch, *who by Nature are not Gods*? Is this *like wiſe Men*, to tell the World, *that theſe were only ſuch Gods whom they had ſet up, and God had not appointed*; as though there were no *real Idolatry*, but in *giving divine Worſhip* without God's Command.

Anſwer to my Sermon, p. 14.

CHAP. VIII.

The Socinian *Senſe of Scripture examin'd.*

BUT they muſt not think to eſcape ſo eaſily for ſuch a groundleſs and preſumptuous ſaying; that *they interpret the Scripture not like Fools, but like wiſe Men*, becauſe the *true ſenſe of Scripture* is really the main point between us, and therefore I ſhall more carefully examine the *wiſe ſenſe* they give of the chief places which relate to the matter in hand.

1. Is this *to interpret Scripture like wiſe Men*, to make the Author to the *Hebrews* in one Chapter, and that but a ſhort one, to bring no leſs than four places out of the *Old Teſtament*, and according to their Senſe, not one of them proves that which he aimed at, *viz.* that *Chriſt was ſuperiour to Angels*, as will appear by the Senſe they give of them. *Heb.* 1. 5. *For unto which of the Angels ſaid he at any time, Thou art my Son, this day have I begotten thee? Theſe Words*, ſay they, *in their original and primary ſenſe are ſpoken of* David, *but in their myſtical ſenſe are a Prophecy concerning Chriſt.* Was this myſtical ſenſe primarily intended or not? If not, they are only an accommodation and no proof. But they ſay, even in that myſtical ſenſe, *they were intended not of the Lord Chriſt's ſuppos'd Eternal Generation from the Eſſence of the Father, but of his Reſurrection from the dead.*

Hiſt. of the Unit. p. 15. Edit. 2.

But if that be not taken as an *Evidence* of his being *the Eternal Son of God*, how doth this prove him *above Angels*?

Heb. 1. 6. *And again, when he bringeth his firſt-begotten into the World, he ſaith, And let all the Angels of God worſhip him.* This one would think home to the buſineſs; but our *wiſe Interpreters* tell us plainly, *That the Words were uſed by the Pſalmiſt on another occaſion*, i. e. they are nothing to the purpoſe. But being told of this, inſtead of mending the matter, they have made it far worſe; for upon *ſecond Thoughts* (but not *wiſer*) they ſay, *The words are not taken out of the Pſalm, but out of* Deut. 32. 43. where the words are not ſpoken *of God, but of God's People*; and *if this be ſaid of God's People*, they hope it may be ſaid of Chriſt too, without *concluding from thence, that Chriſt is the ſupreme God.* But we muſt *conclude* from hence, that theſe are far from being *wiſe Interpreters*; for what conſequence is this, *the Angels worſhip God's People*, therefore Chriſt is ſuperiour to Angels?

Hiſt. of the Unit. p. 17.

Defence of the Hiſtory of the Unit. p. 39.

Heb. 1. 8. *Thy Throne O God is for ever and ever*, i. e. ſay they, *God is thy Throne for ever.* And ſo they relate not *to Chriſt*, but *to God*. And to what purpoſe then are they brought?

Hiſt. of the Unit. p. 16.

Ibid. p. 17.

Heb. 1. 10. *Thou Lord in the beginning haſt laid the foundation of the Earth, and the Heavens are the Work of thy Hands. Theſe words,* ſay they, *are to be underſtood not of Chriſt, but of God.* Which is to charge the Apoſtle with arguing out of the old Teſtament very impertinently. Is this *interpreting the Scriptures like wiſe Men?* Is it not rather expoſing and ridiculing them?

Anſw r to Dr. Wallis *his Letter,* p. 9.
Anſwer to my Sermon, p. 9.
Re*flections on* Dr. Bull, *p.* 39. 46.

2. *Is this to interpret Scripture like wiſe Men,* to give ſuch a forced Senſe of *the beginning of St.* John*'s Goſpel,* as was never thought of from the writing of it, till ſome in the laſt Age thought it neceſſary to avoid the proof of Chriſt's Divinity from it. For the Λόγος was never taken, in the Senſe they put upon it, for him that *was to preach the Word* in St. *John*'s time; but the ſignification of it was then well underſtood from the *Alexandrian School* (as appears by *Philo*) whence it was brought by *Cerinthus* into thoſe parts of *Aſia,* where St. *John* lived when he wrote his Goſpel: and one of themſelves confeſſes, that *Cerinthus* did by the Λόγος mean *ſomething divine, which reſted upon, and inhabited the Perſon of Jeſus, and was that power by which God created original Matter and made the World, but as the Chriſt or the Word deſcended on Jeſus at his Baptiſm, ſo it left him at his Crucifixion.* That which I obſerve from hence is, that there was a known and current Senſe of the Λόγος at the time of St. *John*'s writing his Goſpel, very different from that *of a Preacher of the Word of God*; and therefore I cannot but think it the wiſeſt way of *interpreting St.* John, to underſtand him in a Senſe then *commonly known*; and ſo he affirms the Λόγος to have been *in the beginning,* i. e. before the Creation (for he ſaith afterwards, *All things were made by him*) and that *he was with God, and was God*; and this Word did not inhabit *Jeſus,* as *Cerinthus* held, but *was made Fleſh and dwelt among us.* And ſo St. *John* clearly aſſerted the *Divinity* and *Incarnation of the Son of God.* And in all the Diſputes afterwards with *Paulus Samoſatenus* and *Photinus,* it appears, that they underſtood the Λόγος not for any *mere Man,* but for ſome *Divine Power,* which reſted upon the Perſon of *Jeſus.* So that this was a very late, and I think no very *wiſe Interpretation* of St. *John.* And even *Sandius* confeſſes, *That* Socinus *his Senſe was wholly new and unheard of in the ancient Church; not only among the Fathers, but the Hereticks,* as I have before obſerved. For they agreed (except their good Friends the *Alogi* who went the ſureſt way to work) that by the Word *no mere Man was underſtood. Let them produce one if they can,* ſaith *Sandius* (even the learned and judicious *Sandius.*) Did they all *interpret the Scriptures like Fools, and not like wiſe Men?* But if the *Chriſtian Interpreters were ſuch Fools*; what think they of the *Deiſts,* whom they ſeem to have a better opinion of, as to their *Wiſdom?* What, if Men without Biaſs of Intereſt, or Education think ours the more proper and agreeable Senſe?

Sand. p. 93.

Anſwer to Archbiſh p. 51.

The late Archbiſhop to this purpoſe had mention'd *Amelius the Platoniſt, as an indifferent Judge.* But what ſay our *Wiſe Interpreters* to this? Truly they ſay, *That the Credit of the* Trinitarian *Cauſe runs very low, when an uncertain Tale of an obſcure* Platoniſt *of no reputation for Learning or Wit, is made to be a good part of the Proof which is alledged for theſe Doctrines.* If a Man happen to ſtand in their way, he muſt be content with ſuch a Character as they will be pleaſed to give him. If he had deſpiſed St. *John*'s *Goſpel,* and manner of expreſſion, he had been as *Wiſe* as the *Alogi*; but notwithſtanding the extraordinary Character given of Friend *Amelius* (as they call him) by *Euſebius,* by *Porphyrius,* by *Proclus,* and by *Damaſcius,* this very Saying of his ſinks his Reputation for ever with them. What would *Julian* have given for ſuch *Wiſe Interpretation of* St. *John?* When he cannot deny, but that he did ſet up the *Divinity of Chriſt* by theſe Expreſſions; and upbraids the *Chriſtians* of *Alexandria, for giving Worſhip to Jeſus as the Word and God?*

Euſeb. Præp. Evang *l.* 11. *c.* 18.
Cyril. *c* Julian. *l.* 10. *p.* 427. 335.
Julian ep. 51.

With what ſatisfaction would he have received ſuch a Senſe of his Words; when he Complemented *Photinus* for denying the *Divinity of Chriſt*; while other *Chriſtians* aſſerted it?

Facund. *l.* 4. *p.* 163.

But they do not by any means deal fairly with the late Archbiſhop as to the Story of *Amelius*; for they bring it in, as if he had laid the weight of the Cauſe upon it; whereas he only mentions it, as a Confirmation, of a probable Conjecture, *That* Plato *had the Notion of the Word of God from the* Jews; *becauſe that was a Title which the* Jews *did commonly give to the Meſſias, as he proves from* Philo, *and the* Chaldee *Paraphraſt*. To which they give no manner of Anſwer. But they affirm in anſwer to my Sermon, *p.* 9. That *Socinus* his Senſe was, *That Chriſt was called the Word, becauſe he was the Bringer or Meſſenger of God's Word*. But were not the *Jews* to underſtand it in the Senſe it was known among them? And if the *Chaldee* Paraphraſt had uſed it in that Senſe, he would never have applied it to a Divine Subſiſtence, as upon Examination it will appear that he doth. Of which *Rittangel* gives a very good Account, who had been a *Jew* and was very well skilled in their ancient Learning. He tells us, That he had a Diſcourſe with a learned *Unitarian* upon this Subject, who was particularly acquainted with the Eaſtern Languages; and he endeavoured to prove, *That there was nothing in the* Chaldee *Paraphraſts* uſe of ממרא, *becauſe it was promiſcuouſly uſed by him for* דבר *where it was applied to God*. This *Rittangel* denied; and offer'd to prove, that the Chaldee *Paraphraſt* did never uſe that Word in a common manner, but as it was appropriated to a Divine Subſiſtence. He produces ſeveral places where ממרא יי is put, and nothing anſwering to *Word* in the *Hebrew*, as *Gen.* 20. 21. The *Chaldee* hath it, *The Word of Jehovah ſhall be my God*, Exod. 2. 25. And *Jehovah* ſaid, *He would redeem them by his Word*, Exod. 6. 8. *Your murmurings are not againſt us, but againſt the Word of Jehovah*, Exod. 19. 17. *And* Moſes *brought the People out to meet the Word of Jehovah*, Levit. 26. 46. *Theſe are the Statutes and Judgments, and Laws, which Jehovah gave between his Word and the Children of Iſrael by the hand of Moſes*, Numb. 11. 20. *Ye have deſpiſed the Word of Jehovah whoſe Divinity dwelt among you*, Num. 23. 21. *The Word of Jehovah is with him, and the Divinity of their King is among them*, Deut. 1. 30. *The Word of Jehovah ſhall fight for you*, Deut. 2. 7. *Theſe forty years the Word of Jehovah hath been with thee*, Deut. 1. 32. *Ye did not believe in the Word of Jehovah your God*, Deut. 4. 24. *Jehovah thy God, his Word is a conſuming fire*, Deut. 5. 5. *I ſtood between the Word of Jehovah and you, to ſhew you the Word of the Lord*, Deut. 32. 6, 8. *Jehovah thy God, his Word ſhall go with thee*, with many other places, which he brings out of *Moſes* his Writings; and there are multitudes to the ſame purpoſe in the other Books of Scripture; which ſhews, ſaith he, that this Term *the Word of God*, was ſo appropriated for many Ages; as appears by all the *Chaldee Paraphraſts*, and the ancient Doctors of the *Jews*. And he ſhews by ſeveral places, that the *Chaldee Paraphraſt* did not once render דבר by ממרא when there was occaſion for it; no, not when the Word of God is ſpoken of with reſpect to a Prophet; as he proves by many Teſtimonies; which are particularly enumerated by him. The reſult of the Conference was, that the *Unitarian* had ſo much Ingenuity to confeſs, *That unleſs thoſe Words had another Senſe, their Cauſe was loſt; and our Faith had a ſure Foundation.*

Rittangel *in* Jezirah *p.* 95.

But it may be objected that *Morinus* hath ſince taken a great deal of pains to prove the *Chaldee Paraphraſts, not to have been of that Antiquity, which they have been ſuppoſed by the Jews to be of.*

Morinus Exerc. Biblic. *l.* 3. Exerc. 8. *c.* 6.

In anſwer to this, we may ſay in general, that *Morinus* his great Proofs are againſt another *Chaldee Paraphraſt* of very ſmall Reputation, *viz.* of *Jonathan* upon the Law; and not that of *Onkelos*, which *Rittangel* relied upon in this Matter. And none can deny this to have been very ancient; but the *Jews* have ſo little knowledge of their own Hiſtory, but what is in Scripture, that very little certainty can be had from them. But we muſt compare the Circumſtances of things, if we would come to any reſolution in this Matter. Now it is certain, that *Philo* the *Alexandrian Jew*, who lived ſo very near our Saviours time, had the ſame Notion of *the Word of God*, which is in the *Chaldee Paraphraſt:* whoſe Teſtimonies have been produced by ſo many already, that I need not to repeat them.

Euſebius Dem. Evang. *l.* 4. *c.* 1.

And *Euſebius* ſaith, *The* Jews *and* Chriſtians *had the ſame Opinion as to Chriſt, till the former fell off from it in oppoſition to the* Chriſtians; and he particularly inſtances in his *Divinity.* But if *Morinus* his Opinion be embraced, as to the lateneſs of theſe *Chaldee Paraphraſes*, this inconvenience will neceſſarily follow, *viz.* That the *Jews* when they had changed ſo much their Opinions, ſhould inſert thoſe Paſſages themſelves which aſſert the *Divinity of the Word.* And it can hardly enter into any Man's Head that conſiders the Humour of the Jewiſh Nation, to think, that after they knew what St. *John* had written concerning *the Word*; and what uſe the *Chriſtians* made of it to prove *the Divinity of Chriſt*, they ſhould purpoſely inſert ſuch paſſages in that *Paraphraſe* of the Law which was in ſuch eſteem among them, that *Elias Levita* ſaith, *They were under Obligation to read two* Paraſcha's *out of it every Week, together with the Hebrew Text.* Now, who can imagine that the *Jews* would do this upon any other account, than that it was deliver'd down to them, by ſo ancient a Tradition, that they durſt not diſcontinue it. And it is obſerved in the place of Scripture which our Saviour read in the Synagogue, that he follow'd neither the Hebrew nor the Greek, but in probability the *Chaldee Paraphraſe*; and the Words he uſed upon the Croſs, were in the *Chaldee* Dialect.

Bichin. Happeraſch. *p.* 21.

The latter *Jews* have argued againſt the *Trinity*, and the *Divinity* of *Chriſt* like any *Unitarians*, as appears by the Collection out of *Joſeph Albo, David Kimchi*, &c. publiſhed by *Genebrard*, with his Anſwers to them. And is it any ways likely, that thoſe who were ſo much ſet againſt theſe Doctrines, ſhould themſelves put in ſuch Expreſſions, which juſtifie what the *Evangeliſt* ſaith about *the Word, being in the Beginning, being with God, and being God?*

Paris, A. D. 1566.

The Subſtance of what I have ſaid, as to St. *John*'s Notion of the *Word*, is this; That there is no colour for the Senſe which *Socinus* hath put upon it; either from the uſe of it among other Authors, or any Interpretation among the Jews. But that there was in his time a current ſenſe of it, which from the Jews of *Alexandria*, was diſperſed by *Cerinthus* in thoſe parts where he lived. That for ſuch a Notion there was a very ancient Tradition among the Jews, which appears in the moſt ancient Paraphraſe of the Law, which is read in their Synagogues. And therefore according to all reaſonable ways of interpreting Scripture, the *Word* cannot be underſtood in St. *John*, for one whoſe Office it was *to preach the Word*, but for that *Word* which *was with God* before any thing was made, and *by whom all things were made.*

Joh. 1. 1. 3. 13. 6. 38, 62. 8. 42.

3. Is this *to interpret Scripture like wiſe Men*, to give a new Senſe of ſeveral Places of Scripture from *a matter of Fact* of which there is no proof, the better to avoid the proof of the Divinity of the Son of God?

Anſwer to the Archbiſhop's Serm p. 56 *Anſwer to my Sermon*, p. 10.

This relates to the ſame beginning of St. *John's Goſpel*, *the Word was with God*; and ſeveral other places, making mention of his deſcent from Heaven. The ſenſe which theſe wiſe Interpreters put upon them is, that Chriſt *was rapt up into Heaven, before he entred upon his Preaching.* But where is this ſaid? What Proof, what Evidence, what credible Witneſſes of it, as there were of his *Transfiguration*, *Reſurrection* and *Aſcenſion?* Nothing like any Proof is offer'd for it; but it is a *wiſe way* they think of avoiding a preſſing difficulty.

But they have a farther reach in it, *viz.* to ſhew how Chriſt, being a *meer Man*, ſhould be qualified for ſo great an Undertaking as the founding the Chriſtian Church; and therefore they ſay, *That before our Lord entred upon his Office of the Meſſias, he was taken up to Heaven to be inſtructed in the Mind and Will of God* (*as* Moſes *was into the Mount*, Exod. 24. 1, 2, 12.) *and from thence deſcended to execute his Office, and declare the ſaid Will of God.* *Hiſt. of the* Unit. *p.* 29. In another place, *That when it is ſaid, the Word was with God*; that is, *the Lord Chriſt was taken up into Heaven to be inſtructed in all points relating to his Ambaſſage or Miniſtry.* *Anſwer to my Sermon*, p. 9. In a third, they ſay, *That our Saviour before he entred upon his Miniſtry, aſcended into Heaven, as* Moſes *did into the Mount, to be inſtructed in all things belonging to the Goſpel Doctrine, and Polity which he was to eſtabliſh and adminiſter.* *Anſw. to the Archbiſhop*, p. 56. Now conſidering what ſort of a Perſon they make Chriſt to have been, *viz. a meer Man*; this was not ill thought of by them; to ſuppoſe him *taken up into Heaven and there inſtructed in what he was to teach and do*, as Moſes *was into the Mount* before he gave the Law. But here lies a mighty difference; when *Moſes* was called up *into the Mount*, the People had publick notice given of it; and *he took* Aaron *and his Sons, and Seventy Elders of* Iſrael with him; *who ſaw the Glory of God*, v. 10. *And all* Iſrael *beheld the Glory of the Lord as a devouring Fire on the top of the Mount*, v. 17. and after the 40 days were over, it is ſaid, *That* Moſes *came down from the Mount, and the Children of* Iſrael *ſaw him with his Face ſhining*, Exod. 34. 40. Now if Chriſt were *taken up into Heaven*, as Moſes *was into the Mount*, why was it not made publick at that time? why no Witneſſes? why no Appearance of the Glory to ſatisfie Mankind of the truth of it? And yet we find, that when he was *transfigured on the holy Mount, he took* Peter, *and* James, *and* John *with him*; which Circumſtance is carefully mention'd by the *Evangeliſts*. Matt. 17. 1. Mar. 9. 2. Luk. 9. 28. And Peter, who was one of the *Witneſſes* then preſent, lays great weight upon this being done in *the preſence of Witneſſes. For we have not follow'd cunningly deviſed Fables, when we made known unto you the Power and coming of our Lord Jeſus Chriſt, but were Eye-witneſſes of his Majeſty.* 2 Pet. 1. 16. *For he received from God the Father, Honour and Glory, when there came ſuch a Voice to him from the excellent Glory*——. 17. *And this Voice which came from Heaven we heard, when we were with him in the holy Mount.* 18. Now let any one compare this with the account which they give of *Chriſt's Aſcenſion into Heaven*. The *Transfiguration* was intended only for a particular Teſtimony of God's Favour, before his Suffering; but even in that he took care there ſhould be very credible Witneſſes of it. And is it then poſſible to believe, there ſhould be ſuch an *Aſcenſion of Chriſt into Heaven*, for no leſs a purpoſe, than *to be inſtructed in his Ambaſſage, and to underſtand the Mind and Will of God, as to his Office*; and yet not one of the Evangeliſts give any account of the Circumſtances of it? They are very particular, as to his Birth, Faſting, Baptiſm, Preaching, Miracles, Sufferings, Reſurrection and Aſcenſion; but not one Word among them all as to the Circumſtances of his *being taken up into Heaven* for ſo great a purpoſe? If it were neceſſary to be believed, why is it not more plainly revealed? Why not the time and place mention'd in Scripture, as well as of his *Faſting* and *Temptation?* Who can imagine it conſiſtent with that *Sincerity* and *Faithfulneſs* of the Writers of the *New Teſtament*, to conceal ſo material a Part of Chriſt's Inſtructions and Qualifications; and to wrap it up in ſuch doubtful Expreſſions, that none ever found out this meaning till the days of *Socinus?* *Enjedinus* mentions it only as a *poſſible Senſe*; but he confeſſes, *That the New Teſtament ſaith nothing at all of it*; *but*, ſaith he, *neither*

Enjed. in Joh. 6. 62.

ther doth it mention other things before he entred upon his Office. But this is a very weak Evaſion, for this was of greateſt importance with reſpect to his Office, more than his *Baptiſm*, *Faſting* and *Temptation*; yet theſe are very fully ſet down.

And after all, our *Unitarians* themſelves ſeem to miſtruſt their own *Interpretations*; for in their *anſwer to my Sermon*, they ſay, *it is not the Doctrine of all the* Unitarians, *and refer me to another account given of theſe Texts in the Hiſtory of the* Unitarians. There indeed I find *Grotius* his interpretation (as they call it) prefer'd before that of *Socinus*. But they ſay, *Grotius was Socinian all over, and that his Annotations are a compleat Syſtem of Socinianiſm; and his Notes on the firſt of St.* John *are written artificially, but the Senſe at the bottom is theirs.* In ſhort, *That the Word, according to* Grotius, *is not an eternal Son of* God, *but the Power and Wiſdom of* God; *which abiding without meaſure on the Lord Chriſt, is therefore ſpoken of as a Perſon and as one with Chriſt, and he with that. And this Notion of the Word leads a Man through all the difficulties of this Chapter, with far more eaſe than any hitherto offer'd.* But theſe *wiſe Interpreters* have as much miſinterpreted *Grotius*, as they have done the *Scriptures*, as I ſhall make it appear.

Anſwer to my Sermon, p. 10. *Hiſtory of the* Unit. *p.* 26. p. 11. p. 28.

(1.) *Grotius* on *John* 6. 62. interprets *Chriſt's Aſcenſion into Heaven*, of his *corporal Aſcent* thither after his *Reſurrection*, where the Λόγος or *Word* was before, of whom it is ſaid, *That the Word was with God.* But how comes Chriſt to aſſume that to *himſelf* which belong'd *to the Word*? He anſwers, *Why not, ſince we call Body and Soul by the Name of the Man?* But if no more were meant by the Word, but a divine Attribute of *Wiſdom* and *Power*, what colour could there be for the *Son of Man* taking that to himſelf, which belonged to an Attribute of God? What ſtrange way of arguing would this have been? *What, and if ye ſhall ſee the Son of Man aſcending where he was before?* For according to this Senſe, how comes a divine Attribute to be called the *Son of Man*? How could the *Son of Man* be ſaid *to aſcend* thither, where a divine Attribute was before? The Words ὅπου ἦν τὸ πρότερον. muſt relate to *him* ſpoken of before; and how could the Power and Wiſdom of God be ever ſaid to be the *Son of Man*? But if we ſuppoſe a perſonal Union of the Word with the humane Nature in Chriſt, then we have a very reaſonable Senſe of the Words; for then no more is imply'd, but that Chriſt, as conſiſting of both Natures, ſhould aſcend thither, where the *Word was before*; when it is ſaid, that *the Word was with God*; and ſo *Grotius* underſtands it.

(2.) *Grotius* doth not make *the Word* in *the beginning of St.* John*'s Goſpel to be a mere Attribute of Wiſdom and* Power, but *the Eternal Son of God.* This I ſhall prove from his own Words.

1. He aſſerts in his *Preface* to St. *John*'s *Goſpel*, that the chief cauſe of his writing was univerſally agreed to have been to prevent the ſpreading of that Venom which had been then diſperſed in the Church; which he underſtands of the *Hereſies* about Chriſt and the Word. Now among theſe, the Hereſie of *Cerinthus* was this very Opinion which they faſten upon *Grotius*; viz. that *the Word was the Divine Wiſdom and Power inhabiting in the Perſon of Jeſus*, as I have ſhew'd before from themſelves. And beſides, *Grotius* ſaith, *That the other Evangeliſts had only intimated the divine Nature of Chriſt from his miraculous Conception, Miracles, knowing Mens Hearts, perpetual Preſence, promiſe of the Spirit, remiſſion of Sins*, &c. *But St.* John, *as the time required, attributed the Name and Power of God to him from the beginning.* So that by the *Name and Power of God*, he means the ſame which he called *the divine Nature* before.

2. He ſaith, that when it is ſaid, *The Word was with God*; it ought to be underſtood as *Ignatius* explains it, *with the Father*; what can this mean, unleſs

leſs he underſtood the Word to be *the eternal Son of God?* And he quotes *Tertullian*, ſaying, that *he is the Son of God, and God* ex unitate Subſtantiæ; *and that there was a Prolation of the Word without Separation.* Now what *Prolation* can there be of a meer Attribute? How can that be ſaid to be *the Son of God begotten of the Father, without Diviſion, before all Worlds*, as he quotes it from *Juſtin Martyr?* And that *he is the Word, and God of God*, from *Theophilus Antiochenus?* And in the next Verſe, when it is ſaid, *The ſame was in the beginning with God*; it is repeated on purpoſe, ſaith he, That we might conſider, that God is ſo to be underſtood, that a Diſtinction is to be made between *God, with whom he was, and the Word who was with God*; *ſo that the Word doth not comprehend all that is God.* But our *wiſe Interpreters* put a ridiculous Senſe upon it; as though all that *Grotius* meant was, *That God's Attributes are the ſame with himſelf* (which although true in it ſelf, is very impertinent to *Grotius* his purpoſe) and that the Reaſon why he ſaith, *That the Word is not all that God is*, was, *becauſe there were other Attributes of God beſides.* But where doth *Grotius* ſay any thing like this? Is this *wiſe Interpreting?* or honeſt and fair dealing? For *Grotius* immediately takes notice from thence of the Difference of *Hypoſtaſes*; which he ſaith was taken from the *Platoniſts*, but with a *change of the Senſe.*

3. When it is ſaid, *v.* 3. *That all things were made by him*; *Grotius* underſtands it of *the old Creation, and of the Son of God.* For, he quotes a paſſage of *Barnabas*, where he ſaith, *The Son is the work of his hands*; and ſeveral paſſages of the *Fathers* to prove, *That the World and all things in it were created by him*; and he adds, *That nothing but God himſelf is excepted.* What ſay our *wiſe Interpreters* to all this? Nothing at all to the purpoſe; but they cite *the Engliſh Geneva Tranſlation* (when they pretend to give *Grotius* his Senſe) and add, *That the Word now begins to be ſpoken of as a Perſon by the ſame Figure of Speech, that* Solomon *ſaith, Wiſdom hath builded her Houſe*, &c. Doth *Grotius* ſay any thing like this? And yet they ſay, *Let us hear* Grotius *interpreting this ſublime Proeme of St.* John's *Goſpel.* But they leave out what he ſaith, and put in what he doth not ſay; is not this *interpreting like wiſe Men?*

4. *The Word was made fleſh*, v. 14. i. e. ſay the *Unitarians* as from *Grotius*; *It did abide on, and inhabit a humane Perſon, the Perſon of Jeſus Chriſt; and ſo was in appearance made Fleſh or Man.* But what ſaith *Grotius* himſelf? *The Word that he might bring us to God, ſhew'd himſelf in the Weakneſs of humane Nature; and he quotes the Words of St.* Paul *for it*, 1 Tim. 3. 16. *God was manifeſt in the fleſh:* and then produces ſeveral Paſſages of the Fathers to the ſame purpoſe. Is not this a rare *Specimen* of *wiſe Interpreting*, and *fair dealing* with ſo conſiderable a Perſon, and ſo well known, as *Grotius?* Who, after all, in a Letter to his intimate Friend *Ger. J. Voſſius*, declares, that he owned the *Doctrine of the Trinity*, both in his *Poems* and his *Catechiſm*, after his reviewing them; which Epiſtle is printed before the laſt Edition of his Book about *Chriſt's Satisfaction*; as an account to the World of *his Faith as to the Trinity.* And in the laſt Edition of his *Poems*, but little before his Death, he gives a very different Account of *the Son of God* from what theſe *Unitarians* faſten upon him. And now let the World judge, how *wiſely* they have *interpreted* both St. *John*, and his Commentator *Grotius?*

H. Grot. Opuſc. *p.* 294. T. 3.

Chriſte caput rerum vitæ melioris Origo,
Immenſi menſura Patris, quem mente Supremâ
Miratus ſeſe Genitor, de Lumine Lumen
Fundit, & æquali ſe ſpectat imagine totum.
H. Grot. Syl. *p.* 8. *Ed.* 1643.

IV. Is this to *interpret Scripture like wiſe Men*, to make our Saviour's meaning to be expreſly contrary to his Words? For when he ſaid, *Before Abraham was, I am*; they make the Senſe to be that really he was not, but only *in God's Decree*, as any other Man may be ſaid to be. This place the late *Archbiſhop* (who was very far

Joh. 8.58.

from being a *Socinian*, however his Memory hath been very unworthily reproached in that as well as other Reſpects ſince his Death) urged againſt the *Socinians*, ſaying, *That the obvious ſenſe of the Words is, that he had a real Exiſtence before* Abraham *was actually in Being*; *and that their Interpretation about the Decree is ſo very flat, that he can hardly abſtain from ſaying it is ridiculous.* And the wiſe Anſwer they give is, *That the Words cannot be true in any other Senſe, being ſpoken of one who was a Son, and Deſcendant of Abraham.* Which is as ridiculous as the Interpretation; for it is to take it for granted, he was no more than a *Son of* Abraham.

Anſwer to the Arch-biſhop, p. 58.

V. Is this *to interpret Scripture like wiſe Men*, to ſay, that when our Saviour ſaid in his Conference with the *Jews*, *I am the Son of God*, his chief meaning was, *That he was the Son of God in ſuch a ſenſe, as all the faithful are called God's Children?* Is not this doing great Honour to our Saviour? Eſpecially when they ſay, *That he never ſaid of himſelf any higher than this, which is true of every good man, I am the Son of God.* And yet the *Jews* accuſed him of *Blaſphemy, for making himſelf the Son of God*; and the High Prieſt adjured him to tell, *Whether he were the Chriſt, the Son of God?*

Joh. 10. 36

Anſwer to Milb. *p.* 31.

Ib. *p.* 30.

Joh. 19. 7. Matt. 26. 63.

Did they mean no more, but *as any good Man is?*

But Mr. *Selden* ſaith, that by *the Son of God* the Jews *meant the Word of God (as he is called in the* Chaldee Paraphraſt) *which was all one as to profeſs himſelf God:* And our learned Dr *Pocock* ſaith, That *according to the ſenſe of the ancient Jews, the Son of God ſpoken of,* Pſal. 2. *was the eternal Son of God, of the ſame ſubſtance with the Father.*

Selden de Jure Nat. & Gent. *l.* 2. c. 12. Pocock Not. Miſcel. ad Maim. *p.* 307, &c.

And by this we may underſtand St. *Peter*'s Confeſſion, *Thou art the Chriſt, the Son of the living God*; and *Nathanael*'s, *Thou art the Son of God.* But it is plain, the *Jews* in the Conference thought *he made himſelf God*, by ſaying, *I and my Father are One. Not one God*, ſay our *wiſe Interpreters*, *but as Friends are ſaid to be One.* And what muſt they think of our Saviour the mean time, who knew the *Jews* underſtood him quite otherwiſe, and would not undeceive them?

Matt. 16. 16. S. Joh. 6. 69. 1. 49. 10. 30, 33. *Hiſt. of* Unitar. *p.* 29.

But they ſay, *The* Jews *put a malicious Conſtruction upon his Words.* How doth that appear? Do they think the *Jews* had not heard what paſſed before in ſome former Conferences, when they thought he had made himſelf *equal with God*; and that he ſaid, *That all Men ſhould honour the Son even as they honoured the Father?*

Anſwer to Milb. *p.* 29.

Joh. 5. 18. 23.

Theſe Sayings no doubt ſtuck with them; and therefore from them they had Reaſon to think that he meant ſomething extraordinary, by his ſaying, *I and my Father are One.* And if they were ſo *wiſe* in *interpreting Scripture*, as they pretend, they would have conſidered, that if theſe things did not imply his being really the Son of God, according to the old Jewiſh Notion, he would have ſeverely checked any ſuch Miſconſtructions of his meaning, and have plainly told them, he was but *the Son of Man.* But St. *Paul*'s Character of him doth plainly ſhew, that he was far from any thing like Vanity or Oſtentation, *Although he was in the form of God, and thought it no robbery to be equal with God*; which muſt imply that he was very far from aſſuming any thing to himſelf: which he muſt do in a very high meaſure, if he were not really the Son of God, ſo as to be *equal with God.* The meaning whereof, ſay our *wiſe Interpreters*, is, *he did not rob God of his Honour by arrogating to himſelf to be God, or equal with God.* But what then do they think of theſe Paſſages in his *Conferences* with the *Jews*? Was he not bound to undeceive them, when he knew they did ſo groſly miſunderſtand him, if he knew himſelf to be a *meer Man* at the ſame time? This can never go down with me, for they muſt either charge him with affecting Divine Honour, which is the higheſt degree of Pride and Vanity, or they muſt own him to be, as he was, *The Eternal Son of God.*

Phil. 2. 6, 7.

Hiſt. of Unitar. *p.* 38.

VI. Is this *interpreting Scripture like wiſe Men*, to deny *Divine Worſhip* to be given to our Saviour, when the Scripture ſo plainly requires it? When I had urged them in my *Sermon* with the Argument from *Divine Worſhip* being given to Chriſt; they do utterly *deny it*, and ſay, *I may as well charge them with the blackeſt Crimes.* This I was not a little ſurprized at, knowing how warmly *Socinus* had diſputed for it. But that I might not miſunderſtand them, I look'd into other places in their late Books, and from them I gather theſe things.

Anſwer to Serm. p. 13

1. *They make no Queſtion but ſome Worſhip is due to the Lord Chriſt, but the Queſtion is concerning the kind or ſort of Worſhip.*

Anſwer to Milb. *p.* 49.

2. *They diſtinguiſh three ſorts of Worſhip.* 1. *Civil Worſhip from Men to one another.* 2. *Religious Worſhip given on the account of a Perſon's Holineſs, or Relation to God; which is more or leſs according to their Sanctity or nearer Relation to God.* 3. *Divine Worſhip which belongs only to God; which conſiſts in a Reſignation of our Underſtandings, Wills, and Affections, and ſome peculiar Acts of Reverence and Love towards him. The two former may be given to Chriſt*, they ſay, *but not the laſt.*

From whence it follows, that they cannot, according to their own Principles, *reſign their Underſtandings, Wills, and Affections* to Chriſt; becauſe this is *proper Divine Worſhip.* Are not theſe very good Chriſtians the mean while? How can they believe ſincerely and heartily what he hath revealed, unleſs they *reſign their Underſtandings* to him? How can they love and eſteem him, and place their Happineſs in him, if they cannot *reſign their Wills and Affections* to him? I think never any who pretended to be Chriſtians, durſt venture to ſay ſuch things before, and all for fear they ſhould be thought to give *Divine Worſhip to Chriſt.*

But they confeſs, *That they are divided among themſelves about the Invocation of Chriſt. Thoſe who are for it*, ſay, *That he may be the object of Prayer without making him God, or a Perſon of God, and without aſcribing to him the Properties of the Divine Nature, Omnipreſence, Omniſcience, or Omnipotence. Thoſe who deny it*, they ſay, *do only refuſe it, becauſe they ſuppoſe he hath forbidden it, which makes it a meer Error. And in the New Teſtament*, they ſay, *the Charge is frequently renewed, that they are to worſhip God only.* And as great Writers as they have been theſe laſt ſeven years, they affirm that, *They have wrote no Book in that time, in which they have not been careful to profeſs to all the World, that a like Honour or Worſhip (much leſs the ſame) is not to be given to Chriſt as to God.* And now I hope we underſtand their Opinion right as to this matter. The Queſtion is, Whether this be *interpreting thoſe Scriptures*, which ſpeak of the *Honour and Worſhip due to Chriſt, like wiſe Men?* And for that I ſhall conſider,

Ib. Col. 1.

Anſwer to Archbiſhop's Serm. p. 25

P. 59.

1. That herein they are gone off from the opinion of *Socinus* and his Followers, as to the *ſenſe of Scripture* in thoſe places.

2. That they have done it in ſuch a way, as will juſtifie the *Pagan* and *Popiſh Idolatry*; and therefore have not *interpreted Scripture like wiſe Men.*

1. That they are gone off from the opinion of *Socinus* and his Followers, who did allow *divine Worſhip* to Chriſt. This appears by the diſputes he had with *Franciſcus Davidis* and *Chriſtianus Francken* about it. The former was about the *ſenſe of Scripture. Socinus* produced all thoſe places which mention *the Invocation of Chriſt*, and all thoſe wherein St. *Paul* ſaith, *The Grace of our Lord Jeſus Chriſt be with you all*; and, *The Lord Jeſus Chriſt direct our way*, &c. and all thoſe wherein a divine Power and Authority is given to Chriſt as head of the Church, for the ſupport of the Faith and Hope of all thoſe who believe in him in order to Salvation. And this *Socinus* truly judged to be proper divine Worſhip. *Georg. Blandrata* was unſatisfied, that *Socinus* did not ſay enough to prove the neceſſity of the In-

vocation of Chriſt, which he ſaid he could do *from his Prieſthood and his Power, from the Examples of the Apoſtles, and the very Nature of Adoration.* And *Blandrata* was a Man of great Authority among the *Unitarians*, and he thought *Socinus* ought to aſſert the *Neceſſity* of it, or elſe he would do *injury both to Chriſt and to his Cauſe.*

In the diſpute with *Francken*, *Socinus* went upon this ground, that divine Authority was a ſufficient ground for divine Worſhip, although there were not thoſe eſſential Attributes of *Omniſciency* and *Omnipotency.* But I obſerve that *Socinus* did not look on this as a matter of Liberty, as our *Unitarians* now ſeem to do; for in the Preface to the former Diſpute, he calls the Error of denying the Invocation of Chriſt not, as they now do, a *ſimple Error*, or a *meer Miſtake*; but a *moſt filthy and pernicious Error, an Error that leads to Judaiſm, and is in effect the denying of Chriſt:* And in the latter Diſpute he ſaith, *That it tends to Epicuriſm and Atheiſm.* And *Smalcius* ſaith, *That they are no Chriſtians who refuſe giving divine Worſhip to Chriſt.*

De divin Chriſti, c. 24.

2. Is it *like wiſe Men*, to go upon ſuch grounds as will juſtifie both *Pagan* and *Popiſh Idolatry?* This they have been charged with, and we ſhall ſee what wiſe Men they are, by the Defences they make for themſelves.

1. As to *Pagan Idolatry*, they ſay,

Defence of the Hiſt. of the Unit. *p.* 54.

1. *They had no divine Command for ſuch a Worſhip.* This was well thought of, when they confeſs, that ſome among themſelves deny that there is any Command for invocating Chriſt, and therefore they muſt charge all thoſe who do it with Idolatry. But this is no very wiſe Notion of Idolatry, which depends upon the Nature of the Worſhip, and not the meer poſitive Will of God.

2. *They ſet up the Creatures more than the Creator, as St.* Paul *ſaith.* St. *Paul* doth not think them ſuch Fools, that they took the Creatures to be above the Creator; which was impoſſible, while they owned one to be the Creator, and the other the Creatures; but that they gave ſuch Acts of Worſhip to them, as belong'd only to the Creator, and exceeded in the Worſhip of them thoſe bounds which ought to be between them.

3. *They ſet up an infinite number of Gods who had been meer Men.* This is, as if the queſtion were only, Whether one or a great many were to have ſuch Worſhip given them? As if it were a Diſpute about a Monarchy or a Common-wealth of Gods. But if it be lawful to give divine Worſhip to one Creature, it is to a hundred.

4. *Their Worſhip was terminated on them, and ſo they made true Gods of Men.* Suppoſe they aſſerted one ſupreme God, and made the reſt ſubordinate to him, and appointed by him to be the immediate Directors of humane Affairs; I deſire to know, Whether the Adoration of ſuch were Idolatry or not? If it were, they cannot be excuſed who give Adoration to Chriſt, while they eſteem him a mere Creature; if not, all the wiſer Pagans muſt be excuſed.

2. As to the *Papiſts*, the difference they make is not like *wiſe Interpreters of Scripture*; for they ſay,

1. *They have no Text of Scripture which commands them to worſhip St.* Peter, *St.* Paul *and St.* Francis. So ſome among them ſay, there is none for the Invocation of Chriſt; and with them the Caſe is parallel. But if *Socinus* his Principle be true, that communicated Excellency is a ſufficient Foundation for Worſhip, becauſe it is relative to the Giver; then the Papiſts muſt be juſtified in all their relative Acts of Worſhip without any Text to command it.

2. *They exceed the Bounds of Honour and Reſpect due to glorified Saints.* But who is to ſet theſe Bounds but themſelves in all Acts of relative Worſhip,

ſhip, becauſe they depend upon the intention of the Perſons? And they hold the very ſame things concerning communicated Knowledge and Power from God, which our *Unitarians* make uſe of to juſtifie their Notion of the Invocation of Chriſt.

VII. Is this *interpreting Scripture like wiſe Men*, to turn St. *Paul*'s words, *Of whom as concerning the Fleſh Chriſt came, who is over all, God bleſſed for ever*, into a Thankſgiving to God for the Exaltation of Chriſt, *i. e. God who is over all be bleſſed for ever.* But what reaſon do they give for ſuch a forced and unuſual Senſe, beſides the avoiding the difficulty of having the Name of *God* given here to Chriſt? A very ſubſtantial one. *If the words had been intended of Chriſt, it would have been in the Greek* ὃς ὢν and not ὁ ὢν, which they have taken up from *Eraſmus* and *Curcellæus*. But *Beza*, who underſtood Greek as well as either, (and *Curcellæus* owned him for his Maſter in that Tongue) ſaith, *He could not ſufficiently wonder at this Criticiſm of* Eraſmus, and *thinks it a violent and far fetch'd Interpretation, and not agreeable to the Greek Idiom*, and that ὁ ὢν is the ſame there with ὃς ἐστι. And which may ſignify more to our *Unitarians*, one of the learnedſt Men they have had among them utterly diſowns this Interpretation, and ſaith, *That the whole Verſe belongs to Chriſt.* But if that will not do, they have another fetch in the caſe, *viz. That it is very probable, that the Word God was not originally in the Text.* How doth this appear to be very probable? Of that we have this Account: *Grotius obſerves that the Greek Copies uſed by the Author of the Syriac, had not the word* God; *and that* Eraſmus *had noted, that the Copies of St.* Cyprian, *St.* Hilary, *and St.* Chryſoſtom, *had only bleſſed over all, or above all, without the word God: upon which he charges his Adverſary with no leſs than Impiety in concealing this*, and calls it, *cheating his Reader*. But how if all this prove a groſs miſtake in him; unleſs it be only, that *Grotius* and *Eraſmus* come in for their ſhares. It's true, that *Grotius* ſaith, *That the word God was left out in the Syriac Verſion.* But *F. Simon*, whoſe Authority they ſometimes magnifie as to *critical Learning*, ſaith plainly, *That* Grotius *was miſtaken, and that the word* God *is in all the old Copies, and in all the old Verſions.* And upon his bringing *Eraſmus* to prove that it was not in St. *Cyprian*, St. *Hilary*, and St. *Chryſoſtome*, he cries out, *Where is Sincerity?* Eraſmus *had met with one faulty Edition which had it not, but he ſaith, all the reſt of the MSS. have it.* And the Learned *Oxford Annotators*, both on St. *Cyprian*, and the *Greek Teſtament* compar'd with MSS. (which excellent Work we hope will ſhortly appear more publickly) declare, that they found it in all the MSS. they could meet with; and even *Eraſmus* himſelf ſaith, *That the Omiſſion in St.* Hilary *might be only by the negligence of the Tranſcribers*; and ſo it appears by the late *Edition* out of the beſt MSS. where the words are, *Ex quibus Chriſtus qui eſt ſuper omnia Deus.* And for St. *Chryſoſtom*, all that is ſaid is, *That it doth not appear that he read it, but he thinks it might be added afterwards.* But what a ſort of proof is this againſt the general conſent of MSS. for St. *Chryſoſtom* doth not ſay he thought ſo. *Eraſmus* very plainly ſaith, that it is clearer than the Sun, that *Chriſt is called God in other places of Scripture*; but *Grotius* can by no means be excuſed, nor thoſe that rely upon him as to this place.

Rom. 9. 5.
Hiſt. of the Unit. *p.* 35.
Anſwer to Milb. *p.* 35.
Ante-Nicen. *p.* 29, 78.
Anſwer to Milb. *p.* 34.
Anſ. to the Archbiſhop, p. 29.
Anſwer to Milb. *p.* 3.
Hiſtoire Critique du Nov. Teſt. To. III. c. 54. p. 813.
Annot. in Cypr. adverſ. Judæos.
Hilar. in Pſal. 122.

VIII. Is this *interpreting Scripture like wiſe Men*, to take advantage of all *Omiſſions* in *Copies*, when thoſe which are entire ought to be preferr'd? This I mention for the ſake of another noted place, 1 *Tim.* 3. 16. *God was manifeſt in the Fleſh.* Here our *wiſe Interpreters* triumph unreaſonably; *viz. For*, they ſay, *it appears by the* Syriac, Latin, Æthiopick, Armenian, Arabick, *and moſt ancient* Greek *Bibles, that the word* God *was not originally in this Text, but added to it.* But the *Arabick* in all the *Polyglotts* hath *God* in; the *Syriac* and *Æthiopick*, if we believe their Verſions, read it in the

Hiſt. of the Unit. *p.* 40.

Maſculine Gender, and therefore in the King of *Spain*'s Bible, *Guido Fabricius Boderianus* puts in *Deus*. As to the *Armenian*, I have nothing to ſay, but what *F. Simon* tells us from *Uſcan an Armenian Biſhop*; that *there was great variety in their Copies*; *and that their firſt Tranſlation was out of Syriac and not out of Greek.* And the main point is, as to the *old Greek Copies*; and we are aſſured, that there is but One, *viz.* the *Clermont Copy* which leaves out *God*, but that it is in the *Alexandrian*, the *Vatican* and all others; and *Curcellæus* mentions no more than the *Clermont Copy*.

Hiſt. Critique du Nov. To. II. *c.* 17.

It is therefore neceſſary to examine in this place, the Authority of this *Clermont Copy*, (as it is called) whoſe reading is ſet up againſt all other ancient Greek Copies. *Beza* affirms it with great Confidence, *That all the Greek Copies have God with one Conſent.* But how comes he to take no notice of this Difference of the *Clermont Copy*? For that he had a ſight of that part of it, which hath the Epiſtles of St. *Paul*, appears by his Notes in which he refers to it. For he mentions it three times in his Notes on *Rom.* 1. *v.* 13, 29, 32. and in one he calls it *a very ancient Manuſcript written in large Letters.* What ſhould make *Beza* paſs it over here? It ſeems by *Morinus* that in the *Clermont Copy*, there was a Correction made by another hand; which is put into the *various Lections* of the *Polyglott* in *Morinus* his Words. But how doth it appear, that *Beza*'s *Clermont Copy* was the very ſame which *Morinus* had? *Morinus* ſaith, *he had it from the F. F. Puteani*; (and is the ſame I ſuppoſe with that in the King of *France*'s Library; of which they were then the Keepers) But *Morinus* intimates that it was *an old Copy, which fell into their hands*; and ſo might come into the French King's Library, when they gave their own *Manuſcripts* to it. This ſeems to have been the ſame which *P. Pithæus* ſpeaks of; for the Deſcription exactly agrees with it; but *Pithæus*, who was a Perſon of great Integrity and Learning, affirms, *That this Volume of the Epiſtles in great Letters came out of the Monaſtery* of *Corbey*; and ſo it could not be the *Clermont Copy* which *Beza* had. And I ſhall make it appear from the very places mention'd by *Morinus*, that *Beza*'s Copy did differ from that which *Morinus* peruſed, as *Rom.* 4. 9. *Morinus* his Copy had μόνον; *Beza* takes notice of it only in the vulgar Latin; which he would never have done, if it had been in the *Clermont Copy*, Rom. 5. 6. For ἔτι *Morinus* reads in that Copy εἰς τί, and ſaith it is the true reading; but *Beza* condemns it, and never intimates that his Copy had it, *Rom.* 7. 25. *Morinus* ſaith, the reading of his Copy is the true, χάρις τȣ͂ Θεȣ͂: *Beza* ſaith, *It is againſt all the Greek Copies but one*, and that hath χάρις δὲ τῷ Θεῷ; whether *Beza* were miſtaken as to other Copies is not our buſineſs to enquire; but if the reading had been in his Copy as *Morinus* found it, he could never have ſaid, that but one Copy had that different reading, *Rom.* 8. 13. *Morinus* his Copy had it τῆς σαρκὸς; *Beza* takes no notice of any difference. *Rom.* 10. 8. *Morinus* reads τί λέγει ἡ γραφή. *Beza* ſaith, *It is not in the Greek Copies*; and he had then the *Clermont* by him: but it is both in that of the French King's *Library*, and of St. *Germains*; which agree with each other, where *Beza*'s Copy differs; and *Beza* upon *Rom.* 7. 6. and 11. 6. obſerves, that his *Clermont Copy* differs from the reſt; by which we ſee how careful he was to obſerve the various Readings in it; and ſo upon *Rom.* 15. 24, 33. 16. 27.

Verum repugnant perpetuo conſenſu omnes Græci Codices. *Bez.*

Morinus Exercit. Bibl. *l.* 1. *Ex.* 2. *c.* 4.

Simon Diſſert. Sur le MS. du Nov. Teſt. *p.* 14.

Rigalt. vit. P. Puteani, *p.* 62.

P. Pithæ. de Latino Interpret. *p.* 11.

Rom. 14. 6. *Beza* obſerves, *That the vulgar Latin leaves out part of the Verſe, but that it is found in all the Greek Copies*; here *Morinus* charges *Beza* with Negligence, or Diſ-ingenuity; becauſe it was left out in the *Clermont Copy*; but how doth he prove he had the ſame Copy; He ſaith indeed, *That the ancient Copy, which he had, was lent to* Beza; but he tells not by whom, nor in whoſe Poſſeſſion it was afterwards. But if *Beza* were a Man of any ordinary Care or Honeſty, he would never have concealed thoſe things, which *Morinus* found in it. 1 *Cor.* 6. 20. *Beza* ſaith, That thoſe Words ϰ̀ ἐν τῷ πνεύματι ὑμῶν, *are in all the Greek Copies*; *Morinus* ſaith, *That they were wanting in that which he made uſe of.* It's true, they are wanting in the *Alexandrian*, and ſome others; but in none that *Beza* had the ſight of, if he may be believed. Theſe are ſufficient to ſhew, that there is no good Proof, that the Copy which *Beza* had was the ſame which *Morinus* borrow'd; and therefore his Authority is not to be ſlighted in this matter, when he affirms, that all the Greek Copies agreed in reading *God manifeſt in the fleſh*; and I cannot imagine *Beza* ſo intolerably careleſs as he muſt have been, if *Morinus* his Copy and *Beza*'s were the ſame. But whether it were in *Beza*'s Copy or not, *it's certain*, they ſay, *That it is not in that ancient Manuſcript, which is called the Clermont Copy*; which is affirmed by *Morinus*, and taken for granted by others, therefore we muſt enquire a little farther into the Authority of this ancient Copy. It appears by thoſe who have view'd and conſider'd them, that there are two very ancient Copies of St. *Paul*'s Epiſtles, ſo exactly agreeing, that one is ſuppoſed to be the Tranſcript of the other; one is in the King's Library, the other in the Monaſtery of St. *Germains.* Which *Mabillon* ſaith is a thouſand Years old. Theſe two Copies are in effect but one, agreeing ſo much where they differ from others; and having the old Latin Verſion oppoſite to the Greek. Monſieur *Arnauld* had ſo bad an Opinion of both parts of this *Clermont Copy*, (as it is called) that he charges it with manifeſt Forgery, and Impoſture; inſerting things into the Text without ground. *F. Simon* who defends them cannot deny ſeveral things to be inſerted, but he ſaith, it was through Careleſsneſs and not Deſign. But he confeſſes, *That thoſe who tranſcribed both thoſe ancient Copies of St.* Paul'*s Epiſtles, did not underſtand Greek, and hardly Latin.* And now let us conſider, of what juſt Authority this different Reading of the *Clermont Copy* ought to be againſt the Conſent of all other ancient Copies. We find ſome good Rules laid down by the Roman Criticks, when they had a Deſign under *Urban* 8th. to compare the Greek Text of the New Teſtament, with their ancient Manuſcripts in the *Vatican*, and elſewhere; and to publiſh an exact Edition of it (which Collation was preſerved in the *Barberin Library*, and from thence publiſhed by *Pet. Poſſinus*,) and the main Rules as to the various Lections of Manuſcripts were theſe, 1. That the Text was not to be alter'd but by a Concurrence of all, or the greateſt part of the Manuſcripts. 2. That if one Manuſcript agreed with the vulgar Latin, the Text was not to be alter'd, but the Difference to be ſet down at the end of the Chapter. But it is obſervable in that *Collation of twenty two Manuſcripts*, there is no one Copy produced, wherein there is any Variety as to this place. I know they had not Twenty Two Manuſcripts of St. *Paul*'s Epiſtles, (they mention but Eight ancient Manuſcripts) but they found no difference in thoſe they had. And now I leave any reaſonable Man to judge, whether this *Clermont Copy* ought to be relied upon in this matter. But I have ſomething more to ſay about the *Greek Copies.*

Mabil. de Re Deplomat. *l.* 5. *p.* 346.

Differt. ſur les MS. du Nov. Teſt. *p.* 17.

1. That *God* is in the *Complutenſian Polyglott*, which was the firſt of the Kind, and carried on by the wonderful Care and Expence of that truly great Man *Cardinal Ximenes*, who ſpared for no Coſt or Pains in procuring *the beſt ancient Copies both Hebrew and Greek*; *and the fitteſt Men to judge of both Languages.* And in purſuit of this noble Deſign, he had the beſt *Vatican Manuſcripts* ſent to him (as is expreſſed in the Epiſtle before his *Greek Teſtament*) and what others he could get out of other places, among which he had the *Codex Britannicus* mention'd by *Eraſmus.* But after all theſe Copies made uſe of by the Editors there is no intimation of any variety as to this Place; although the *vulgar Latin* be there as it was.

Alvarez Gomez de rebus Geſtis Fr. Ximenii, *l.* 2. & 3.

But Eraſmus *mentions the great Conſent of the old Copies as to the vulgar Latin, and whence ſhould that come, but from a Variety in the old Greek Copies.* To that I anſwer,

2. That the *Greek Copies*, where they were beſt underſtood had no Variety in them; *i. e.* among the *Greeks* themſelves. As appears by *Gregory Nyſſen, St. Chryſoſtom, Theodoret, Oecumenius* and *Theophylact*. But doth not *Monſieur Amelote ſay, That the Marquiſs of* Velez *had Sixteen old Manuſcripts, out of which he gathered various Readings, and he reads it* ὃ. I cannot but obſerve, how he commends *Fabricius* and *Walton*, for *rendring the Syriac Verſion according to the vulgar Latin*, but that will appear to be falſe, to any one that looks into them; the former is mentioned already; and the latter tranſlates it, *Quod manifeſtatus ſit in carne.* But as to the *Marquiſs* of *Velez* his Copies, there is a Secret in it, which ought to be underſtood, and is diſcover'd by *Mariana*. He confeſſes, *He had ſo many Manuſcripts, eight of them out of the* Eſcurial, *but that he never ſet down whence he had his Readings.*

Amelote *in* Loc.

Marian, Edit vulg. *c.* 17.

Præf. ad Schol.

And in another place, he ingenuouſly confeſſes, *That his Deſign was to juſtifie the vulgar Latin; and therefore collected Readings on purpoſe, and he ſuſpects ſome out of ſuch Greek Copies, as after the Council of* Florence *were made conformable to the Latin.* Which Readings were publiſhed by *la Cerda*, whoſe Authority *Amelote* follows. And now what reaſon can there be, that any ſuch *late Copies* ſhould be prefer'd before thoſe which were uſed by the *Greek Fathers.*

Hier. *in* Loc. Leo Epiſt. 34. ad Fl. Hilar. de Trinit. *l.* 11. Fulg. ad Thra. *c.* 4.

3. That the *Latin Fathers* did not concern themſelves about changing their Verſion, becauſe they underſtood it ſtill to relate to the Perſon of Chriſt. So do St. *Jerom, Leo, Hilary, Fulgentius*, and others. As to the Objections about *Liberatus, Macedonius* and *Hincmarus*, I refer them to the Learned *Oxford Annotations.*

1 Joh. 5.7. *Conſider. on the* Explic. *p.* 29. *Hiſtory of* Unit. *p.* 43. *Anſ. to the Archbiſhop*, p. 29.

IX. Is it not *wiſely* done of theſe *Interpreters*, to charge our Church ſo much for retaining a Verſe in St. *John's firſt Epiſtle*, when they had ſo good Authority to do it? The Verſe is, *There are three that bear Record in Heaven, the Father, Son, and Holy Ghoſt, &c.* From hence they charge us with *corrupted Copies* and *falſe Tranſlations*; as an inſtance of the former, they produce this Text, which they ſay, *was not originally in the Bible, but is added to it, and is not found in the moſt ancient Copies of the* Greek, *nor in the* Syriac, Arabic, Ethiopic, *or* Armenian *Bibles, nor in the moſt ancient Latin Bibles.* Notwithſtanding all which, I hope to be able to ſhew, that our Church had reaſon to retain it. For which end we are to conſider theſe things;

Selden de Syned. *l.* 2. *c.* 4.

1. That *Eraſmus* firſt began to raiſe any ſcruple about it. For, however it might not be in ſome MSS. which were not look'd into, this Verſe was conſtantly and ſolemnly read as a part of Scripture both in the *Greek* and *Latin Churches*, as Mr. *Selden* confeſſes, and that it was in *Wickliff's Bible.* So that here was a general conſent of the Eaſtern and Weſtern Churches for the receiving it; and although there might be a variety in the Copies, yet there was none in the publick Service, and no Objections againſt it that we can find. But *Eraſmus* his Authority ſway'd ſo much here, that in the Bibles in the time of *H.* 8. and *E.* 6 it was retained in a *different Letter.* As in *Tyndall's Bible* printed by the King's Printer, *A. D.* 1540. and in the Church Bible of King *E.* 6. in both which they are read, but not in the ſame Character. Yet *Eraſmus* his Authority was not great enough to caſt it out, if he had a mind to have done it. Which doth not appear, for he ſaith himſelf, that finding it in the *codex Britannicus*, as he calls it, he reſtored it in his *Tranſlation* as well as the *Greek Teſtament*, out of which he had expunged it before in two Editions, and the *Complutenſian Bible* coming out with it, ad-

ded greater Authority to the keeping of it in, and ſo it was preſerved in the *Greek Teſtaments* of *Hervagius*, *Plantin* and *R. Stephens* and others, after the MSS. had been more diligently ſearched. *Morinus* ſaith, *it was in ſeven of Rob. Stephens* his MSS. but *F. Simon* will not allow that it was in any but the *Complutenſian*, which is a ſtrange piece of boldneſs in him. For *Beza* ſaith, *He had the uſe of them all from him*; and *H. Stephens* let him have his Father's Copy compared with 25 MSS. and he affirms, *That he found it in ſeveral of* R. Stephens *his old MSS.* beſides the *Codex Britannicus* and the *Complutenſian Copy*, and therefore he concludes, *that it ought to be retained.* (And ſo it was, after theſe Copies were come abroad in the Biſhop's Bible, under Queen *Elizabeth*, without any diſtinction of Character, as likewiſe in our laſt Tranſlation.) And it is obſervable, that *Amelote* affirms that he found it in the *moſt ancient Greek Copy* in the *Vatican Library*; but the *Roman* Criticks confeſs, it was not in their 8 MSS; yet they thought it fit to be retained from the common Greek Copies, and the Teſtimonies of the Fathers agreeing with the vulgar Latin.

Morin exercit. Bibl. *l.* 1, 2. Ex. 2. Simon differt. de MSS. *p.* 4. Bez. Epiſt. ad nov. Teſtam.

2. This Verſe was in the Copies of the *African Churches* from St. *Cyprian*'s time, as appears by the Teſtimonies of St. *Cyprian*, *Fulgentius*, *Facundus*, *Victor Vitenſis*, and *Vigilius Tapſenſis*, which are produced by others. *F. Simon* hath a bold conjecture, of which he is not ſparing, *that* Victor Vitenſis *is the firſt who produced it as St.* John'*s ſaying*; and that it *was St.* Cyprian'*s own aſſertion and not made uſe of by him as a Teſtimony of Scripture.* But they who can ſay ſuch things as theſe, are not much to be truſted. For St. *Cyprian*'s Words are, ſpeaking of St. *John* before, *Et iterum de Patre & Filio ſcriptum eſt, & hi tres unum ſunt.* And it was not *Victor Vitenſis*, but the *African Biſhops* and *Eugenius* in the head of them, who made that addreſs to *Huneric*, wherein they ſay, *That it is clearer than Light, that Father, Son and Holy Ghoſt are one God, and prove it by the Teſtimony of St.* John. *Tres ſunt qui Teſtimonium perhibent in cælo, Pater, Verbum & Spiritus Sanctus, & hi Tres unum ſunt.*

Critique in nov. Teſt. c. 18.

3. In the former Teſtimony, the Authority of the *Vulgar Latin* was made uſe of; and why is it rejected here? When *Morinus* confeſſes there is no variety in the *Copies* of it. *Vulgata verſio hunc verſum conſtanter habet.* And he obſerves, that thoſe of the Fathers, who ſeem to omit it (as St. *Auguſtin* againſt *Maximinus*) did not follow the old Latin Verſion. *Lucas Brugenſis*, ſaith only, *That in 35 old Copies, they found it wanting but in five.* As to St. *Jerom*'s *Prologue*, I am not concerned to defend it; but *Eraſmus* thought *it had too much of St.* Jerom *in it*, and others think *it hath too little.* *F. Simon* confeſſes, that *P. Pithæus* and *Mabillon* think it was St. *Jerom*'s, and that it was in the MSS. But I conclude with ſaying, That whoever was the Author, at the time when it was written, *the Greek Copies had this Verſe*, or elſe he was a notorious Impoſtor.

Morin exercit. Bibl. *l.* 1. Ex. 2. c. 1. *n* 9.

Critique To. I. *c.* 9.

X. The next thing I ſhall ask theſe *wiſe Interpreters of Scripture*, is, Whether, when the Scripture ſo often affirms, *That the World was made by the Son, and that all things were created by him in Heaven and in Earth*, it be reaſonable to underſtand them of *Creating nothing?* For after all their *Shifts* and *Evaſions* it comes to nothing at laſt. But that we may ſee, how much they are confounded with theſe places, we may obſerve.

Joh. 1. 3. Heb. 1. 2, 10. Col. 1. 16.

1. They ſometimes ſay, that where *the Creation of all things is ſpoken of, it is not meant of Chriſt but of God.* For in the anſwer they give to the place of the Epiſtle to the *Colloſſians*, they have theſe Words: *For by him all things were created, are not ſpoken of Chriſt, but of God: The ſenſe of the whole context is this, The Lord Chriſt is the moſt perfect Image of the inviſible God, the Firſt born from the dead of every Creature; for, O* Coloſſians, *by him, even by the inviſible God were all things created; they were not from all eternity, nor roſe*

Hiſt. of the Unit. p. 38.

from the concourſe of Atoms; but all of them, whether things in Heaven, or things in Earth, whether Thrones, or Dominions, or Principalities, or Powers, are Creatures, and were by God created, who is before them all, and by him they all conſiſt. This is a very fair Conceſſion, that of whomſoever theſe Words are ſpoken he muſt be God.

Def. of the Hiſtory of the Unit. p. 3, 14. 2. But in the defence of this very Book, they go about to prove, *That the Creation of the World is not meant by theſe Words.* Is not this *interpreting like wiſe Men* indeed? And they tell us, *They cannot but wonder, that Men ſhould attribute the old or firſt Creation to Chriſt. Wiſe Men* do not uſe to wonder at plain things. For what is the old or firſt Creation, but the *making the World, and creating all things in Heaven and Earth?* And theſe things are attributed to the *Word, to the Son, to Chriſt.* But ſay they, *The Scripture does never ſay in expreſs words, that Chriſt hath created the Heaven and the Earth.* What would theſe *wiſe Interpreters* have? Doth not *by whom all things were created in Heaven and Earth* imply, that *Heaven and Earth were created by him?* But they have a notable obſervation from the Language of the New Teſtament, *viz. That Chriſt is never ſaid to have created the Heaven, the Earth, and the Sea, and all that therein is*; but we are apt to think, that *creating all things* takes in the Sea too; and that in the Scripture Language *Heaven* and *Earth* are the ſame with the *World*; and I hope the *World* takes in the Sea; and the *World* is ſaid to be *made by him*: And do not *all things* take in all? *No,* ſay they, *all things are limited to all Thrones, Principalities and Powers, viſible and inviſible.* Then however the making of theſe is attributed to *Chriſt.* And *if he made all Powers viſible and inviſible,* he muſt be God. *Not ſo neither.* What then is the meaning of the words, *By him were all things created that are in Heaven and in Earth, viſible and inviſible; whether they be Thrones, or Dominions, or Principalities or Powers, all things were created by him and for him?* Surely then theſe *P.* 10. *Dominions* and *Powers* were created by him. *No,* ſay they, *that which we render created, ought to be rendred modelled, diſpoſed, or reformed into a new Order.* Were ever *wiſe Men* driven to ſuch miſerable Shifts? One while theſe words are very ſtrong and good Proof of the Creation of the World againſt *Atheiſts* and *Epicureans,* and by and by they prove nothing of all this, but only a *new modelling of ſome things called Dominions and Powers.* Do they hope ever to convince Men at this rate of wiſe interpreting? Well but what is this *creating* or *diſpoſing things* into a *new Order?* And who are theſe *Dominions* and *Powers?* They anſwer, *Men and Angels.* How are the *Angels created by him and for him?* Did he die to *reform them,* as well as Mankind? *No, but they are put under him.* And ſo *they were created by him,* that is, they were *not created by him,* but only *made ſubject to him.* But who made them *ſubject to him?* The *Man Chriſt Jeſus?* No; *God appointed him to be the Lord of every Creature.* Then they were not *created by Chriſt,* but *by God*; but the Apoſtle ſaith, they were *created by Chriſt. But God made him Head of the Church, and as Head of the Body he rules over all.* This we do not at all queſtion; but how this comes to be *creating Dominions and Powers, viſible and inviſible.* Did God *make the Earth,* and all the living Creatures in it, when he made Man Lord over them? Or rather was Man ſaid to *create them,* becauſe he was made their Head? If this be their interpreting Scripture like *wiſe Men,* I ſhall be content with a leſs meaſure of Underſtanding, and thank God for it.

XI. Laſtly, is this to *interpret Scripture like wiſe Men,* to leave the *Form of Baptiſm doubtful, whether it were not inſerted into St.* Matthew's *Goſpel?* Or to underſtand it in another Senſe than the Chriſtian Church hath done from *Anſwer to* Milb. *p.* 15. the Apoſtles times? I ſay firſt, *Leave it doubtful*; becauſe they ſay, *That Learned Criticks have given very ſtrong Reaſons why they believe thoſe words,* *In the Name of the Father, and of the Son, and of the Holy Ghoſt, were not ſpoke by our Saviour, but have been added to the Goſpel of St.* Matthew, *from the common Form and Practice of the Church.* Why are theſe *ſtrong Reaſons of Learned Criticks* mentioned, but to raiſe Doubts in Peoples Minds about them? *But they declare afterwards againſt them.* Not too much of that. For they ſay only, *That they are not without their weight, but they have obſerved ſeveral things that make them think, that this Text is a genuine part of Scripture.* Very *wiſely* and *diſcreetly* ſpoken! The *Reaſons are ſtrong and weighty, but they think otherwiſe.* I wiſh they had told the World, who theſe *learned Criticks* were, leſt it ſhould be ſuſpected that they were their own *Inventions.* But I find a certain *Nameleſs Socinian* was the Author of them; and his Words are produced by *Sandius,* (a Perſon highly commended by them for his Induſtry and Learning, but as much condemned by others for want of Skill or Ingenuity.) The reaſon of writing theſe Reaſons, *Sandius* freely confeſſes was, *Becauſe this place clearly proved a Trinity of Perſons againſt the* Socinians. But what are theſe *very ſtrong and weighty Reaſons?* For it is great pity but they ſhould be known.

P. 16.

Sand. Interp. Et Paradox. p. 115.

In the firſt place he obſerves, *That St.* Matthew'*s Goſpel was written in Hebrew, and the Original* he ſaith is loſt; and he *ſuſpects that either St.* Jerom *was himſelf the Tranſlator into Greek and Latin (who was a Corrupter of Scripture, and* Origen) *or ſome unknown* Perſon; *from whence it follows, that our Goſpel of St.* Matthew *is not of ſuch Authority, that an Article of ſuch moment ſhould depend upon it.* Is not this a *very ſtrong and weighty Reaſon?* Muſt not this be a very *learned Critick,* who could mention St. *Jerom* as *Tranſlator of St.* Matthew's *Goſpel* into *Greek?* But then one would think this Interpreter might have been wiſe enough to have added this of himſelf. No; he dares not ſay that, *But that it was added by Tranſcribers.* But whence or how? To that he ſaith, *That they ſeem to be taken out of the Goſpel according to the* Egyptians. This is great News indeed. But comes it from a good hand? Yes, *from* Epiphanius. And what ſaith he to this purpoſe? He ſaith, *That the* Sabellians *made uſe of the* counterfeit Egyptian *Goſpel, and there it was declared that Father, Son and Holy Ghoſt were the ſame.* And what then? Doth he ſay *they borrowed the Form of Baptiſm from thence?* Nothing like it. But on the contrary, *Epiphanius* urges this very Form in that place againſt the *Sabellians;* and quotes St. *Matthew*'s Authority for it. But this worthy Author produces other Reaſons, which *Sandius* himſelf laughs at and deſpiſes, and therefore I paſs them over. The moſt material ſeems to be if it hold, *That the moſt ancient Writers on St.* Matthew *take no notice of them,* and he mentions *Origen, Hilary,* and St. *Chryſoſtom;* but theſe Negative Arguments *Sandius* thinks of no force. *Origen* and St. *Chryſoſtom,* he ſaith, *reach not that Chapter.* The *Opus imperfectum,* which was none of his, doth not; but his own Commentaries do, and there he not only mentions the *Form,* but takes notice of the *Compendious Doctrine* delivered by it, which can be nothing elſe but that of the *Trinity.* In the Greek *Catena* on St. *Matthew* there is more mentioned, *viz. That Chriſt had not then firſt his* Power *given him; for he was with* God *before, and was himſelf by Nature* God. And there *Gregory Nazianzen* ſaith, *The Form of Baptiſm was in the Name of the Holy Trinity.* And he there ſpeaks more fully: *Remember,* ſaith he, *the Faith into which thou wert baptized. Into the Father? That is well, but that is no farther than the* Jews *go* (for they own *one God,* and *one Perſon.*) *Into the Son? That is beyond them, but not yet perfect. Into the Holy Ghoſt? Yes,* ſaith he, *this is perfect Baptiſm. But what is the common Name of theſe three,* δηλαδὴ τοῦ Θεοῦ? *Plainly that of God.* But this *learned Critick* obſerves, *that* Hilary *in ſome Copies takes no notice of this Form.* That is truly obſerved; for the very Concluſion is not *Hilary*'s, but taken out

Epiph. hær. 62. n. 2.

N. 4.

Hilar. l. 2. de Trinit.

of St. *Jerom*; but if he had look'd into *Hilary*'s Works, he would have found the Form of Baptiſm owned and aſſerted by him. For he not only ſets it down as *the Form of Faith*, as well as *our Baptiſm appointed by Chriſt*; but argues from it againſt the *Sabellians* and *Ebionites* as well as others. Thus we ſee how very ſtrong and weighty the Arguments of this *learned Critick* were.

CHAP. IX.

The General Senſe of the Chriſtian Church proved from the Form of Baptiſm, as it was underſtood in the firſt Ages.

P. 17.

But our *Unitarians* pretend, *That they are ſatisfied, that the Form of Baptiſm is found in all Copies, and all the ancient Tranſlations, and that it was uſed before the Council of* Nice, *as appears by ſeveral places of* Tertullian. But how then? There are two things ſtick with them.

(1.) *That the* Ante-Nicene *Fathers do not alledge it to prove the Divinity of the Son or Holy Ghoſt.*

(2.) *That the Form of Words here uſed, doth not prove the Doctrine of the Trinity.* Both which muſt be ſtrictly examin'd.

Cyprian. ad Jul. *Ep.* 73.

Eraſm. ad Cenſ. Pariſ. Tit. II. Voſſi. de Symb. diſſ. I. *n.* 38. Hierom. *Ep.* 61. Tertul. de Baptiſm. *c.* 13. De Præſcript. hæret. *c.* 20. Cyprian. Ep. 27. 73 Ed. Ox. Aug. de Baptiſm. c. Donat. *l.* 6. *c.* 25. Ambroſ. de Sp. Sanct. *l.* 1. *c.* 3. Bed. in Act. 19. Hugo de S. Vict. de Sacr. *l.* 1. *c.* 13. Lomb. 4. Sent Diſt. 2. c. ſed qd. Baſil c. Eunom. *l.* 5. *c.* 3 *c.* 10.

1. As to the former. It cannot but ſeem ſtrange to any one converſant in the Writings of thoſe Fathers; when St. *Cyprian* ſaith expreſly, *That the Form of Baptiſm is preſcribed by Chriſt, that it ſhould be* in plenâ & adunatâ trinitate; i. e. *in the full Confeſſion of the Holy Trinity*; and therefore *he denied the Baptiſm of the* Marcionites, *becauſe the Faith of the Trinity was not ſincere among them*, as appears at large in that Epiſtle. And this, as far as I can find, was the general Senſe of the *Ante-Nicene* Fathers, as well as others. And it is no improbable Opinion of *Eraſmus* and *Voſſius*, two *learned Criticks* indeed, *That the moſt ancient Creed went no further than the Form of Baptiſm, viz.* to Believe *in the Father, Son, and Holy Ghoſt*; and the other Articles were added as Hereſies gave occaſion. St. *Jerom* ſaith, *That in the Traditional Creed, which they received from the Apoſtles*, the main Article was, *the Confeſſion of the Trinity*; to which he joins, *the Unity of the Church, and Reſurrection of the Fleſh*; and then adds, *that herein is contained*, *Omne Chriſtiani Dogmatis Sacramentum*, *the whole Faith into which Chriſtians were baptized.* And he ſaith, *It was the Cuſtom among them to inſtruct thoſe who were to be baptized for forty days in the Doctrine of the Holy Trinity.* So that there was then no Queſtion but the Form of Baptiſm had a particular Reſpect to it; and therefore ſo much weight is laid upon the uſe of it, as well by the *Ante-Nicene Fathers* as others. For *Tertullian* ſaith, *That the Form of Baptiſm was preſcribed by our Saviour himſelf as a Law to his Church.* St. *Cyprian* to the ſame purpoſe, *That he commanded it to be uſed.* St. *Auguſtin* calls them, *the Words of the Goſpel, without which there is no Baptiſm.* The reaſon given by St. *Ambroſe* is, *becauſe the Faith of the Trinity is in this Form.* But how if any one Perſon were left out? He thinks, that if the reſt be not denied, the Baptiſm is good; but otherwiſe, *vacuum eſt omne Myſterium, the whole Baptiſm is void.*

So that the *Faith of the Trinity* was that which was required in order to true Baptiſm, more than the bare *Form of Words*. If there were no reaſon to queſtion the former, St. *Ambroſe* ſeems of Opinion that the Baptiſm was good, although every Perſon were not named; and therein he was followed by *Beda*, *Hugo de Sancto Victore*, *Peter Lombard*, and others. And

St. *Baſil* in the *Greek Church* aſſerted, that *Baptiſm in the name of the Holy Ghoſt was ſufficient, becauſe he is hereby owned to be of equal Dignity with the Father and Son*; but it is ſtill ſuppoſing that the whole and undivided Trinity be not denied. And he elſewhere ſaith, *That baptizing in the Name of the Father, Son, and Holy Ghoſt is a moſt ſolemn Profeſſion of the Trinity in Unity, becauſe they are all joined together in this publick Act of Devotion.* But others thought that the Baptiſm was not good, unleſs every Perſon were named; which Opinion generally obtained both in the *Greek* and *Latin Church*. And the late Editors of St. *Ambroſe* obſerve, that in other places he makes the whole *Form of Words* neceſſary as well as the Faith in the Holy Trinity. The Baptiſm of the *Eunomians* was rejected, becauſe they alter'd the Form and the Faith too, ſaying, *That the Father was uncreate, the Son created by the Father, and the Holy Ghoſt created by the Son.*

Epiph. Hær. 76. ad fin.

The Baptiſm of the *Samoſatenians* was rejected by the Council of *Nice*. St. *Auguſtine* thinks it was *becauſe they had not the right Form*; but the true Reaſon was, they rejected *the Doctrine of the Trinity*. And ſo the Council of *Arles* I. doth in expreſs Words refuſe their *Baptiſm who refuſed to own that Doctrine*. That Council was held *A. D.* 314. and therefore *Bellarmine* and others after him are very much miſtaken, when they interpret this Canon of the *Arians*, concerning whoſe Baptiſm there could be no Diſpute till many years after. But this Canon is *de Afris*, among whom the Cuſtom of Baptizing prevailed; but this Council propounds an expedient as moſt agreeable to the general Senſe of the Chriſtian Church, *viz. That if any relinquiſhed their Hereſy, and came back to the Church, they ſhould ask them the Creed; and if they found that they were baptized in the Name of the Father, Son, and Holy Ghoſt, they ſhould have only impoſition of hands; but if they did not confeſs the Trinity, their Baptiſm was declared void.* Now this I look on as an impregnable Teſtimony of the Senſe of the *Ante-Nicene* Fathers, *viz.* That they did not allow that Baptiſm which was not in *the Name of the Father, Son, and Holy Ghoſt*; or (which they underſtood to be the ſame) *in the Confeſſion of the Faith of the Trinity*. How then can our *Unitarians* pretend, *That the Ante-Nicene Fathers did not alledge the Form of Baptiſm to prove the Trinity?* For the words are, *If they do not anſwer to this Trinity, let them not be baptized*, ſaith this *plenary Council*, as St. *Auguſtine* often calls it. What *Trinity* do they mean? *Of meere Names or Cyphers*, or of *one God and two Creatures* joined in the ſame Form of words, as our *Unitarians* underſtand it? But they affirm, *That the Ancients of* 400 *Years do not inſiſt on this Text of St.* Matthew *to prove the Divinity or Perſonality of the Son or Spirit.*

Concil. Nicæn. c. 19.
Aug. de Hæreſ. c. 44.
Concil. Arel. I. c. 8.
Bellarm. de Bap. *l.* 1. c. 3.
Anſwer to Milb. *p.* 18.

Therefore to give a clear account of this matter, I ſhall prove, that the *Ante-Nicene* Fathers did underſtand theſe words, ſo as not to be taken, either for *meer Names*, or for *Creatures joined with God*; but that they did maintain *the Divinity of the Son and Holy Ghoſt*, from the general Senſe, in which theſe words were taken among them.

And this I ſhall do from theſe Arguments;

1. That thoſe who took them in another Senſe, were oppoſed and condemned by the Chriſtian Church.

2. That the Chriſtian Church did own this Senſe in publick Acts of divine Worſhip as well as private.

3. That it was owned and defended by thoſe who appeared for the Chriſtian Faith againſt Infidels. And I do not know any better means than theſe to prove ſuch a matter of Fact as this.

1. The Senſe of the Chriſtian Church may be known by its behaviour towards thoſe, who took theſe words only for different *Names* or *Appearances* of One Perſon.

And of this we have full Evidence, as to *Praxeas*, *Noetus* and *Sabellius*, all long before the *Council of Nice*.

Praxeas was the firſt, at leaſt in the Weſtern Church, who made *Father, Son, and Holy Ghoſt, to be only ſeveral Names of the ſame Perſon*, and he was with great Warmth and Vigour oppoſed by *Tertullian*, who charges him with *introducing a new Opinion into the Church*, as will preſently appear. And his Teſtimony is the more conſiderable, becauſe our *Unitarians* confeſs, *that he* p. 17. *lived* 120 *Years before the Nicene Council*, and that he particularly inſiſts *upon the Form of Baptiſm againſt* Praxeas. But to what purpoſe? Was not his Adverſ. Prax. c. 26. whole deſign in that Book to prove *three diſtinct Perſons of Father, Son, and Holy Ghoſt, and yet but One God?* Doth he not ſay expreſly, *That Chriſt commanded that his Diſciples ſhould baptize into the Father, Son, and Holy Ghoſt, not into One of them*; ad ſingula nomina in Perſonas ſingulas tingimur. *In Baptiſm we are dipped once at every Name, to ſhew that we are baptized into three Perſons.* It is certain then, that *Tertullian* could not miſtake the Senſe of the Church ſo groſly, as to take *three Perſons* to be only *three ſeveral Names*.

c. 2. He grants to *Praxeas*, *that Father, Son, and Holy Ghoſt are one*, but how? *Per unitatem ſubſtantiæ*, becauſe *there is but one divine Eſſence:* but yet he ſaith, *there are three*, not with reſpect to eſſential Attributes, for ſo they are *unius Subſtantiæ, & unius Status, & unius Poteſtatis, quia unus Deus.* And therefore the difference can be only as to perſonal Properties and diſtinct Capacities, which he calls *Gradus*, *Forma*, *Species*, not merely as to internal Relations, but as to external Diſpenſations, which he calls their *Oeconomy*. For his great buſineſs is to prove againſt *Praxeas*, that *the Son and Holy Ghoſt* had thoſe things attributed to them in Scripture, which could not be attributed to Tertul. de præſcr. hæret. c. ult. the Father. For *Praxeas* aſſerted, *That the Father ſuffer'd*; and thence his Followers were called *Patripaſſians* and *Monarchici*, i. e. *Unitarians*. The main ground which *Praxeas* went upon, was *the Unity of the Godhead*, ſo often men- Con. Prax. c. 3. tion'd in *Scripture*, from hence *Tertullian* ſaith, *That he took advantage of the weakneſs of the common ſort of Chriſtians, and repreſented to them, that whereas the Doctrine of Chriſt made but one God, thoſe who held the Trinity according to the Form of Baptiſm, muſt make more Gods than one. Tertullian* anſwers, that they held a *Monarchy*, i. e. *unicum imperium, one ſupreme Godhead, and a ſupreme Power may be lodged in diſtinct Perſons and adminiſtred in ſeveral manners*; that nothing overthrew the *divine Monarchy*, but a *different Power* c. 4. *and Authority*, which they did by no means aſſert. They held a *Son*, but of *the Subſtance of the Father*, and *a Holy Ghoſt from the Father by the Son:* he ſtill keeps to the *diſtinction of* Perſons, and the *Unity of Subſtance.* And he utterly denies *any Diviſion of Eſſences* or *ſeparate Subſtances: for therein*, he ſaith, *lay the Hereſie of* Valentinus, *in making a Prolation of a ſeparate Being.* But although he ſaith, *the Goſpel hath declared to us, that the Father is God, the Son God, and the Holy Ghoſt God, yet we are taught that there is ſtill but One God:* redactum eſt jam nomen Dei & Domini in unione, *c.* 13. whereby *the Chriſtians are diſtinguiſhed from the Heathens who had many Gods.* This is the force of what *Tertullian* ſaith upon this matter.

Alium autem quomodo accipere debes jam profeſſus ſum, Perſonæ non Subſtantiæ nomine, ad Diſtinctionem, non ad Diviſionem, cæterum ubique teneo unam ſubſtantiam in tribus cohærentibus. *Adverſ. Prax. c.* 12.

Et ſermo erat apud Deum & nunquam ſeparatus à Patre aut alius à Patre quia ego & Pater unum ſumus: Hæc erat probola veritatis, cuſtos unitatis qua prolatum dicimus Filium à Patre, ſed non ſeparatum. C. 8.

And what ſay our *Unitarians* to it? They cannot deny that he was an *Ante-Nicene Father*; and it is plain that he did underſtand *the Form of Baptiſm* ſo as to imply a *Trinity of Perſons in an Unity of Eſſence:* To which they give no Anſwer.

But I find three things objected againſt *Tertullian* by their Friends;

1. That *Tertullian brought this Doctrine into the Church from* Montanus, whoſe Diſciple he then was. So *Schlichtingius* in his Preface againſt *Meiſner*, grants, *That he was very near the Apoſtolical Times, and by his Wit and Learning promoted this new Doctrine about the Trinity, eſpecially in his Book againſt* Praxeas. But how doth it appear, that he brought in any *new Doctrine?* Yes, ſaith *Schlichtingius*, he confeſſes, *That he was more inſtructed by the Paraclete.* But if he had dealt ingenuouſly, he would have owned that in that very place he confeſſes, *He was always of that Opinion, although more fully inſtructed by the Paraclete.* This only ſhews that *Montanus* himſelf innovated nothing in this matter, but endeavoured to improve it. And it is poſſible, that *Tertullian* might borrow his *Similitudes* and *Illuſtrations* from him, which have added no ſtrength to it. But as to the main of the Doctrine, he ſaith, *It came from the rule of Faith delivered by the Apoſtles, before* Praxeas, *or any Hereticks his Predeceſſors.* Which ſhews, that thoſe who rejected this Doctrine were always eſteemed *Hereticks* in the Chriſtian Church. And this is a very early Teſtimony of the *Antiquity* and general Reception of it, becauſe as one was received the other was rejected, ſo that the Aſſertors of it were accounted *Hereticks*. And the Senſe of the Church is much better known by ſuch *publick Acts*, than by mere particular Teſtimonies of the learned Men of thoſe times. For when they deliver the Senſe of the Church in ſuch *publick Acts*, all Perſons are Judges of the truth and falſhood of them at the time when they are deliver'd; and the nearer they came to the *Apoſtolical Times*, the greater is the ſtrength of their evidence; this I ground on *Tertullian*'s appealing to the *ancient rule of Faith*, which was univerſally known and received in the Chriſtian Church, and that ſuch Perſons were look'd on as *Hereticks* who differ'd from it. Which being ſo very near the Apoſtles Times, it's hardly poſſible to ſuppoſe, that the whole Chriſtian Church ſhould be miſtaken as to what they received *as the rule of Faith*, which was deliver'd and explained at Baptiſm, and therefore the general Senſe of the Form of Baptiſm muſt be underſtood by all who were admitted to it. So that the Members of the Chriſtian Church cannot be ſuppoſed better acquainted with any thing than the Doctrine they were baptized into. Here then we have a concurrence of ſeveral *publick Acts of the Church*. 1. The *Form of Baptiſm*. 2. The *Rule of Faith* relating to that Form, and explained at Baptiſm. 3. The *Churches* rejecting thoſe as *Hereticks* who differ'd from it; which *Tertullian* applies to thoſe who rejected the Trinity. And *Praxeas* his Doctrine was then condemned, not by a particular Sentence, but by the general Senſe of the Church at that time. For *Optatus Milevitanus* reckons him among the *condemned Hereticks*, and joyns him with *Marcion* and *Valentinus*, as well as *Sabellius*, who follow'd him in the ſame Hereſie. How was this poſſible, if *Praxeas* deliver'd the true Doctrine, and *Tertullian* brought in a *new Opinion* as *Schlichtingius* fanſies? *Tertullian* was at that time a declared *Montaniſt*; and if he had introduc'd a *new Doctrine* about the Trinity, can we imagine thoſe would have been ſilent about it, who were ſharp enough upon *Tertullian* for the ſake of his *Paraclete?* Some of the Followers of *Montanus* afterwards fell into the ſame Opinions with *Praxeas*, as *Theodoret* tells us, and *Tertullian* ſaith as much of thoſe *Cataphrygians* who follow'd *Æſchines*: But theſe *Montaniſts* are diſtinguiſhed from the reſt. And *Rigaltius* obſerves, that *Tertullian* follow'd *Montanus* chiefly in what related to Diſcipline, and that himſelf was not ſo corrupted in point of Doctrine as ſome of his Followers were.

Schlicht. ad Meiſn. de Trinit. p. 13, 14. 17.

Adverſ. Prax. 2. Nos vero ut ſemper nunc magis ut inſtructiores per Paracletum, &c. Hanc regulam ab initio Evangelii decucurriſſe etiam ante priores hæreticos, nedum Praxean heſternum.

Optat. Mil. *l.* 1.

Theodor. hær. *l.* 3. *c.* 2. Tertull. de præſcr. c 5. Rigalt. in Tertul. ad Praxean.

2. It's objected, *That* Tertullian'*s Doctrine is inconſiſtent with the Doctrine of the Trinity; for he denies the eternal Generation of the Son; and only aſſerts an Emiſſion of him before the Creation.*

Ante-Nicen. *p.* 27.

But my buſineſs is not to juſtifie all *Tertullian*'s Expreſſions or Similitudes; for Men of Wit and Fancy love to go out of the Road, and ſometimes involve

volve things more by Attempts to explain them; but I keep only to that which he ſaith was *the Faith of the Church from the beginning*; and I ſee no reaſon to call in queſtion his Fidelity in reporting, however he might be unhappy in his Explications.

3. *Tertullian himſelf*, ſaith *Schlichtingius*, in other *Places*, *where he ſpeaks of the Rule of Faith, doth not mention the Holy Ghoſt; and therefore this ſeems added by him for the ſake of the Paraclete.* But this can be of no force to any one that conſiders, that *Tertullian* grounds his Doctrine not on any *New Revelation* by the *Paraclete*, but on *the Rule of Faith* received in the Church long before; and upon the *Form of Baptiſm* preſcribed by our Saviour. Will they ſay, *the Holy Ghoſt* was there added for the ſake of *Montanus* his *Paraclete?* And in another of his Books, he owns *the Father, Son, and Holy Ghoſt to make up the Trinity in Unity.* Wherein *Petavius* himſelf confeſſes, *That he aſſerted the Doctrine of the Church in a Catholick manner*; although he otherwiſe ſpeaks hardly enough of him.

P. 12.

In quo eſt Trinitas unius Divinitatis, Pater, Filius & Spiritus Sanctus. De Pudicit. *c.* 21. Petav. T. 2. *l.* 1. *c.* 5. *Sect.* 4.

The next I ſhall mention, is *Novatian*, whom *Schlichtingius* allows, *to have been before the* Nicene Council; and our modern *Unitarians* call him a *great Man, whoever he was, and very ancient.* And there are two things I obſerve in him. 1. That he oppoſes *Sabellianiſm*; for, before his time *Praxeas* and *Noetus* were little talked of, eſpecially in the Weſtern Church; but *Sabellius* his Name and Doctrine were very well known by the oppoſition to him, by the Biſhops of *Alexandria* and *Rome*. He ſticks not, at the calling it *Hereſie* ſeveral times; and Diſputes againſt it, and anſwers the Objection *about the Unity of the Godhead*. 2. That he owns, *that the Rule of Faith requires our believing in Father, Son, and Holy Ghoſt*; and aſſerts *the Divine Eternity* of it, and therefore muſt hold the *Doctrine of the Trinity* to be the Faith of the Church contained in the *Form of Baptiſm*. For he ſaith, *The Authority of Faith, and the Holy Scriptures admoniſh us to believe not only in the Father and Son, but in the Holy Ghoſt.* Therefore the *Holy Ghoſt* muſt be conſidered, as an object of Faith joyned in the Scripture with the other two, which is no where more expreſs, than in *the Form of Baptiſm*, which as St. *Cyprian* ſaith, was to be *adminiſted in the full Confeſſion of the Trinity*, in the place already mention'd. And it is obſervable that St. *Cyprian* rejects the *Baptiſm* of thoſe who denied the *Trinity* at that time, among whom he inſtances in the *Patripaſſians*, who it ſeems were then ſpread into *Africa*.

Schlichting. Præf. *p.* 30.
Ante-Nicen. *p.* 27.

Novatian de Trinit. *c.* 12. 21, 31.
C. 29.

Et cum Spiritus Sancti divina æternitate ſociari.

Cypr. *Ep.* 37.

The Diſpute about the *Marcionites Baptiſm* was upon another ground, for they held a *real Trinity*, as appears by *Dionyſius Romanus* in *Athanaſius*, and *Epiphanius*, &c. but the Queſtion was, whether they held the *ſame Trinity* or not. St. *Cyprian*, ſaith, *That our Saviour appointed his Apoſtles to baptize in the Name of Father, Son, and Holy Ghoſt, and in the Sacrament of this Trinity they were to baptize.* Doth *Marcion* hold this Trinity? So that St. *Cyprian* ſuppoſed the validity of *Baptiſm* to depend on the Faith of the *Trinity*. And if he had gone no farther, I do not ſee how he had tranſgreſſed the Rules of the Church; but his Error was, that he made void Baptiſm upon difference of Communion, and therein he was juſtly oppoſed. But the *Marcionites* Baptiſm was rejected in the Eaſtern Church, becauſe of their Doctrine about the Trinity.

Baſil Epiſt. Canon, 47.

In the Parts of *Aſia* about *Epheſus*, *Noetus* had broached the ſame Doctrine, which *Praxeas* had done elſewhere. For which he was called to an account, and *himſelf with his Followers were caſt out of the Churches Communion*, as *Epiphanius* reports, which is another conſiderable Teſtimony of the Senſe of the Church at that time. *Epiphanius* ſaith, *he was the firſt who broached that blaſphemy*; but *Theodoret* mentions *Epigonus* and *Cleomenes* before him; it ſeems,

that

Epiph. hæreſ. 57. *n.* 1.

that he was the firſt who was publickly taken notice of for it; and therefore underwent the Cenſure of the Church with his Diſciples. When he was firſt ſummon'd to anſwer, he denied *that he aſſerted any ſuch Doctrine; becauſe no Man before him* ſaith Epiphanius, *had vented ſuch Poiſon.* And in the beginning he ſaith, that *Noetus* out of a Spirit of Contradiction had utter'd ſuch things, *as neither the Prophets, nor the Apoſtles, nor the Church of God ever thought or declared.* Now what was this unheard of Doctrine of *Noetus?* That appears beſt by *Noetus* his anſwer upon his ſecond appearance which was, *That he worſhipped One God, and knew of no other, who was born and ſuffer'd, and died for us*; and for this he produced the ſeveral places which aſſert the *Unity of the Godhead*, and among the reſt one very obſervable, N. 2. *Rom.* 9. 5. *Of whom as concerning the fleſh Chriſt came, who is over all God bleſſed for ever.* From whence he inferr'd, *that the Son and the Father were the ſame, and the ſame he affirmed of the Holy Ghoſt.* But from hence we have an evident Proof, that the moſt ancient *Greek Copies* in *Noetus* his time, which was long before the Council of *Nice*, had *God* in the Text. *Epiphanius* brings many places of Scripture to prove the Diſtinction of Perſons in the Unity of the Godhead; but that is not my preſent buſineſs, but to ſhew the general Senſe of the Church at that time. I do not ſay that *Noetus* was condemned by a general Council; but it is ſufficient to ſhew that he was caſt out of the Church, where he broached his Doctrine, and no other Church received him, or condemned that Church which caſt him out, which ſhews an after Conſent to it. Now what was this Doctrine of *Noetus?* The very ſame with that of *Praxeas* at *Rome*. *Theodoret* ſaith, this his Opinion was, Theod. hær. l. 3. c. 3. *That there was but one God the Father, who was himſelf impaſſible, but as he took our Nature, ſo he was paſſible and called the Son.* *Epiphanius* more fully, Epiph. 57. n. 2. *that the ſame Perſon was Father, Son and Holy Ghoſt; wherein*, he ſaith, *he plainly contradicts the Scriptures, which attribute diſtinct Perſonalities to them; and yet aſſert but one Godhead. The Father hath an Hypoſtaſis of his own, and ſo have the Son and Holy Ghoſt; but yet there is but one Divinity, one Power, and one Dominion*; for theſe diſtinct Perſons are τῆς αὐτῆς ταυτότητος, τῆς αὐτῆς κυριότητος; *of the ſame individual Eſſence and Power.* But *Epiphanius* was no *Ante-Nicene Father:* however in matters of Antiquity, where there is no incongruity in the thing, we may make uſe of his Authority; and I think no one will queſtion, that *Noetus* was condemned; which was the thing I produced him to prove.

But although *Noetus* was condemned, yet this Doctrine did ſpread in the Eaſtern Parts; Comment. in Matth. p. 470. for *Origen* mentions thoſe *who confounded the Notion of Father and Son, and made them but one Hypoſtaſis, and diſtinguiſhed only by Thought, and Denomination.* This Doctrine was oppoſed not only by *Origen*, but he had *the Senſe of the Church* concurring with him, as appears in the Caſe of *Beryllus* Biſhop of *Boſtra*, who fell into this Opinion, and was reclaimed by *Origen*; and *Euſebius* gives this account of it, Euſeb. l. 6. c. 33. *That there was a Concurrence of others with him in it*, and that this Doctrine was look'd on as an Innovation in the Faith. For his Opinion was, *that our Saviour had no proper Subſiſtence of his own before the Incarnation; and that the Deity of the Father alone was in him.* He did not mean that the Son had no ſeparate Divinity from the Father, but that the Deity of the Father only appeared in the Son; ſo that he was not really God, but only one in whom the Deity of the Father was made manifeſt. Which was one of the oldeſt Hereſies in the Church, and the moſt early condemned and oppoſed by it.

But thoſe Hereſies, which before had differenced Perſons from the Church, were now ſpread by ſome at firſt within the Communion of it; as it was not only in the Caſe of *Noetus* and *Beryllus*, but of *Sabellius* himſelf, who made the greateſt noiſe about this Doctrine; Epiph. hær. 62. and *his Diſciples*, *Epiphanius* tells us, *ſpread*

ſpread very much both in the Eaſtern and Weſtern parts, in Meſopotamia *and* at Rome. *Their Doctrine,* he ſaith, *was, that Father, Son and Holy Ghoſt were but one Hypoſtaſis, with three different Denominations.* They compared God to the *Sun, the Father to the Subſtance, the Son to the Light, and the Holy Ghoſt to the Heat which comes from it*; and theſe two latter were only *diſtinct Operations of the ſame Subſtance.*

Epiphanius thinks that *Sabellius* therein differ'd from *Noetus, becauſe he denied that the Father ſuffer'd*; but St. *Auguſtine* can find no difference between them. All that can be conceiv'd is, that a different Denomination did ariſe from the different Appearance and Operation; which our *Unitarians* call *three Relative Perſons, and one ſubſiſting Perſon.*

Aug. in Joh. tract. 36.

Diſcourſe of Nominal and Real Unit. p. 16.

Sabellius did ſpread his Hereſy moſt in his own Country, which was in *Pentapolis* of the *Cyrenaick Province*, being born in *Ptolemais* one of the five Cities there. Of this *Dionyſius* Biſhop of *Alexandria* gives an account in his Epiſtle to *Xyſtus*, then Biſhop of *Rome*; wherein he takes notice of *the wicked and blaſphemous Hereſie lately broached there againſt the Perſons of the Father, Son, and Holy Ghoſt.* Letters on both ſides were brought to him, on which occaſion he wrote ſeveral Epiſtles; among which there was one to *Ammonius* Biſhop of *Bernice*, another of the Cities of *Pentapolis*. In this he diſputed with great warmth againſt this Doctrine of *Sabellius*; inſomuch, that he was afterwards accuſed to *Dionyſius* of *Rome*, that he had gone too far the other way, and leſſen'd the Divinity of the Son by his Similitudes; of which he clear'd himſelf, as appears by what remains of his Defence in *Athanaſius*. But as to his Zeal againſt *Sabellianiſm*, it was never queſtion'd. *Dionyſius* of *Rome* declares his Senſe at large in this matter againſt both Extremes, *viz.* of thoſe who aſſerted *three ſeparate and independent Principles*, and of thoſe who *confounded the Divine Perſons*; and he charges the Doctrine of *Sabellius* too with *Blaſphemy*, as well as thoſe who ſet up *three different Principles*, and ſo *made three Gods*. But he declares the Chriſtian Doctrine to be, that *there were Father, Son and Holy Ghoſt*; *but that there is an indiviſible Union in one and the ſame Godhead.* It ſeems *Dionyſius* of *Alexandria* was accuſed for *dividing and ſeparating the Perſons*; to which he anſwers, that it was impoſſible he ſhould do it, becauſe *they are indiviſible from each other*; *and the Name of each Perſon did imply the inſeparable Relation to the other, as the Father to the Son, and the Son to the Father, and the Holy Ghoſt to both.* And this Judgment of theſe two great Men in the Church concerning *Sabellianiſm* was univerſally receiv'd in the *Chriſtian Church.* And this happen'd long before the *Nicene Council.*

Euſeb. *l.* 7. *c.* 6. 26.

Athan. de Decret. Synodi Nicænæ, *p.* 275.

Athanaſ. de Sentent. Dionyſii, *p.* 551.

2. Another Argument of the general *Senſe of the Chriſtian Church* is from the *Hymns* and *Doxologies* publickly received; which were in the moſt ſolemn Acts of religious Worſhip made to *Father, Son and Holy Ghoſt.* The force of this Argument appears hereby, that divine Worſhip cannot be given to *meer Names*; and an Equality of Worſhip doth imply an Equality of Dignity in the object of Worſhip; and therefore if the ſame Acts of Adoration be performed to *Father, Son and Holy Ghoſt*, it is plain, that the Chriſtian Church did eſteem them to have the ſame divine Nature, although they were diſtinct Perſons. And if they were not ſo, there could not be diſtinct Acts of divine Worſhip performed to them. St. *Baſil* mentions this *Doxology* of *Africanus*, (that ancient Writer of the Chriſtian Church) in the fifth Book of his *Chronicon*, *We render thanks to him who gave our Lord Jeſus Chriſt to be a Saviour, to whom with the Holy Ghoſt be Glory and Majeſty for ever.* And another of *Dionyſius Alexandrinus*, in his ſecond Epiſtle to *Dionyſius of Rome*; *To God the Father, and his Son our Lord Jeſus Chriſt, with the Holy Ghoſt, be Glory and Power for ever and ever, Amen.* And this is the more conſiderable, be-

Baſil. de Sp. Sancto *c.* 29.

becauſe he ſaith he *did herein follow the ancient Cuſtom and Rule of the Church*; *and he joined with it*, ὁμοφώνως αὐτοῖς προσευχαριστοῦντες, *Praiſing God in the ſame voice with thoſe who have gone before us*; which ſhews how early theſe Doxologies to *Father*, *Son*, and *Holy Ghoſt*, had been uſed in the Chriſtian Church. But to let us the better underſtand the true Senſe of them, St. *Baſil* hath preſerved ſome paſſages of *Dionyſius Alexandrinus* which do explain it, *viz. That either the* Sabellians *muſt allow three diſtinct Hypoſtaſes, or they muſt wholly take away the Trinity.* By which it is evident, that by *Father, Son, and Holy Ghoſt*, he did underſtand *three diſtinct Hypoſtaſes but not divided*; for that appears to have been the *Sabellians* Argument, *That if there were three, they muſt be divided.* No, ſaith *Dionyſius*, *they are three whether the* Sabellians *will or not, or elſe there is no Trinity*; which he look'd on as a great abſurdity to take away, τὴν θείαν τριάδα, the *Divine Trinity*. Of what? Of mere *Names or Energies*? That is no *Trinity*; for there is but *one ſubſiſting Perſon of ſeparate and divided Subſtances*: That the *Sabellians* thought muſt follow, but both the *Dionyſius's* denied it. And in another Paſſage there mention'd, *Dionyſius* of *Alexandria* aſſerts the *Trinity in Unity*. But before *Dionyſius*, he quotes a Paſſage of *Clemens Romanus* concerning *Father, Son and Holy Ghoſt*, which attributes *Life* diſtinctly to them. Now *Life* cannot belong to a *Name* or *Energy*, and therefore muſt imply a *Perſon*.

Θειοτάτη γὰρ διὰ τοῦτο μετὰ τὴν Μονάδα καὶ ἡ τριάς.

Ζῇ φησιν ὁ Θεὸς καὶ ὁ Κύριος Ἰησοῦς Χριστὸς, καὶ πνεῦμα τὸ ἅγιον.

But that which is moſt material to our purpoſe, is the *Publick Doxology* in the Church of *Neo-Cæſarea*, brought in by *Gregory Thaumaturgus*. St. *Baſil* gives a very high Character of him, as of a Perſon of extraordinary Piety and Exactneſs of Life, and a great Promoter of Chriſtianity in thoſe parts, and by him the *Form of Doxology was introduced into that Church*, being chiefly formed by him, (there being but ſeventeen *Chriſtians* when he was firſt made Biſhop there) which was, *Glory to God the Father, and Son, with the Holy Ghoſt*, which ought to be underſtood according to the ſenſe of the Maker of it. And *Gregory* hath deliver'd his ſenſe plainly enough in this matter; for in that *Confeſſion of Faith*, which was preſerved in the Church of *Neo-Cæſarea*, he owns *a perfect Trinity in Glory, Eternity, and Power, without Separation or Diverſity of Nature.* On which Doctrine his Form of *Doxology* was grounded. Which St. *Baſil* following, Exceptions were taken againſt it by ſome, as varying from the Form uſed in ſome other places. For the Followers of *Aetius* took advantage from the Expreſſion uſed in thoſe *Doxologies*, *Glory be to the Father, by the Son, and in the Holy Ghoſt*, to infer *a Diſſimilitude in the Son and Holy Ghoſt to the Father, and to make the Son the Inſtrument of the Father, and the Holy Ghoſt only to relate to time and place.* But St. *Baſil* takes a great deal of Pains to ſhew the impertinency of theſe Exceptions. They would fain have charged this *Doxology* as an Innovation on St. *Baſil*, becauſe it attributed *equal Honour to Father, Son and Holy Ghoſt*, which the *Aetians* would not endure; but they ſaid, *That the Son was to be honoured only in Subordination to the Father, and the Holy Ghoſt as inferiour to both.* But St. *Baſil* proves from Scripture an *Equality of Honour* to be due to them; and particularly from *the Form of Baptiſm*, c. 10. wherein *the Son and Holy Ghoſt are joined with the Father, without any note of Diſtinction. And what more proper token of a Conjunction in the ſame Dignity, than being put together in ſuch a manner?*

Greg. Thaumat. *p.* 1.

Eſpecially conſidering theſe two things. 1. The extream Jealouſie of the Jewiſh Nation, as to joining the Creatures with God in any thing that related to Divine Honour. But as St. *Baſil* argues, *If the Son were a Creature then we muſt believe in the Creator and the Creature together; and by the ſame reaſon that one Creature is joined, the whole Creation may be joined with him; but*, ſaith he, *we are not to imagine the leaſt Diſunion or Separation between Father*,

ther, Son and Holy Ghoſt; nor that they are three diſtinct parts of one inſeparable Being, but that there is an indiviſible Conjunction of three in the ſame Eſſence; ſo that where one is, there is the other alſo. For where the Holy Ghoſt is, there is the Son; and where the Son is, there is the Father. And ſo *Athanaſius* urges the Argument from theſe words, *That a Creature could not be joined with the Creator in ſuch a manner as in the Form of Baptiſm*; and it might have been as well ſaid, *Baptize in the Name of the Father, and any other Creature.* And for all that I ſee, our *Unitarians* would have liked ſuch a Form very well; for they parallel it with thoſe in *Scripture*; *And they worſhipped the Lord and the King*; and, *They feared the Lord and Samuel.* But the *Jews* underſtood the different occaſion of ſuch Expreſſions too well, to have born ſuch a Conjunction of Creatures with the Creator, in the moſt ſolemn Act of initiating into a Profeſſion of Religion.

Athanaſ. c. Serap. *p.* 10.

Anſwer to Milb. *p.* 18.

The *Jews* had a Notion among them of three diſtinct *Subſiſtences in the Deity*, ſuitable to theſe of *Father, Son, and Holy Ghoſt.* This hath been ſhewed by many as to the Son, or the *Divine Word*; and *Rittangel* makes out the ſame as to *the Holy Ghoſt.* Among the *three Subſiſtences* in the *Mercavah*, (which *Rittangel* had proved from their moſt ancient Writings) thoſe which are added to the firſt are *Wiſdom* and *Intelligence*, and this laſt is by the old *Chaldee Paraphraſt* render'd שכינתא, and he proves it to be applied to God in many places of the *Pentateuch*, where ſuch things are attributed to him as belong to the Holy Ghoſt. And he particularly ſhews by many places, that the *Shechinah* is not taken for *the Divine Glory*, but that is render'd by other Words, (however the Interpreters of the *Chaldee Paraphraſt* have render'd it ſo) but he produces ten places where the *Chaldee Paraphraſt* uſes it in another Senſe; and he leaves, he ſaith, many more to the Reader's obſervation. If the *Jews* did of old own *three Subſiſtences* in the ſame Divine Eſſence, there was then great Reaſon to join *Father, Son and Holy Ghoſt* in the ſolemn Act of Initiation: But if it be denied, *that they did own any ſuch thing*, they muſt deny their moſt *ancient* Books, and the *Chaldee Paraphraſt*, which they eſteem next to the Text, and *Rittangel* ſaith, *They believe it written by Inſpiration.* That which I chiefly urge is this, That if theſe things be not very ancient, they muſt be put in by the later *Jews* to gratifie the Chriſtians in the *Doctrine of the Trinity*; which I do not believe any *Jew* will aſſent to. And no one elſe can imagine this, when our *Unitarians* ſay, *That the Doctrine of the Trinity is the chief Offence which the Jews take at the Chriſtian Religion.* How then can we ſuppoſe the *Jews* ſhould forge theſe Books on purpoſe to put in ſuch Notions, as were moſt grateful to their Enemies, and hateful to themſelves? *Morinus* hath endeavoured to run down the Credit of the moſt ancient Books of the *Jews*; and among the reſt the Book *Jezirah*, the moſt ancient *Cabbaliſtical* Book among the *Jews*, which he learnedly proves was not written by *Abraham*, (as the *Jews* think) I will not ſtand with *Morinus* about this; however the Book *Coſri* ſaith, *It was made by* Abraham *before God ſpake to him*, and magnifies it to the King of *Coſar*, as containing an admirable Account of the firſt *Principles* above the *Philoſophers. Buxtorf* ſaith, that the Book *Coſri* hath been extant *Nine hundred Years*; and in the beginning of it it is ſaid, *That the Conference was four hundred Years before*; and therein the Book *Jezirah* is alledged as a Book of Antiquity; and there the *three Subſiſtences* of the Deity are repreſented by *Mind, Word and Hand.* So that this can be no late Invention of *Cabbaliſtical Jews.* But our *Unitarians* utterly deny *that the* Jews *had any* Cabbala *concerning the Trinity.* And they prove it, *becauſe the* Jews *in* Origen *and* Juſtin Martyr *deny the Meſſias to be God.* They might as well have brought their Teſtimony to prove Jeſus not to be the *Meſſias*; for the *Jews* of thoſe times being hard preſſed by the Chriſtians, found they could not otherwiſe avoid

Rittang. *p.* 81.

P. 113.

P. 117.

Anſwer to Dr. Bull, *p.* 59.

Morin. Exercit. *l.* 2. *l.* 10. c. 8.

Coſri Part. 4. *p.* 316.

P. 302.

ſeveral places of the Old Teſtament. But this doth not hinder, but that they might have Notions of *three Subſiſtences* in their ancient Books; which contained neither *late Invention*, nor *Divine Revelations*, but a Traditional notion about the Divine Being, and the *Subſiſtences* in it; and I can find no Arguments againſt it that deſerve mentioning. For when they ſay *the* Jewiſh Cabbala *was a Phariſaical Figment*, &c. it needs no anſwer. But what do they ſay to the *Old Paraphraſes*, whereon the main Weight as to this matter lies? All that I can find is, *That they do not ſpeak of diſtinct Per-* P. 61. *ſons; but they confeſs that* Philo *ſpeaks home, and therefore they make him a* Chriſtian. But *Philo* had the ſame Notion with the *Paraphraſts*; and their beſt way will be to declare, that they look upon them all as Chriſtians; and they might as well affirm it of *Onkelos*, as they do of *Philo*; but I doubt the World will not take their Word for either.

But to proceed with the Chriſtian *Doxologies*. *Nothing*, ſaith St. *Baſil*, De Sp. Sancto, c. 10. *ſhall make me forſake the Doctrine I received in my Baptiſm, when I was firſt entered into the* Chriſtian *Church; and I adviſe all others to keep firm to that Profeſſion of the Holy Trinity which they made in their Baptiſm*; that is, *of the indiviſible Union of Father, Son and Holy Ghoſt*. And, as he ſaith afterwards, C. 17. *by the Order of the Words in Baptiſm, it appears, that as the Son is to the Father, ſo the Holy Ghoſt is to the Son. For they are all put without any Diſtinction or Number, which he obſerves agrees only to a multitude. For by their* C. 18. *Properties they are one and one; yet by the Community of Eſſence the two are but one*: and he makes it his Buſineſs to prove *the Holy Ghoſt to be a proper Object of Adoration as well as the Father and Son, and therefore there was no reaſon to find fault with the Doxology uſed in that Church*; and that, Firmi- C. 29. lian, Meletius, *and the Eaſtern* Chriſtians, *agreed with them in the uſe of it, and ſo did all the Weſtern Churches from* Illyricum *to the Worlds end; and this*, he ſaith, *was by an immemorial Cuſtom of all Churches, and of the greateſt Men in them*. Nay, more he ſaith, *It had been continued in the Churches from the time the Goſpel had been receiv'd among them*. And nothing can be fuller than the Authority of his Teſtimony, if St. *Baſil* may be believed.

To this I ſhall add the *Doxology* of *Polycarp* at his Martyrdom, mentioned by *Euſebius*, which is very full to our purpoſe; *I glorify thee by our E-* Euſeb. l. 4. c. 15. *ternal High-Prieſt, Jeſus Chriſt thy beloved Son, by whom be Glory to thee, with him in the Holy Ghoſt*. What can we imagine *Polycarp* meant by this, but to render the *ſame Glory* to *Father, Son and Holy Ghoſt*; but with ſuch a difference as to the Particles, which St. *Baſil* at large proves come to the ſame thing? And to the ſame purpoſe, not only the Church of *Smyrna*, but *Pionius* the *Martyr*, who tranſcribed the Acts, ſpeaking of *Jeſus Chriſt, with whom be Glory to God the Father, and the Holy Ghoſt*. Theſe ſuffer'd Mar- Valeſ. ad Euſeb. p. 73. tyrdom for Chriſtianity, and owned the ſame Divine Honour to the *Father, Son and Holy Ghoſt*.

What could they mean, if they did not believe them to have the ſame Coteler. VII. p. 1027. Divine Nature? Can we ſuppoſe them guilty of ſuch Stupidity to loſe their Lives for not giving Divine Honour to Creatures, and at the ſame time to do it themſelves? So that if the *Father, Son and Holy Ghoſt* were not then believed to be three *Perſons and one God*, the Chriſtian Church was mightily deceived; and the Martyrs acted inconſiſtently with their own Principles: Which no good Chriſtian will dare to affirm. But ſome have adventured to ſay that *Polycarp did not mean the ſame Divine Honour to Father, Son and Holy Ghoſt*. But if he had ſo meant it, how could he have expreſſed it otherwiſe? It was certainly a Worſhip diſtinct from what he gave to *Creatures*; as appears by the Church of *Smyrna*'s diſowning *any Worſhip* but of *Love and Reſpect to their Fellow-Creatures*; and owning the giving *Adoration to the Son of God*; with whom they joyn both *Father and Holy Ghoſt*. Which it is impoſſible to conceive, that in their Circumſtances, they ſhould have done, unleſs they had believed the ſame Divine Honour to belong to them.

St. *Baſil's* Teſtimony makes it out of Diſpute, that the *Doxology* to *Father, Son, and Holy Ghoſt*, was univerſally receiv'd in the publick Offices of the Church, and that from the time of greateſt Antiquity: So that we have no need of the Teſtimonies from the *Apoſtolical Conſtitutions* (as they are called) to prove it. But I avoid all diſputable Authorities. And I ſhall only add, that it appears from St. *Baſil*, that this *Doxology* had been long uſed not only C. 29. in publick Offices, but in *Occaſional Ejaculations*, as at the bringing in of *Light in the Evening, the People*, he ſaith, *were wont to ſay, Glory be to the Father, and to the Son, and to the Holy Ghoſt*, &c. *This*, he ſaith, *had been an ancient Cuſtom among the People, and none can tell who brought it in.* But Prudent. Cath. Hymn. 5. *Prudentius*, ſhews, that it was continued to his Time; as appears by his *Hymn* on that occaſion, which concludes with this *Doxology*, and St. Hilar. Op. N. E. p. 1214. *Hilary* ends his *Hymn* written to his Daughter, in the ſame manner.

3. I come therefore to the laſt Proof, which I ſhall produce of *the Senſe of the Chriſtian Church*, which is, from the *Teſtimony* of thoſe who wrote in *Defence of our Religion againſt Infidels*. In which I ſhall be the ſhorter, ſince the particular Teſtimonies of the Fathers, have been ſo fully produced, and defended by others, eſpecially by Dr. *Bull*.

Apol. 2. p. 94. *Juſtin Martyr* in his *Apology* for the *Chriſtians*, gives an account of the *Form of Baptiſm*, as it was adminiſtred among *Chriſtians*, which he ſaith, was *in the Name of God the Father of all, and of our Saviour Jeſus Chriſt, and of the Holy Ghoſt*. And he ſpake of them as of *diſtinct Perſons*, as appears by his P. 26. Words afterwards. *They who take the Son to be the Father, neither know the Father nor the Son, who being the Word and firſt begotten is God.* And when P. 97. he ſpeaks of the *Euchariſt*, he ſaith, *That it is offer'd to the Father of all, by the Name of the Son, and the Holy Ghoſt:* and of other ſolemn Acts of Devotion, P. 98. he ſaith, *That in all of them they praiſe God the Father of all, by his Son* P. 56. *Jeſus Chriſt, and the Holy Ghoſt*. And in other places, he mentions the Worſhip they give to *Father, Son, and Holy Ghoſt*. Indeed he mentions a P. 60. *difference of Order* between them; but makes no *Difference* as to the *Worſhip* given to them. And all this in no long *Apology* for the *Chriſtian Faith*. What can be the meaning of this, if he did not take it for granted, that the Chriſtian Church embraced the Doctrine of the *Trinity in Baptiſm*? *Juſtin Martyr* was no ſuch weak Man to go about to expoſe the Chriſtian Religion inſtead of defending it; and he muſt have done ſo, if he did not believe this not only to be a true, but a neceſſary part of the Chriſtian Faith. For, why did he at all mention ſuch a Myſterious and dark Point? Why did he not conceal it, (as ſome would have done) and only repreſent to the Emperors, the fair and plauſible part of Chriſtianity? No, he was a Man of great Sincerity, and a through Chriſtian himſelf; and therefore thought he could not honeſtly conceal ſo fundamental a Point of the Chriſtian Faith, and which related to their being entred into the Chriſtian Church For if the Profeſſion of this Faith had not been look'd on as a neceſſary condition of being a Member of the Church of Chriſt; it is hard to imagine, that *Juſtin Martyr* ſhould ſo much inſiſt upon it, not only here, but in his other Treatiſes: Of which an Account hath been given by others.

Athenagoras had been a *Philoſopher*, as well as *Juſtin Martyr*, before he profeſſed himſelf a Chriſtian; and therefore, muſt be ſuppoſed to underſtand his Religion before he embraced it. And in his Defence he aſſerts, *That the Chriſtians do believe in Father, Son, and Holy Ghoſt; in God the Father, God the Son, and God the Holy Ghoſt.* And he mentions both *the Unity and Order which is among them.* Which can ſignifie nothing unleſs they be owned to be diſtinct Perſons in the ſame Divine Nature. And in the next Page, he looks on it, as a thing which all Chriſtians aſpire after in another Life, *That they ſhall then know the Union of the Father, and the Communication of the Father to the Son, what the Holy Ghoſt is, and what Union and Diſtinction there is between the Holy Ghoſt, the Son and the Father.* No Man who had ever had the name of a *Philoſopher* would have ſaid ſuch things, unleſs he had believed the Doctrine of the *Trinity* as we do, *i. e.* that there are three diſtinct Perſons in the ſame Divine Nature, but that the manner of the Union, and diſtinction between them, is above our reach and comprehenſion.

Athenag. *p.* 8.

But our *Unitarians* have an Anſwer ready for theſe Men, *viz. That they came out of* Plato*'s School, with the Tincture of his three Principles; and they ſadly complain, that* Platoniſm *had very early corrupted the Chriſtian Faith as to theſe matters.*

Defence of the Hiſt. of the Unit. *p.* 5.

In anſwer to which Exception, I have only one *Poſtulatum* to make; which is, that theſe were honeſt Men, and knew their own Minds beſt, and I ſhall make it appear, that none can more poſitively declare, than they do, that they did not take up theſe Notions from *Plato*, but from the *Holy Scriptures*; *Juſtin Martyr* ſaith, *he took the Foundation of his Faith from thence,* and *that he could find no certainty as to* God *and* Religion *any where elſe:* that *he thinks,* Plato *took his three Principles from* Moſes; and in his Dialogue with *Trypho*, he at large proves the *Eternity of the Son of God from the Scriptures*; and ſaid, *He would uſe no other Arguments, for he pretended to no Skill but in the Scriptures, which God had enabled him to underſtand.*

Reſp. ad Judic. Eccleſ. *p.* 17. 178.

Juſt. Apol. 2. Paræi. ad Græc. *p.* 18, 22, 24. Dial. cum. Trypho, *p.* 274, *&c.*

Athenagoras declares, *That where the Philoſophers agreed with them, their Faith did not depend on them, but on the Teſtimony of the Prophets, who were inſpired by the Holy Ghoſt.*

Athenag. *p.* 8, 9.

To the ſame purpoſe ſpeaks *Theophilus* Biſhop of *Antioch*, who aſſerts the *Co-eternity of the Son with the Father, from the beginning of St.* John*'s Goſpel*; and ſaith, *their Faith is built on the Scriptures.*

Theophil. ad Autolyc. *p.* 100.

Clemens Alexandrinus owns not only, the *Eſſential Attributes of God to belong to the Son*; but *that there is one Father of all, and one Word over all, and one Holy Ghoſt who is every where.*

Clemens Pæd. *l.* 3. *c.* 7.

And he thinks, Plato *borrowed his three Principles from* Moſes; *that his ſecond was the Son, and the third his Holy Spirit.*

Str. *l.* 4. *p.* 517. Prof. *p* 68.

Even *Origen* himſelf highly commends *Moſes above* Plato, in his moſt undoubted Writings, and ſaith, *That* Numenius *went beyond* Plato, and *that he borrowed out of the Scriptures*; and ſo he ſaith, Plato *did* in other places; but he adds, *That the Doctrines were better deliver'd in Scripture, than in his Artificial Dialogues.* Can any one that hath the leaſt reverence for Writers of ſuch Authority and Zeal for the Chriſtian Doctrine, imagine that they wilfully corrupted it in one of the chief Articles of it; and brought in new Speculations againſt the Senſe of thoſe Books, which at the ſame time, they profeſſed to be the only Rule of their Faith? Even where they ſpeak moſt favourably of the *Platonick* Trinity, they ſuppoſe it to be borrowed from *Moſes.*

Pæd. *l.* 1. *c.* 6. Str. *l.* 5. *p.* 598. Orig. c. Celſ. *l.* 1. *p.* 16. *l.* 4. *p.* 198. *l.* 6. *p.* 275, 279, *&c.* 308. *l.* 7. *p.* 351, 371.

And therefore *Numenius* ſaid, *That* Moſes *and* Plato *did not differ about the firſt Principles*; and *Theodoret* mentions *Numenius* as one of thoſe, who ſaid, Plato *underſtood the Hebrew Doctrine in* Egypt; and during his Thirteen Years ſtay there, it is hardly poſſible to ſuppoſe, he ſhould be igno-

Clem. Alex. Str. 1. Euſeb. Præp. *l.* 8. Theod. Serm. 1.

rant of the *Hebrew Doctrine*, about the *firſt Principles*, which he was ſo inquiſitive after, eſpecially among Nations, who pretended to Antiquity.

And the *Platonick Notion* of the *Divine Eſſence inlarging it ſelf to three Hypoſtaſes*, is conſiderable on theſe Accounts:

1. That it is delivered with ſo much aſſurance by the Oppoſers of Chriſtianity; ſuch as *Plotinus*, *Porphyrius*, *Proclus* and others were known to be, and they ſpeak with no manner of doubt concerning it; as may be ſeen in the paſſages of *Porphyry* preſerved by St. *Cyril* and others.

Cyril. c. Jul. *l.* 1. & *l.* 8.

2. That they took it up from no Revelation; but as a Notion in it ſelf agreeable enough; as appears by the paſſages in *Plato* and others concerning it. They never ſuſpected it to be liable to the Charge of *Non-Senſe*, and *Contradictions*, as our modern *Unitarians* charge the Trinity with; although their Notion as repreſented by *Porphyry* be as liable to it. How came theſe Men of Wit and Senſe, to hit upon, and be ſo fond of ſuch abſurd Principles which lead to the Belief of Myſterious *Non-Senſe*, and *Impoſſibilities*, if theſe Men may be truſted?

3. That the Nations moſt renowned for Antiquity and deep Speculations, did light upon the ſame Doctrine, about a Trinity of *Hypoſtaſes* in the Divine Eſſence. To prove this I ſhall not refer to the *Triſmegiſtick Books*, or the *Chaldee Oracles*, or any doubtful Authorities; but *Plutarch* aſſerts the *three Hypoſtaſes to have been receiv'd among the* Perſians, and *Porphyry*, and *Jamblichus*, ſay the ſame of the *Egyptians*.

Plutarch de Iſid. & Oſirid. *p.* 369. ed. Fr.

Euſebius Præp. E. *l.* 3. *c.* 11.

Jamb. de Myſt. *Sect.* 8. *c* 2.

Marcrob. *in* Som. Scipion. *l.* 1. *c.* 14.

4. That this *Hypoſtaſis* did maintain its Reputation ſo long in the World. For we find it continued to the time of *Macrobius*; who mentions it as a reaſonable Notion, *viz.* of *one ſupreme Being*, *Father of all*, *and a Mind proceeding from it*; *and Soul from Mind.* Some have thought *that the* Platoniſts *made two created Beings*, *to be two of the Divine Hypoſtaſes*; but this is contrary to what *Plotinus* and *Porphyry* affirm concerning it, and it is hard to give an Account, how they ſhould then be Eſſentially different from Creatures, and be *Hypoſtaſes in the Divine Eſſence.* But this is no part of my buſineſs, being concerned no farther, than to clear the Senſe of the Chriſtian Church, as to the *Form of Baptiſm in the Name of the Father, Son, and Holy Ghoſt*; which according to the Senſe of *the Ante Nicene Fathers*, I have proved, doth manifeſt the Doctrine of the Trinity, to have been generally receiv'd in the Chriſtian Church.

2 Let us now ſee what our *Unitarians* object againſt the Proof of the Trinity from theſe Words.

Anſwer to Milb. *p.* 17.

1. They ſay, *That there is a Note of diſtinction and Superiority. For Chriſt owns, that his Power was given to him by the Father.*

There is no queſtion, but that the Perſon who ſuffer'd on the Croſs, had Power given to him, after his Reſurrection; but the true Queſtion is, whether his *Sonſhip* were then given to him. He was then *declared to be the Son of God with Power*, *and had a Name or* Authority *given him above every Name*; *being exalted to be a Prince and a Saviour*, *to give Repentance*; *and Remiſſion of Sins:* in order to which *he* now appointed his Apoſtles *to teach all Nations*; *baptizing them in the Name of the Father*, *the Son*, *and the Holy Ghoſt*. He doth not ſay, in the Name of *Jeſus*, who ſuffer'd on the Croſs; nor in the Name of *Jeſus the Chriſt* now exalted; but in the Name of *Father*, *Son*, *and Holy Ghoſt:* and although there were a double Gift with reſpect *to the Son and Holy Ghoſt*; the one, as to his Royal Authority over the Church; the other, as to his extraordinary Effuſion on the Apoſtles, yet neither of theſe are ſo much as intimated; but the Office of Baptiſm is required to be performed in the Name of theſe three as diſtinct and yet equal; without any Relation to any Gift, either as to the *Son or Holy Ghoſt.* But if the ancient *Jews* were in the Right, as we think they were, then we have a plain account, how theſe came to be thus mention'd in the Form of Baptiſm, *viz.* that theſe three diſtinct Subſiſtences in the Divine Eſſence, were not now to be kept up as a ſecret Myſtery from the World; but that the Chriſtian Church was to be formed upon the Belief of it.

2. They bring *ſeveral places of Scripture, where God and his Creatures are joyned, without any Note of diſtinction or Superiority; as, The People feared the Lord, and* Samuel, 1 Sam. 12. 18. *They worſhipped the Lord, and the King,* 1 Chron. 29. 20. *I charge thee before God and the Lord Jeſus Chriſt, and his elect Angels,* 1 Tim. 5. 21. *The Spirit and the Bride ſay come,* Revel. 22. 17.

But can any Man of Senſe imagine, theſe places contain a Parallel with a Form of Words, wherein Men are entred into the Profeſſion of a new Religion, and by which they were to be diſtinguiſhed from all other Religions? In the former places, the Circumſtances were ſo notorious as to *God,* and the *Civil Magiſtrate,* that it ſhews no more than that the ſame external Acts may be uſed to both, but with ſuch a different Intention as all Men underſtood it. What if St. *Paul* name *the elect Angels* in a ſolemn Obteſtation to *Timothy,* together with *God, and the Lord Jeſus Chriſt?* What can this prove, but that we may call God and his Creatures to be Witneſſes together of the ſame thing? And ſo *Heaven and Earth* are called to bear Witneſs againſt obſtinate Sinners: May Men therefore be baptized in the Name of *God and his Creatures? The Spirit and Bride* may ſay *come* without any Incongruity; but it would have been ſtrange indeed, if they had ſaid, *Come be baptized in the Name of the Spirit and the Bride.* So that theſe Inſtances are very remote from the purpoſe.

But they ſay farther, *That the ancients of the firſt four Hundred Years do not inſiſt on this place, to prove the Divinity or Perſonality of the Son or Spirit.* As to the firſt *three Hundred Years,* I have given an Account already; and as to the *Fourth Century,* I could not have thought, that they would have mention'd it: ſince there is ſcarce a Father of the Church in that time, who had occaſion to do it, but makes uſe of the Argument from this place to prove *the Divinity and Perſonality of the* Son *and Spirit.*

Athanaſius ſaith, *That Chriſt founded his Church on the Doctrine of the Trinity contained in theſe Words; and if the Holy Ghoſt had been of a different Nature, from the Father and Son, he would never have been joyned with them in a Form of Baptiſm, no more than an Angel, or any other Creature. For the Trinity muſt be Eternal and Indiviſible, which it could not be, if any created Being were in it,* and therefore he diſputes againſt the *Arian Baptiſm,* although performed with the ſame Words, becauſe *they joyned God and a Creature together in Baptiſm.* To the ſame purpoſe argue *Didymus, Gregory Nazianzen,* St *Baſil* and others, within the Compaſs of four hundred Years, whoſe Teſtimonies are produced by *Petavius;* to whom I refer the Reader, if he hath a mind to be ſatisfied in ſo clear a Point, that I cannot but think our *Unitarians* never intended to take in the *Fathers* after the Council of *Nice,* who are ſo expreſly againſt them; and therefore I paſs it over as a ſlip.

Athan. Ep. ad Serapion, *p.* 14. Tom. 2.
Ad Serap. Tom. 1. *p.* 186.
179.
Or 3. c. Arian *p.* 413.

Petavius T. II. *l.* 2. *c.* 12. *ſect.* 8.

4. They object, *That the Form of Baptiſm implies no more, than being admitted into that Religion which proceeds from God the Father, and deliver'd by his Son, and confirmed by the Teſtimony of the Holy Ghoſt.* So much we grant is implied, but the Queſtion ſtill remains, whether the *Son* and *Holy Ghoſt* are here to be conſider'd only in order to their *Operations,* or whether the Perſons of the *Son and Holy Ghoſt,* from whom thoſe Effects came, are not

Hiſt. of the Unitar. *p.* 25.

here chiefly intended? For if no more had been meant but theſe Effects, then the right Form of Admiſſion had not been, *Into the Name of Father, Son, and Holy Ghoſt*; but *in the Name of the Father alone*, as *revealing* himſelf by his *Son*, and *confirming* it by the miraculous Works of the *Holy Ghoſt*. For theſe are only ſubſervient Acts to the deſign of God the *Father*, *as the only ſubſiſting Perſon*.

Aug. in Pſal. 77.

4. They tell us, *That it is in vain, not to ſay ridiculouſly pretended, that a Perſon or thing is God, becauſe we are baptized into it; for ſome were baptized into* Moſes, *and others into* John'*s Baptiſm, and ſo* Moſes *and* John Baptiſt *would be Gods; and to be baptized into a Perſon or Perſons, and in the Name of ſuch a Perſon is the ſame thing.* Grant this; yet there is a great difference between being baptized in the name of *a Miniſter of Baptiſm*, and of *the Author of a Religion*, into which they are baptized. The *Iſraelites were baptized unto* Moſes; but how? The *Syriac* and *Arabic Verſions* render it *per Moſen*; and ſo St. *Auguſtine* reads it. And this ſeems to be the moſt natural ſenſe of the Word, εἰς being put for διὰ, as it is *Act.* 7: 53. compared with *Gal.* 3. 19. And the force of the Apoſtle's Argument doth not lie in the Parallel between being *baptized into* Moſes, *and into* Chriſt; but in the Privileges they had under the *Miniſtery of* Moſes, with thoſe which Chriſtians enjoyed. The other place implies no more, than being enter'd into that Profeſſion, which *John* baptized his Diſciples into. But doth any one imagine, that becauſe *John Baptiſt* did enter his *Diſciples* by Baptiſm, therefore they muſt believe him to be God? I know none that lay the force of the Argument upon any thing parallel to thoſe places. But it depends upon laying the Circumſtances together. Here was a new Religion to be taught Mankind, and they were to be entred into it, not by a bare verbal Profeſſion, but by a ſolemn Rite of Baptiſm; and this *Baptiſm* is declar'd to be *in the Name of the Father, Son and Holy Ghoſt*; which cannot be underſtood of their *Miniſtry*, and therefore muſt relate to that Faith which they were baptized into, which was concerning *the Father, Son and Holy Ghoſt.* And ſo the Chriſtian Church underſtood it from the beginning, as I have proved in the foregoing Diſcourſe.

Anſwer to Dr. Bull, p. 17.

And from hence came the Inſtruction of *Catechumens*, who were to be baptized, about the *Trinity*; and the firſt *Creeds*, which related only to them, as I have already obſerved. And ſo much our *Unitarians* grant in one of their lateſt Pamphlets, that a *Creed was an Inſtitution or Inſtruction what we are to believe in the main and fundamental Articles, eſpecially concerning the Perſons of Father, Son and Holy Ghoſt.* But they contend, *That the Creed which bears the Name of the Apoſtles, was the Original Creed framed by the Apoſtles themſelves, becauſe they ſuppoſe this Creed doth not aſſert the Son and Holy Ghoſt to be eternal and divine Perſons, and therefore they conclude, that the Makers of this Creed either did not know, that any other Perſon but the Father is God, or Almighty, or Maker of Heaven and Earth, or they have negligently or wickedly concealed it.*

This is a matter ſo neceſſary to be clear'd, that I ſhall examine theſe two things before I put an end to this Diſcourſe.

1. What Proofs they bring that this *Creed* was framed by the Apoſtles.

2. What Evidence they produce that this *Creed* excludes the *Divinity of the Son and Holy Ghoſt*.

1. As to the Proofs they bring, that this *Creed* was framed by the Apoſtles. We believe the *Creed* to be *Apoſtolical* in the *true Senſe* of it; but that it was ſo in that *Frame of Words*, and Enumeration of Articles, as it is now receiv'd, hath been called in queſtion by ſome *Criticks* of great Judgment and Learning, whom I have already mentioned. *Eraſmus* ſaith, *He*

doth not queſtion the Articles being Apoſtolical; but whether the Apoſtles put it thus into Writing. And his chief Argument is from the *Variety* of the *ancient Creeds*; of which no Account can be given ſo probable, as that they were added *Occaſionally* in oppoſition to a growing Hereſie. As for Inſtance, the Word *impaſſible* was inſerted with Reſpect to the Father in the ancient *Eaſtern Creed*, againſt the Doctrine of *Sabellius*; but it was not in the old *Weſtern Creed*. And he argues, That the *Apoſtolical Creed* ended with the Holy Ghoſt; becauſe the *Nicene Creed* did ſo. And *Voſſius* thinks the other Articles which are in *Cyril*, were added after the *Nicene Council*; which would not have omitted them, if they had been in the former Creed. And when there were ſo many *Creeds* made afterwards, it is obſervable that they do all end with the Article of the *Holy Ghoſt*; which they would never have done, in ſo jealous a time about *Creeds*, if they had left out any Articles of what was then receiv'd for the *Apoſtolical Creed*.

Eraſ. ad Cenſ. pariſ. Tit II.

Voſſ. de tribus Symb. Diſſert. 1. *Sect.* 47.

The firſt *Creed* after the *Nicene*, which made great noiſe in the World, was that framed at *Antioch*; and that *Creed* not only ends with the Article of the Holy Ghoſt, but mentions the *Form of Baptiſm, and our Saviour's commanding his Apoſtles to baptize in the Name of the Father, Son and Holy Ghoſt*, as the Foundation of the Creed. *For it hereby appears, that the Father is true Father, and the Son true Son, and the Holy Ghoſt true Holy Ghoſt; not bare Names, but ſuch as import three diſtinct Subſiſtences.*

Hilar. de Synod, p. 1169.

For *Hilary* obſerves, That this Council chiefly intended to overthrow *Sabellianiſm*, and therefore aſſerted *tres Subſiſtentium Perſonas*, as *Hilary* interprets their meaning, and ſo doth *Epiphanius*; which was to remove the Suſpicion, that they aſſerted only *triplicis vocabuli Unionem*, as *Hilary* ſpeaks. The next *Creed* is of the Eaſtern Biſhops at *Sardica*, and that ends with *the Holy Ghoſt*; and ſo do both the Creeds at *Sirmium*: and the latter calls the *Article of the Trinity, the cloſe of our Faith*; which is always to be kept according to our Saviour's Command, *Go teach all Nations, baptizing them in the Name of the Father, Son and Holy Ghoſt.* So that in all theſe *Creeds*, about which there was ſo much heat in the Chriſtian Church, there was not the leaſt Objection, that any Articles of the *Apoſtolical Creed* were omitted. It is no Argument, That there was then no conteſt about theſe Articles; for they were bound to give in an entire Creed; and ſo the Council of *Antioch* declares, that they would publiſh the *Confeſſion of the Faith of the Church*; and how could this be, if they left out ſuch Articles which had been always receiv'd from the Apoſtles times? But certainly our *Unitarians* would not attack ſuch Men as *Eraſmus* and *Voſſius*, in a matter relating to Antiquity, if they had not ſome good Arguments on their ſide. Their firſt buſineſs is to ſhew, that ſome of *Voſſius* his Arguments are not concluſive; ſuch as they are, I leave them to any one that will compare them with the Anſwers. But there are two things they lay weight upon.

Epiphanius hær. 73. *n.* 17.

Clauſula Fidei in Edit. nuperâ Pariſ. ex MSS.

1. *That the whole Chriſtian Church Eaſt and Weſt, could not have agreed in the ſame Creed, as to Number and Order of Articles, and manner of Expreſſion, if this Creed had not come from the ſame Perſons, from whom they receiv'd the Goſpel and the Scriptures; namely, from the Apoſtles and Preachers of Chriſtianity.* P. 27.

2. *That it was receiv'd by a conſtant Tradition to have been the Apoſtles*; not a bare *Oral Tradition*, but *the Tradition of the ancient Commentators upon it.* P. 28.

Now theſe I confeſs to be as good Arguments as the Matter will bear; and I will no longer conteſt this Point with them, provided that we be allowed to make uſe of the ſame Arguments, as to the ſecond Point; wherein they undertake to prove, *That the Apoſtles Creed doth exclude the Divinity of the Son and Holy Ghoſt.* What is now become of the *general Conſent of* *the Chriſtian Church, Eaſt and Weſt? And of the Commentators upon this Creed?* If the Argument hold good in one Caſe, I hope it will be allowed to do ſo in the other alſo. And what greater Teſtimony can be given of ſuch a *Conſent of the Chriſtian Church*, than that thoſe who oppoſed it have been condemned by it, and that the Church hath expreſſed her Senſe of it in *Publick* and *Private Acts* of *Devotion*, and *Divine Worſhip*, and have defended it as a neceſſary part of the *Chriſtian Faith*, againſt the Aſſaults of *Infidels* and *Hereticks*? So that although the *Apoſtles Creed* do not in expreſs words declare, *The Divinity of the three Perſons in the Unity of the Divine Eſſence*; yet taking the *Senſe* of thoſe Articles, as the *Chriſtian Church* underſtood them from the Apoſtles times, then we have as full and clear Evidence of this Doctrine, as we have *that we receiv'd the Scriptures from them.*

CHAP. X.

The Objections againſt the Trinity *in Point of Reaſon anſwer'd.*

HAving in the foregoing Chapters endeavour'd to clear the Doctrine of the *Trinity* from the charge of *Contradictions*, and to prove it agreeable to the *Senſe* of *Scripture*, and the *Primitive Church*;

I now come in the next place to examine the remaining Objections in point of Reaſon; and thoſe are,

1. That this Doctrine is ſaid to be a *Myſtery*, and therefore *above Reaſon*; and we cannot in reaſon be obliged to believe any ſuch thing.

2. That if we allow any ſuch *Myſteries of Faith* as are *above Reaſon*, there can be no ſtop put to any abſurd Doctrines, but they may be receiv'd on the ſame grounds.

1. As to this Doctrine being ſaid to be *above Reaſon*, and therefore not to be believ'd, we muſt conſider two things;

1. What we underſtand by *Reaſon*.

2. What ground in Reaſon there is, to reject any Doctrine *above it*, when it is propoſed as a Matter of Faith.

1. What we underſtand by *Reaſon*. I do not find that our *Unitarians* have explain'd the *Nature* and *Bounds* of *Reaſon* in ſuch manner, as thoſe ought to have done, who make it the Rule and Standard of what they are to believe. But ſometimes they ſpeak of *clear and diſtinct Perceptions*, ſometimes of *natural Ideas*, ſometimes of *congenit Notions*, &c. But a late Author hath endeavour'd to make amends for this, and takes upon him to make this matter clear; and to be ſure to do ſo, he begins with telling us, *That Reaſon is not the Soul abſtractedly conſider'd*; (no doubt of it) *but the Soul acting in a peculiar manner is Reaſon.* (And this is a very *peculiar way* of explaining it.) But farther we are told, *It is not the Order or Report* (reſpect I ſuppoſe) *which is naturally between all things.* (But that implies a Reaſon in things.) *But the thoughts which the Soul forms of things according to it, may properly claim that Title*, i. e. ſuch thoughts which are agreeable to the reaſon of things are reaſonable Thoughts. This is clear and diſtinct. And I perfectly agree with him, *That our own Inclinations, or the bare Authority of others is not Reaſon.* But what is it? *Every one experiences in himſelf a Power, or Faculty of forming various Ideas, or Perceptions of things; of affirming or denying, according as he ſees them to agree or diſagree; and this is Reaſon in general. It is not the bare receiving Ideas into the Mind, that is ſtrictly*

Anſwer to my Sermon, p. 4. *Letter of Reſolution*, p. 3. *Chriſtianity not myſterious*, p. 8, 9.

ſtrictly Reaſon, (who ever thought it was?) *but the Perception of the Agreement or Diſagreement of our Ideas in a greater or leſſer Number, wherein ſoever this Agreement or Diſagreement may conſiſt. If the Perception be immediate without the Aſſiſtance of any other Idea, this is not call'd Reaſon, but Self-Evidence; but when the Mind makes uſe of intermediate Ideas to diſcover that Agreement or Diſagreement, this method of Knowledge is properly call'd Reaſon or Demonſtration. And ſo Reaſon is defined to be that Faculty of the Soul which diſcovers the Certainty of any thing dubious or obſcure, by comparing it with ſomething evidently known.*

This is offer'd to the World as an account of Reaſon; but to ſhew how very looſe and unſatisfactory it is, I deſire it may be conſider'd, that this Doctrine ſuppoſes that we muſt have *clear and diſtinct Ideas* of whatever we pretend to any certainty of in our Minds; and that the only way to attain this Certainty, is by comparing theſe *Ideas* together. Which excludes all Certainty of Faith or Reaſon, where we cannot have ſuch *clear and diſtinct Ideas.* But if there are many things of which we may be certain, and yet can have no *clear and diſtinct Ideas* of them; if thoſe *Ideas* we have are too imperfect and obſcure to form our Judgments by, if we cannot find out ſufficient *intermediate Ideas,* then this cannot be the *Means* of *Certainty,* or the *Foundation* of *Reaſon.*

But I ſhall keep to our preſent Subject; and our certainty of it in point of Reaſon depends upon our Knowledge of the Nature of *Subſtance* and *Perſon,* and the *Diſtinction* between them; but if we can have no ſuch *clear Ideas* in our Minds concerning theſe things, as are required from *Senſation* or *Reflection,* then either we have no uſe of *Reaſon* about them, or it is inſufficient to paſs any Judgment concerning them.

1. I begin with the Notion of *Subſtance*; and I have great reaſon to begin with it; for according to this Man's Principles, there can be no Certainty of Reaſon at all about it. And ſo our new way of Reaſon is advanced to very good purpoſe. For we may talk and diſpute about *Subſtance* as long as we pleaſe; but if his Principles of Reaſon be true, we can come to no Certainty; ſince we can have no *clear Idea* in our Minds concerning it, as will appear from his own Words, and the Method he proceeds in.

(1.) He ſaith, *That the Mind receives in Ideas two ways.* 1. *By Intromiſſion of the Senſes; as Colours, Figures, Sounds, Smells,* &c. 2. *By the Souls conſidering its own Operations about what it thus gets from without; as knowing, doubting, affirming, denying,* &c. Chap. I.

(2.) *That theſe ſimple and diſtinct Ideas, thus laid up in the great Repoſitory of the Underſtanding, are the ſole Matter and Foundation of all our Reaſoning.*

Then it follows, That we can have *no Foundation of Reaſoning,* where there can be no ſuch *Ideas* from *Senſation or Reflection.*

Now this is the Caſe of *Subſtance*; it is not *intromitted by the Senſes,* nor depends upon *the Operations of the Mind,* and ſo it cannot be within the compaſs of our Reaſon. And therefore I do not wonder, that the Gentlemen of this new way of Reaſoning have almoſt diſcarded *Subſtance* out of the reaſonable part of the World. For they not only tell us, *That we can have no Idea of it by Senſation or Reflection*; but that *nothing is ſignified by it, only an uncertain Suppoſition of we know not what.* And therefore it is parallel'd more than once with the *Indian Philoſophers, He knew not what; which ſupported the* Tortoiſe, *that ſupported the* Elephant, *that ſupported the Earth*; ſo *Subſtance was found out only to ſupport Accidents.* And, *That when we talk of Subſtances we talk like Children, who being ask'd a Queſtion about ſomewhat which they know not, readily give this ſatisfactory Anſwer, that it is ſomething.*

Human Underſtanding, l. 1. chap. 4. ſect. 18. L. 2. c. 13. ſect. 19. Chap. 23. ſect. 2.

If this be the truth of the Caſe, we muſt ſtill *talk like Children*, and I know not how it can be remedied. For, if we cannot come at a rational Idea of *Subſtance*, we can have no Principle of certainty to go upon in this Debate.

I do not ſay, that we can have a *clear Idea of Subſtance*, either by *Senſation* or *Reflexion*; but from hence I argue, that this is a very inſufficient Diſtribution of the *Ideas* neceſſary to Reaſon. For beſides theſe, there muſt be ſome *general Ideas*, which the Mind doth form, not by *meer comparing thoſe Ideas it has got from Senſe or Reflexion*; but by forming diſtinct general Notions of things from particular *Ideas*. And among theſe general Notions, or rational *Ideas*, *Subſtance* is one of the firſt; becauſe we find that we can have no true Conceptions of any *Modes* or *Accidents* (no matter which) but we muſt conceive a *Subſtratum*, or Subject wherein they are, ſince it is a Repugnancy to our firſt Conceptions of things, that *Modes* or *Accidents* ſhould ſubſiſt by themſelves, and therefore the *Rational Idea* of *Subſtance* is one of the firſt, and moſt natural *Ideas* in our Minds.

But we are ſtill told, *That our Underſtanding can have no other Ideas, but either from Senſation or Reflection*. And *that*, *herein chiefly lies the Excellency of Mankind, above Brutes, that theſe cannot abſtract, and inlarge their Ideas, as Men do.*

L. 2. *ch.* 1. *ſect.* 5.

But how comes the *general Idea* of *Subſtance*, to be framed in our Minds? Is this by *Abſtracting* and *inlarging ſimple Ideas*? No, *but it is by a Complication of many ſimple Ideas together: becauſe not imagining how theſe ſimple Ideas can ſubſiſt by themſelves, we accuſtom our ſelves to ſuppoſe ſome* Subſtratum *wherein they do ſubſiſt, and from which they do reſult, which therefore we call Subſtance.* And is this all indeed, that is to be ſaid for the being of *Subſtance*, *that we accuſtom our ſelves to ſuppoſe a* Subſtratum? Is that *Cuſtom* grounded upon true Reaſon or not? If not, then *Accidents* or *Modes*, muſt ſubſiſt of themſelves, and theſe *ſimple Ideas* need no *Tortoiſe* to ſupport them: For *Figures* and *Colours*, &c. would do well enough of themſelves, but for ſome Fancies *Men have accuſtomed themſelves to.* If it be grounded on plain and evident Reaſon, then we muſt allow an *Idea* of *Subſtance*, which comes not in by *Senſation* or *Reflection*; and ſo we may be certain of ſome things which we have not by thoſe *Ideas*.

L. 2. *ch* 23. *ſect.* 1.

The Idea of Subſtance, we are told again, *is nothing but the ſuppoſed, but unknown ſupport of thoſe Qualities we find exiſting, which we imagine cannot ſubſiſt* ſine re ſubſtante *which according to the true import of the Word, is in plain Engliſh ſtanding under, or upholding.* But very little weight is to be laid upon a bare *Grammatical Etymology*, when the Word is uſed in another Senſe by the beſt Authors, ſuch as *Cicero* and *Quintilian*, who take *Subſtance* for the ſame with *Eſſence*; as *Valla* hath proved; and ſo the Greek Word imports; but *Boethius* in tranſlating *Ariſtotle's Predicaments*, rather choſe the Word *Subſtance* as more proper, to expreſs a *Compound Being*, and reſerved *Eſſence*, for what was more ſimple and immaterial. And in this Senſe, *Subſtance* was not applied to God but only *Eſſence*, as St. *Auguſtine* obſerves, but afterwards, the Names of *Subſtance*, and *Eſſence* were promiſcuouſly uſed, with reſpect to God and his Creatures. And do imply, that which makes the *Real Being*, as diſtinguiſhed from *Modes* and *Properties*. And ſo the *Subſtance*, and *Eſſence* of a Man are the ſame; not being taken for the *individual Subſtance*, which cannot be underſtood without particular *Modes* and *Properties*; but the general Subſtance, or Nature of Man abſtractly for all the Circumſtances of Perſons.

Vall. Diſput. Dial. *l.* 1. *c.* 6.

And I deſire to know, whether according to true Reaſon, that be not a *clear Idea* of a Man; not of *Peter*, *James* or *John*, but of a Man as ſuch. This is not a meer *univerſal Name*, or *Mark*, or *Sign*; but there is as clear and diſtinct a Conception of this in our Minds, as we can have from any ſuch *ſimple Ideas*, as are convey'd by our Senſes. I do not deny that the Diſtinction of particular Subſtances, is by the ſeveral Modes and Properties of them, (which they may call *a Complication of ſimple Ideas*, if they pleaſe) but I do aſſert, that the *general Idea*, which relates to the *Eſſence* without theſe is ſo juſt, and true an *Idea*, that without it *the Complication of ſimple Ideas*, will never give us a right Notion of it.

I muſt do that right to the ingenious Author of *the Eſſay of humane Underſtanding*, (from whence theſe Notions are borrowed to ſerve other Purpoſes than he intended them) that he makes the Caſe of *Spiritual*, and *Corporeal Subſtances* to be alike, as to their *Idea's*, and *that we have as clear a Notion of a Spirit, as we have of a Body, the one being ſuppoſed to be the* Subſtratum *to thoſe ſimple Ideas we have from without, and the other of thoſe* Operations *we find within our ſelves. And that it is as rational to affirm, there is no Body, becauſe we cannot know its Eſſence, as 'tis called, or have no Idea of the Subſtance of Matter; as to ſay, there is no Spirit, becauſe we know not its Eſſence, or have no Idea of a Spiritual Subſtance.*

Chap. 23. ſect. 5.

From hence it follows, That we may be certain, that there are both *Spiritual and Bodily Subſtances*, although we can have *no clear and diſtinct Ideas of them*. But, if our Reaſon depend upon our *clear and diſtinct Idea's*, how is this poſſible? We cannot reaſon without *clear Idea's*, and yet we may be certain without them: Can we be certain without Reaſon? Or doth our Reaſon give us true Notions of things, without theſe *Idea's*? If it be ſo, this new *Hypotheſis* about Reaſon muſt appear to be very unreaſonable.

Let us ſuppoſe this Principle to be true, *That the ſimple Ideas* by Senſation or Reflexion, *are the ſole Matter and Foundation of all our Reaſoning*: I ask then, how we come to be certain that there are *Spiritual Subſtances* in the World, ſince we can have no *clear and diſtinct Ideas* concerning them? Can we be certain without *any Foundation of Reaſon*? This is a new ſort of Certainty, for which we do not envy theſe Pretenders to *Reaſon*. But methinks they ſhould not at the ſame time aſſert the abſolute neceſſity of theſe *Ideas* to our Knowledge, and declare that we may have certain Knowledge without them. If there be any other method, they overthrow their own Principle; if there be none, how come they to any Certainty, that there are both *Bodily* and *Spiritual Subſtances*?

As to theſe latter (which is my buſineſs) I muſt enquire farther, how they come to know that there are ſuch. The Anſwer *is by ſelf-reflection on thoſe Powers we find in our ſelves, which cannot come from a mere Bodily Subſtance.* I allow the Reaſon to be very good, but the Queſtion I ask is, Whether this Argument be from the *clear and diſtinct Idea* or not? *We have Ideas in our ſelves of the ſeveral Operations of our Minds of Knowing, Willing, Conſidering,* &c. *which cannot come from a Bodily Subſtance.* Very true; but is all this contained in the *ſimple Idea* of theſe *Operations*? How can that be, when the ſame Perſons ſay, that notwithſtanding their *Ideas* it is poſſible *for Matter to Think*. For it is ſaid, *That we have the Ideas of Matter and Thinking, but poſſibly ſhall never be able to know, whether any mere material Being thinks or not; it being impoſſible for us by the Contemplation of our own Ideas, without Revelation to diſcover whether Omnipotency hath not given to ſome Syſtems of Matter, fitly diſpoſed, a Power to perceive or think.* If this be true, then for all that we can know by our Ideas of *Matter* and *Thinking*, Matter may have a Power of Thinking: and if this hold, then it is impoſſible to prove a Spiritual Subſtance in us, from *the Idea of Thinking*: For how can we be aſſured by our *Ideas*, That God hath not given ſuch a Power of Thinking, to Matter ſo diſpoſed as our Bodies are? Eſpecially ſince it is

Humane Underſt. l. 4. ch. 3. Sect. 6. 2d. Ed. p. 310.

ſaid, *That in reſpect of our Notions, it is not much more remote from our Comprehenſion to conceive, that God can, if he pleaſes, ſuperadd to our Idea of Matter a Faculty of Thinking, than that he ſhould ſuper-add to it another Subſtance, with a Faculty of Thinking.* Whoever aſſerts this, can never prove *a Spiritual Subſtance* in us, from a *Faculty of Thinking* ; becauſe he cannot know from *the Idea of Matter and Thinking*, that Matter ſo diſpoſed cannot Think. And he cannot be certain that God hath not framed the Matter of our Bodies, ſo as to be capable of it.

Book IV. *Chap.* 10. *ſect.* 5.

It is ſaid indeed elſewhere, *That it is repugnant to the Idea of ſenſleſs Matter, that it ſhould put into it ſelf Senſe, Perception and Knowledge:* But this doth not reach the preſent Caſe ; which is not *what Matter can do of it ſelf*, but what Matter prepared by an Omnipotent Hand can do. And what certainty can we have that he hath not done it? We can have none *from the Ideas* ; for thoſe are given up in this Caſe ; and conſequently, we can have no certainty upon theſe Principles, whether we have any *ſpiritual Subſtance* within us or not.

Book II. *Chap.* 23. *ſect.* 15.

But we are told, *That from the Operations of our Minds, we are able to frame the Complex Idea of a Spirit.* How can that be, when we cannot from thoſe *Ideas* be aſſured, but that thoſe Operations may come from a *material Subſtance.* If we frame an *Idea* on ſuch Grounds, it is at moſt but a *poſſible Idea* ; for it may be otherwiſe ; and we can have no aſſurance *from our Ideas*, that it is not : So that the moſt Men may come to in this way of *Idea's* is, That it is poſſible it may be ſo, and it is poſſible it may not ; but that it is impoſſible for us *from our Ideas*, to determine either way. And is not this an admirable way to bring us to a certainty of Reaſon?

Sect. 27.
Sect. 28.

I am very glad to find the Idea of a *ſpiritual Subſtance* made as conſiſtent, and intelligible, as that of a *Corporeal* ; *for as the one conſiſts of a* Coheſion *of ſolid Parts, and the Power of communicating Motion by impulſe, ſo the other conſiſts in a Power of Thinking, and Willing, and moving the Body* ; *and that the* Coheſion *of ſolid Parts, is as hard to be conceived as Thinking* ; *and we are as much in the dark about the Power of communicating Motion by impulſe, as in the Power of exciting Motion by thought. We have by daily experience clear Evidence of Motion produced, both by Impulſe and by Thought* ; *but the manner how, hardly comes within our Comprehenſion* ; *we are equally at a loſs in both.*

Sect. 31.
Sect. 32.

From whence it follows, That we may be certain of the Being of a *ſpiritual Subſtance*, although we have *no clear and diſtinct Idea* of it, nor are *able to comprehend the manner of its Operations:* And therefore it is a vain thing in any to pretend, that all our Reaſon and Certainty is founded on clear and diſtinct *Ideas* ; and that they have Reaſon to reject any Doctrine which relates to *ſpiritual Subſtances*, becauſe they cannot comprehend the manner of it. For the ſame thing is confeſſed by the moſt inquiſitive Men, about the manner of Operation, both in *material*, and *immaterial Subſtances.* It is affirmed, That *the very Notion of Body*, implies, *ſomething very hard, if not impoſſible to be explained, or underſtood by us* ; *and that the natural Conſequence of it* ; viz. *Diviſibility involves us in Difficulties impoſſible to be explicated, or made conſiſtent. That we have but ſome few ſuperficial Ideas of things* ; *that we are deſtitute of Faculties, to attain to the true Nature of them? and that when we do that, we fall preſently into Darkneſs, and Obſcurity* ; *and can diſcover nothing farther, but our own Blindneſs and Ignorance.*

Theſe are very fair and ingenuous Confeſſions of the ſhortneſs of humane Underſtanding, with reſpect to the Nature and Manner of ſuch things, which we are moſt certain of the Being of, by conſtant and undoubted Experience. I appeal now to the Reaſon of Mankind, whether it can be any reaſonable Foundation for rejecting a Doctrine propoſed to us, as of Divine Revelation, becauſe we cannot comprehend the manner of it; eſpecially, when it relates to the Divine Eſſence. For as the ſame Author obſerves, *Our Idea of God is framed from the Complex Ideas of thoſe Perfections we find in our ſelves, but enlarging them ſo, as to make them ſuitable to an infinite Being, as Knowledge, Power, Duration,* &c. And *the Degrees or Extent of theſe which we aſcribe to the Soveraign Being, are all boundleſs and infinite. For it is Infinity, which joyned to our Ideas of Exiſtence, Power, Knowledge,* &c. *makes that Complex Idea, whereby we repreſent to our ſelves the beſt we can, the Supreme Being.*

Sect. 33, 34, 35.

Sect. 36.

Now when our Knowledge of groſs material Subſtances is ſo dark; when the Notion of Spiritual Subſtances is above all Ideas of Senſation; when the higher any Subſtance is, the more remote from our Knowledge; but eſpecially when the very *Idea* of a Supreme Being implies its being Infinite, and Incomprehenſible; I know not whether it argues more Stupidity, or Arrogance, to expoſe a Doctrine relating to the Divine Eſſence, becauſe they cannot comprehend the manner of it. But of this more afterwards. I am yet upon the Certainty of our *Reaſon,* from clear and diſtinct *Ideas;* and if we can attain to Certainty without them, and where it is confeſſed we cannot have them; as about *Subſtances;* then theſe cannot be *the ſole Matter and Foundation of our Reaſoning,* which is ſo peremptorily aſſerted by this late Author.

But I go yet farther; and as I have already ſhew'd, we can have no certainty of an *immaterial Subſtance* within us, from theſe *ſimple Ideas;* ſo I ſhall now ſhew, that there can be no ſufficient Evidence, brought from them by their own Confeſſion, concerning the *Exiſtence of the moſt ſpiritual and infinite Subſtance, even God himſelf.*

We are told, *That the Evidence of it is equal to Mathematical Certainty;* and very good Arguments are brought to prove it, in a Chapter on purpoſe: but that which I take notice of is, that the Argument from *the clear and diſtinct Idea of God* is paſſed over. How can this be conſiſtent with deducing our *Certainty of Knowledge* from *clear and ſimple Ideas?* I do not go about to juſtifie thoſe, *who lay the whole ſtreſs upon that Foundation;* which I grant to be too weak to ſupport ſo important a Truth; and that thoſe are very much to blame, who *go about to invalidate other Arguments for the ſake of that;* but I doubt all this talk about *clear and diſtinct Ideas, being made the Foundation of Certainty,* came Originally from thoſe Diſcourſes, or *Meditations,* which are aimed at. The Author of them was an Ingenious, Thinking Man, and he endeavour'd to lay the Foundations of Certainty, as well as he could. The firſt thing he found any Certainty in, was his own Exiſtence; which he founded upon the Perception of the Acts of his Mind, which ſome call *an internal, infallible Perception that we are.* From hence he proceeded, to enquire, how he came by this Certainty, and he reſolved it into this, that he had a clear and diſtinct Perception of it; and from hence he formed his general Rule, *That what he had a clear and diſtinct Perception of was true.* Which in Reaſon ought to go no farther, than where there is the like Degree of Evidence: for the *Certainty* here, was not grounded on the clearneſs of the *Perception,* but on the Plainneſs of the Evidence, which is of that Nature, that the very *Doubting* of it proves it; ſince it is impoſſible, that any thing ſhould doubt or queſtion its own Being, that had it not. So that here it is not *the clearneſs of the Idea,* but an immediate Act of Perception, which is the true ground of *Certainty.* And this cannot extend to things without our ſelves; of which we can have no other Perception, than what is cauſed by the Impreſſions of outward Objects. But whether we are to judge according to thoſe Impreſſions, doth not depend on the *Ideas* themſelves, but upon the Exerciſe of our Judgment and Reaſon about them, which put the Difference

Book IV. *Chap.* 10. *Sect.* 1.

rence between true and falſe, and adequate and inadequate Ideas. So that our Certainty is not from the *Ideas* themſelves, but from the Evidence of Reaſon, that thoſe *Ideas* are true and juſt, and conſequently that we may build our Certainty upon them.

But the *Idea* of an infinite Being hath this peculiar to it, that neceſſary Exiſtence is implied in it. This is a *clear and diſtinct Idea,* and yet it is denied, that this doth prove the Exiſtence of God. How then can the Grounds of our Certainty ariſe from *clear and diſtinct Ideas,* when in one of the cleareſt Ideas of our Minds we can come to no Certainty by it? I do not ſay, That it is *denied* to prove it; but this is ſaid, That it is a doubtful thing Sect. 7. *from the different Make of Mens Tempers, and Application of their Thoughts.* What can this mean, unleſs it be to let us know, that even *clear and diſtinct Ideas* may loſe their Effect by the *difference of Mens Tempers and Studies*; ſo that beſides *Ideas* in order to a right Judgment, a due Temper and Application of the Mind is required.

And wherein is this different from what all Men of Underſtanding have ſaid? Why then ſhould theſe clear and *ſimple Ideas be made the ſole Foundation of Reaſon?* One would think by this, that theſe *Ideas* would preſently ſatisfy mens Minds if they attend to them. But even this will not do, as to the *Idea* of an infinite Being. It is not enough to ſay, *They will not examine how far it will hold*; for they ought either to ſay, that it doth hold, or give up this Ground of Certainty from *clear and diſtinct Ideas.*

Sect. 6. But inſtead of the proper Argument from *Ideas,* we are told, *That from the Conſideration of our ſelves, and what we find in our own Conſtitutions, our Reaſon leads us to the Knowledge of this certain and evident Truth, that there is an eternal, moſt powerful, and moſt knowing Being.* All which I readily yield; but we ſee plainly the Certainty is not placed in the *Idea,* but in good and ſound Reaſon, *from the Conſideration of our ſelves and our Conſtitutions.* What! in the *Idea of our ſelves?* No certainly; for let our *Idea* be taken which way we pleaſe, by *Senſation* or *Reflection,* yet it is not the *Idea* that makes us certain, but the Argument from that which we perceive in and about our ſelves.

Sect. 5. *But we find in our ſelves Perception and Knowledge.* It's very true; but how doth this prove that there is a God? Is it from the *clear and diſtinct Idea* of it? No; but from this Argument, *That either there muſt have been a knowing Being from Eternity, or an unknowing; for ſomething muſt have been from Eternity: but if an unknowing, then it was impoſſible there ever ſhould have been any Knowledge; it being as impoſſible that a thing without Knowledge ſhould produce it, as that a Triangle ſhould make it ſelf three Angles bigger than two right ones.* Allowing the Argument to be good, yet it is not taken from *the Idea,* but from Principles of true Reaſon, as, That no Man can doubt his own Perception; That every thing muſt have a Cauſe; That this Cauſe muſt either have Knowledge or not: if it have, the Point is gained; if it hath not, nothing can produce nothing; and conſequently, a not knowing Being cannot produce a knowing.

Sect. 10. Again, *If we ſuppoſe nothing to be firſt, Matter can never begin to be; if bare Matter without Motion eternal, Motion can never begin to be; if Matter and Motion be ſuppoſed eternal, Thought can never begin to be. For, if Matter could produce Thought, then Thought muſt be in the power of Matter; and if it be in Matter as ſuch, it muſt be the inſeparable Property of all Matter; which is contrary to the Senſe and Experience of Mankind. If only ſome parts of Matter have a power of Thinking, how comes ſo great a difference in the Properties of the ſame Matter? What diſpoſition of Matter is required to Thinking? And from whence comes it? Of which no account can be given in Reaſon.*

This is the Subſtance of the Argument uſed to prove an infinite ſpiritual Being, which I am far from weakening the force of; but that which I deſign is to ſhew, That the *Certainty* of it is not placed upon any *clear and diſtinct Ideas*, but upon the force of Reaſon diſtinct from it; which was the thing I intended to prove.

2. The next thing neceſſary to be clear'd in this Diſpute is, the *Diſtinction* between *Nature* and *Perſon*, and of this we can have no *clear and diſtinct Idea* from *Senſation* or *Reflection*. And yet all our Notions of the Doctrine of the Trinity depend upon the right underſtanding of it. For we muſt talk unintelligibly about this Point, unleſs we have clear and diſtinct Apprehenſions concerning *Nature* and *Perſon*, and the grounds of *Identity* and *Diſtinction*. But that theſe come not into our Minds by theſe *ſimple Ideas* of *Senſation* and *Reflection*, I ſhall now make it appear;

1. As to *Nature*, That is ſometimes taken for the *Eſſential Property* of a thing; as when we ſay, that ſuch a thing is of a *different Nature* from another, we mean no more than that it is differenc'd by ſuch Properties as come to our Knowledge. Sometimes *Nature* is taken for the *Thing it ſelf in which thoſe Properties are*; and ſo *Ariſtotle* took *Nature* for a *Corporeal Subſtance which had the Principles of Motion in it ſelf*; but *Nature* and *Subſtance* are of an equal extent; and ſo that which is the *Subject* of *Powers* and *Properties* is the *Nature*, whether it be meant of *Bodily* or *Spiritual Subſtances*. I grant that by *Senſation* and *Reflection* we come to know the *Powers* and *Properties* of Things; but our Reaſon is ſatisfied, that there muſt be ſomething beyond theſe, becauſe it is impoſſible that they ſhould ſubſiſt by themſelves. So that the *Nature* of things properly belongs to our *Reaſon*, and not to meer *Ideas*.

But we muſt yet proceed farther. For, *Nature* may be conſider'd two ways.

1. As it is in diſtinct Individuals, as the *Nature* of a *Man* is equally in *Peter*, *James*, and *John*; and this is the *common Nature* with a particular Subſiſtence proper to each of them. For the Nature of Man, as in *Peter*, is diſtinct from that ſame Nature, as it is in *James* and *John*; otherwiſe they would be but *one Perſon*, as well as have the *ſame Nature*. And this Diſtinction of *Perſons* in them is diſcerned both by our *Senſes*, as to their different Accidents; and by our Reaſon, becauſe they have a ſeparate Exiſtence, not coming into it at once and in the ſame manner.

2. *Nature* may be conſider'd *abſtractedly*, without reſpect to individual Perſons, and then it makes an entire Notion of it ſelf. For however the ſame Nature may be in different Individuals, yet the Nature in it ſelf remains one and the ſame; which appears from this evident Reaſon, that otherwiſe every Individual muſt make a different kind.

Let us now ſee, how far theſe things can come from our *ſimple Ideas, by Reflection or Senſation*. And I ſhall lay down the *Hypotheſis* of thoſe who reſolve our *Certainty* into *Ideas*, as plainly and intelligibly as I can.

1. We are told, *That all ſimple Ideas are true and adequate. Not that they are the true Repreſentations of things without us; but that they are the true Effects of ſuch Powers in them as produce ſuch Senſations within us.* So that really we can underſtand nothing certainly by them, but the *Effects* they have upon us. *Humane Underſt.* l. 2. ch. 30, 31.

2. *All our Ideas of Subſtances are imperfect and inadequate; becauſe they refer to the real Eſſences of things, of which we are ignorant, and no Man knows what Subſtance is in it ſelf*: And, *they are all falſe, when look'd on as the Repreſentations of the unknown Eſſences of things.* *Chap.* 32. *ſect.* 18.

3. *Abſtract Ideas are only general Names, made by ſeparating Circumſtances of time and place,* &c. *from them, which are only the Inventions and Creatures of the Underſtanding.* Book 3. *Chap.* 3. *ſect.* 6.

Ib ſect. 15. 4. *Eſſence may be taken two ways.* 1. *For the real, internal, unknown Conſtitutions of things; and in this Senſe it is underſtood as to particular things:* 2. *For the abſtract Idea; and one is ſaid to be the Nominal, the other the Real* Sect. 19, 20. *Eſſence. And the Nominal Eſſences only are immutable; and helps to enable Men to conſider things, and to diſcourſe of them.*

But two things are granted, which tend to clear this Matter.

1. That there is *a Real Eſſence*, which is the Foundation of *Powers* and *Properties.*

2. That we may *know* theſe *Powers* and *Properties*, although we are ignorant of the *Real Eſſence.*

From whence I infer,

1. That from thoſe true and *adequate Ideas*, which we have of the *Modes* and *Properties* of Things, we have ſufficient certainty of the *Real Eſſence* of them: For theſe *Ideas* are allow'd to be true; and either by them we may judge of the truth of things, or we can make no Judgment at all of any thing without our ſelves.

If our *Ideas* be only the Effects we feel of the Powers of things without us; yet our Reaſon muſt be ſatisfied, that there could be no ſuch Powers, unleſs there were ſome real Beings which had them. So that either we may be certain by thoſe Effects of the real Being of things; or it is not poſſible, as we are framed, to have any certainty at all of any thing without our ſelves.

2. That from the *Powers* and *Properties* of things which are knowable by us, we may know as much of the internal *Eſſence* of Things, as thoſe *Powers* and *Properties* diſcover. I do not ſay, That we can know all Eſſences of things alike, nor that we can attain to a perfect underſtanding of all that belong to them; but if we can know ſo much, as that there are *certain Beings* in the World, endued with ſuch *diſtinct Powers* and *Properties*, what is it we complain of the want of, in order to our Certainty of Things? *But we do not ſee the bare Eſſence of things.* What is that *bare Eſſence* without the *Powers* and *Properties* belonging to it? It is *that internal Conſtitution of things from whence thoſe Powers and Properties flow.* Suppoſe we be ignorant of this (as we are like to be, for any Diſcoveries that have been yet made) that is a good Argument to prove the uncertainty of Philoſophical Speculations about the *Real Eſſences* of things; but it is no prejudice to us who enquire after the *Certainty* of ſuch *Eſſences.* For although we cannot comprehend the *internal Frame* or *Conſtitution* of things, nor in what manner they do flow from the Subſtance; yet by them we certainly know that there are ſuch *Eſſences*, and that they are diſtinguiſhed from each other by their *Powers* and *Properties.*

3. The *Eſſences* of things, as they are *knowable* by us, have a *Reality* in them; for they are founded on the *natural Conſtitution* of things. And however the *abſtract Ideas* are the work of the Mind, yet they are not meer Creatures of the Mind; as appears by an Inſtance produced of the Book 3. Chap. 6. Sect. 1. *Eſſence of the Sun, being in one ſingle Individual*; in which Caſe it is granted, *That the Idea may be ſo abſtracted, that more Suns might agree in it, and it is as much a ſort as if there were as many Suns as there are Stars.* So that here we have a *Real Eſſence* ſubſiſtly in one *Individual*, but capable of being multiplied into more, and the ſame Eſſence remaining. But in this *one Sun* there is a *Real Eſſence*, and not a meer *Nominal* or *abſtracted Eſſence*; but ſuppoſe there were more Suns, would not each of them have the *Real Eſſence* of the Sun? For what is it makes the ſecond Sun to be a true Sun, but having the ſame *Real Eſſence* with the firſt? If it were but a *Nominal Eſſence*, then the ſecond would have nothing but the *Name.*

Therefore there muſt be a *Real Eſſence* in every individual of the ſame kind; for that alone is it which makes it to be what it is. *Peter* and

James, and *John* are all true and real Men; but what is it which makes them ſo? Is it the attributing a *general Name* to them? No certainly, but that the true and *Real Eſſence* of a Man is in every one of them. And we muſt be as certain of this, as we are that they are Men: They take their Denomination of being Men from that common Nature, or Eſſence which is in them.

4. That the *general Idea* is not made from the ſimple *Ideas* by the meer Act of the Mind abſtracting from Circumſtances, but from *Reaſon* and Conſideration of the true Nature of things. For when we ſee ſo many *Individuals*, that have the ſame *Powers* and *Properties*, we thence infer, that there muſt be ſomething common to all, which makes them of *one kind*; and if the difference of Kinds be real, that which makes them of one kind and not of another, muſt not be a *Nominal* but *Real Eſſence.* And this difference doth not depend upon the *complex Ideas of Subſtance*, whereby Men arbitrarily join Modes together in their Minds; for let them miſtake in the *Complication of their Ideas*, either in leaving out or putting in what doth not belong to them; and let their Ideas be what they pleaſe, the *real Eſſence* of a Man, and a Horſe, and a Tree, are juſt what they were; and let their *Nominal Eſſences* differ never ſo much, the *real common Eſſence* or *Nature* of the ſeveral Kinds are not at all alter'd by them.

And theſe *real Eſſences* are *unchangeable*; for however there may happen ſome variety in Individuals, by particular Accidents, yet the Eſſences of Men, and Horſes, and Trees, remain always the ſame; becauſe they do not depend on the *Ideas* of Men, but on the Will of the Creator, who hath made ſeveral ſorts of Beings.

2. Let us now come to the *Idea* of a *Perſon*; for although the *common Nature* in Mankind be the ſame, yet we ſee a difference in the ſeveral Individuals from one another. So that *Peter*, *James*, and *John*, are all of the ſame kind; yet *Peter* is not *James*, and *James* is not *John*. But what is this diſtinction founded upon? They may be diſtinguiſhed from each other by our Senſes, as to difference of Features, diſtance of Place, *&c.* but that is not all; for ſuppoſing there were no ſuch external difference, yet there is a difference between them, as ſeveral Individuals in the ſame common Nature. And here lies the true *Idea* of a Perſon, which ariſes from that *manner of Subſiſtence* which is in one Individual, and is not communicable to another. An *individual, intelligent Subſtance* is rather ſuppoſed to the making of a *Perſon*, than the proper *Definition* of it; for a *Perſon* relates to ſomething which doth diſtinguiſh it from another *intelligent Subſtance* in the *ſame Nature*; and therefore the Foundation of it lies in the peculiar manner of Subſiſtence, which agrees to one, and to none elſe of the kind; and this is it which is called *Perſonality*.

But how do our *ſimple Ideas* help us out in this Matter? Can we learn from them the difference of *Nature* and *Perſon*? We may underſtand the difference between *abſtracted Ideas*, and particular Beings, by the Impreſſions of outward Objects; and we may find an *Intelligent Subſtance* in our ſelves by inward Perception, but whether that make a *Perſon* or not, muſt be underſtood ſome other way; for if the meer intelligent Subſtance makes a Perſon, then there cannot be the Union of two Natures, but there muſt be two Perſons.

Therefore a *Perſon* is a compleat intelligent Subſtance, with a peculiar manner of Subſiſtence; ſo that if it be a part of another Subſtance, it is no Perſon: And on this Account the Soul is no Perſon, becauſe it makes up an entire Being by its Union with the Body.

But when we ſpeak of finite *Subſtances* and *Perſons*, we are certain that diſtinct Perſons do imply diſtinct Subſtances, becauſe they have a diſtinct and ſeparate Exiſtence; but this will not hold in an infinite Subſtance where neceſſary Exiſtence doth belong to the *Idea* of it. And although the Argument from the *Idea of God*, may not be ſufficient of it ſelf to prove his Being; yet it will hold as to the excluding any thing from him, which is inconſiſtent with *neceſſary Exiſtence*; therefore, if we ſuppoſe a Diſtinction of *Perſons* in the ſame *Divine Nature*, it muſt be in a way agreeable to the infinite Perfections of it. And no objection can be taken from the *Idea of God*, to overthrow a *Trinity* of *Co-exiſting Perſons* in the *ſame Divine Eſſence*. For *neceſſary Exiſtence* doth imply a *Co-exiſtence* of the Divine Perſons; and the Unity of the Divine Eſſence, that there cannot be ſuch a difference of *individual Subſtances*, as there is among Mankind. But theſe things are ſaid to be *above our Reaſon*, if not contrary to it; and even ſuch are ſaid to be repugnant to our Religion.

2. That therefore is the next thing to be carefully examin'd, whether *Myſteries of Faith*, or Matters of Revelation *above our Reaſon*, are to be rejected by us. And a thing is ſaid to be *above our Reaſon*, when we can have *no clear and diſtinct Idea* of it in our Minds: And, *that if we have no Ideas of a thing, it is certainly but loſt labour for us to trouble our ſelves about it*; and that, *if ſuch Doctrines be propoſed which we cannot underſtand, we muſt have new Powers, and Organs for the Perception of them.*

Chriſtianity not Myſt. p. 28.

We are far from defending *Contradictions* to our *natural Notions* (of which I have ſpoken already) but that which we are now upon is, whether any Doctrine may be rejected, when it is offer'd as a Matter of Faith upon this account, that it is above our Comprehenſion, or that we can have no *clear Idea of it in our Minds*. And this late Author hath undertaken to prove, *That there is nothing ſo Myſterious, or above Reaſon in the Goſpel.*

P. 67. *To be above Reaſon*, he ſaith, *may be underſtood two ways*. 1. *For a thing intelligible in it ſelf, but cover'd with figurative and myſtical Words*. 2. *For a thing in its own Nature unconceivable, and not to be judged of by our Faculties, tho' it be never ſo clearly revealed. This in either Senſe is the ſame with Myſtery.* And from thence he takes occaſion to ſhew his Learning about the *Gentile Myſteries*, and *Eccleſiaſtical Myſteries*, which might have been ſpared in this Debate, but only for the Parallel aimed at between them, as to *Prieſt-craft* and *Myſteries*; without which a Work of this nature would want its due reliſh with his good *Chriſtian Readers*. Others we ſee have their *Myſteries* too; but the comfort is, that they are ſo eaſily underſtood, and ſeen through; as when the *Heathen Myſteries*, are ſaid, *to have been inſtituted at firſt in Commemoration of ſome remarkable Accidents, or to the Honour of ſome great Perſons that obliged the World by their Vertues and uſeful Inventions to pay them ſuch Acknowledgments*. He muſt be very dull that doth not underſtand the meaning of this; and yet this Man pretends to vindicate *Chriſtianity* from being *Myſterious*.

P. 71.

P. 73. *But there are ſome*, he ſaith, *that being ſtrongly inclined out of Ignorance, or Paſſion, to maintain what was firſt introduced by the Craft or Superſtition of their Fore-fathers, will have ſome* Chriſtian Doctrines *to be ſtill* Myſteries *in the ſecond Senſe of the Word; that is, unconceiveable in themſelves, however clearly revealed.* I hope there are ſtill *ſome*, who are ſo throughly perſwaded of the Chriſtian Doctrine, that they dare own and defend it, notwithſtanding all the Flouts and Taunts of a ſort of Men, whoſe Learning and Reaſon lies moſt in expoſing *Prieſt-craft*, and *Myſteries*. Suppoſe there are ſuch ſtill in the World, who own their Aſſent to ſome Doctrines of Faith, which they confeſs to be above their Comprehenſion, what mighty Reaſon, and invincible Demonſtration is brought againſt them? He pretends *to Demonſtrate*; but what I pray? The Point in hand? No. But he will *Demonſtrate* ſomething inſtead of it? What is that? Why truly, *That in the New Teſtament Myſtery is always uſed in the firſt Sence of the Word.* And what then? Doth it therefore follow, that there are no Doctrines in the Goſpel above the reach and comprehenſion of our Reaſon? But how doth it appear, that the Word *Myſtery* is always uſed in that Senſe? When St. *Paul* ſaith in his firſt *Epiſtle* to *Timothy*, Chap. 3 v. 9. *That the Deacons muſt hold the Myſtery of Faith in a pure Conſcience*; doth he not mean thereby the ſame *with the form of ſound Words*, which *Timothy* had heard of him, 2 *Tim.* 1. 13. And are not all the main Articles of the Chriſtian Faith comprehended under it? Eſpecially that whereinto they were Baptized, *in the Name of the Father, Son, and Holy Ghoſt*: and if the Doctrine of the Trinity were underſtood by this *Form*, as I have already proved, then this muſt be a part of the *Myſtery of Faith*. And in the ſame Chapter, v. 16. He makes *God manifeſt in the Fleſh*, the firſt part of the *Myſtery of Godlineſs*. If it extends to all the other things, doth it exclude this, which is the firſt mention'd? (And that our Copies are true, is already made to appear.) There is no reaſon therefore to quarrel with our Uſe of the Word *Myſtery* in this Senſe; but the Debate doth not depend upon the Word, but upon the Senſe of it.

And therefore I paſs over all that relates to the bare uſe of the Word, as not coming up to the main Point; which is, Whether any Point of Doctrine, which contains in it ſomething above our Comprehenſion can be made a Matter of Faith?

P. 145. For our Author concludes from his Obſervations, *That Faith is ſo far from being an implicit Aſſent to any thing above Reaſon, that this Notion directly contradicts the end of Religion, the Nature of Man, and the Goodneſs and Wiſdom of God.*

But we muſt not be frighted with this bold *Concluſion*, till we have examin'd his *Premiſes*; and then we ſhall find, that ſome *who are* not *great Readers, are no deep Reaſoners.* P. 75. The firſt thing he premiſes is, *That nothing can be ſaid to be a Myſtery, becauſe we have not an adequate Idea of it, or a diſtinct View of all its Properties at once, for then every thing would be a Myſtery.* What is the meaning of this, but that we cannot have an *adequate Idea* of any thing? And yet all our Reaſon depends upon our *Ideas* according to him, and our *clear and diſtinct Ideas are by him made the ſole Foundation of Reaſon.* All our *ſimple Ideas* are ſaid to be *adequate*, becauſe they are ſaid to be only *the Effects of Powers in things which produce Senſations in us.* But this doth not prove them *adequate* as to *the things*, but only as to our *Perceptions*. But as to *Subſtances* we are told, *That all our Ideas of them are inadequate.* So that the ſhort of this is, that we have no true Knowledge or Comprehenſion of any thing; but we may underſtand Matters of Faith, as well as we underſtand any thing elſe, for in Truth we underſtand nothing. Is not this a method of *true Reaſoning* to make us reject Doctrines of Faith, becauſe we do not comprehend them, and at the ſame time to ſay, we *comprehend nothing*? For I appeal to the common Senſe of Mankind, whether we can be ſaid to *Comprehend* that, which we can have no *adequate Idea* of? But he appeals to the Learned; for he ſaith, *That to Comprehend in all correct Authors is nothing elſe but to know.* But what is it *to know*? Is it not to have *adequate Ideas* of the things we know? How then can we know, that of which we can have no *adequate Idea*? For if our Knowledge be limited to our *Ideas*, our Knowledge muſt be imperfect and inadequate where our *Ideas* are ſo.

But let us lay theſe things together. Whatever we can have no *adequate Idea* of is *above our Knowledge*, and conſequently *above our Reaſon*; and ſo all *Subſtances* are *above our Reaſon*; and yet he ſaith, with great Confidence, *That to Aſſent to any thing, above Reaſon, deſtroys Religion, and the Nature of Man, and the Wiſdom and Goodneſs of God.* How is it poſſible for the ſame Man to ſay this, and to ſay withal, that it is very conſiſtent with the *Nature of Man, and the Goodneſs and Wiſdom fo God* to leave us without *adequate Ideas* of any *Subſtance*? How come the *Myſteries of Faith* to require more *Knowledge* than the *Nature of Man* is capable of? In natural things we can have no *adequate Ideas*; but the things are confeſſed to be *above our Reaſon*; but in Divine and Spiritual things, to *aſſent to things above our Reaſon is againſt the Nature of Man.*

How can theſe things conſiſt?

But theſe are not Myſteries. Yes, whatever is of that Nature that we can have no *Idea* of it, is certainly a *Myſtery* to us. For what is more unknown than it is known is a *Myſtery*. The true Notion of a *Myſtery* being ſomething that is hidden from our Knowledge. Of which there may be ſeveral Kinds. For a *Myſtery* may be taken for

Ad. Artic. 4. 87. ed. R. S.

1. Something kept ſecret, but fully underſtood as ſoon as it is diſcover'd; thus *Tully* in his *Epiſtles* ſpeaks of *Myſteries* which he had to tell his Friend, but he would not let his *Amanuenſis* know; no doubt ſuch things might be very well underſtood as ſoon as diſcover'd.

Acad. 4. 18.

2. Something kept from common Knowledge, although there might be great Difficulties about them when diſcover'd. Thus *Tully* ſpeaks of *Myſteries* among the Philoſophers, particularly among the *Academicks*, who kept up their Doctrine of the *Criterion* as a Secret, which, when it was known had many Difficulties about it.

De Leg. *l.* 2. *c.* 14.

3. Something that Perſons were not admitted to know, but with great Preparation for it. Such were the *Athenian Myſteries* which *Tully* mentions with Reſpect, although they deſerved it not; but becauſe they were not Communicated to any but with Difficulty, they were called *Myſteries*. And this is ſo obvious a piece of Learning, that no *great Reading*, or *deep Reaſoning* is required about it. Only it may be obſerved, that the word μυεῖν is oppoſed to ἐποπτᾶν, and ſo the *Myſteries* related to thoſe who were *initiated* and not made *Epoptæ*; *i. e.* to thoſe who did not throughly underſtand them, although they had more knowledge of them than ſuch as were not *initiated. Olympiodorus*, in reckoning up the *Degrees* of Admiſſions, mentions the μυήσεις before ἐποπτεῖαι. So that they were properly *Myſteries* to ſuch, who knew ſomething; though there were other things farther to be diſcover'd, but they did not yet know what they were, as the *Epoptæ* did.

Chryſ. Hom. de Reſurrect. Iſidor. Peluſ. *l.* 2. Ep. 192.

From hence the ancient Chriſtian Writers did not only call the *Sacraments*, but more abſtruſe Points of Faith by the name of *Myſteries*; ſo St. *Chryſoſtom* calls the *Reſurrection*, *a great and ineffable Myſtery*. And *Iſidore Peluſiota* in his Epiſtle to *Lampetius* ſaith, *That St.* Paul, *when he ſpeaks of the great Myſtery of Godlineſs, doth not mean that it is wholly unknown to us, but that it is impoſſible to comprehend it. Theophylact* ſaith, it is therefore called *the great Myſtery of Godlineſs*; *becauſe although it be now revealed to all, yet the manner of it is hidden from us*, διὰ τȣτο Μυςήριόν ἐςι. *for this reaſon it is called a Myſtery.*

Chriſtianity not Myſt. p. 80, 81.

But this is in the way of *Reading*, let us now come to deep *Reaſoning*; and ſee how ſtrongly he argues againſt this Senſe of the Word *Myſteries*: his Words are theſe, *They trifle then exceedingly, and diſcover a mighty ſcarcity of better Arguments, who defend their Myſteries, by this pitiful ſhift of drawing Inferences from what is unknown to what is known, or of inſiſting upon adequate Ideas; except they will agree as ſome do, to call every ſpire of Graſs, ſitting and ſtanding, fiſh and fleſh to be Myſteries. And if out of a pertinacious or worſe humour, they will be ſtill fooling, and call theſe things Myſteries, I'm willing to admit as many as they pleaſe in Religion, if they will allow me likewiſe to make mine as intelligible to others, as theſe are to me.*

It is eaſie to gueſs whom theſe kind Words were intended for: And are not theſe very modeſt and civil Expreſſions? *Trifling*, *Fooling*; *out of a pertinacious, or worſe Humour*; but why, *Fooling about Myſteries*, to call ſuch things by that Name, which are in ſome meaſure known, but in a greater meaſure unknown to us? and if theſe are real Myſteries in Nature, why may not the ſame term be uſed for Matters of Faith?

And I think in ſo plain a Caſe, no great ſtore of Arguments need to be uſed. P. 84. But *in theſe natural things*, he ſaith, *we have diſtinct Ideas of the Properties which make the Nominal Eſſence, but we are abſolutely ignorant of the Real Eſſence, or intrinſick Conſtitution of a thing, which is the ground or ſupport of all its Properties.* Are not then (without *Trifling and Fooling*) theſe Real Eſſences *Myſteries* to them ? They know there are ſuch by the *Ideas* of their Properties, but know nothing of their *Real Eſſence*; and yet they will not allow them to be *Myſteries*? If they do underſtand them, why do they ſay, *They do not, nor cannot*? And if this be true, let them call them what they pleaſe, they muſt be inexplicable *Myſteries* to them. So that all this is mere quarrelling about a Word, which they would fain be rid of, if they knew how; but they involve and perplex themſelves more by their own *deep Reaſonings* againſt the *Trifling* and *Fooling* of others.

But he ſaith, *That ſome would have the moſt palpable abſurdities and groſs Contradictions to go down, or words that ſignifie nothing, becauſe men cannot comprehend the Eſſence of their own Souls, nor the Eſſence of God, and other Spiritual Subſtances.* We utterly deny, that any Article of our Faith contains in it any *palpable Abſurdities*, or *groſs Contradictions* (as I hope hath been proved already as to the Doctrine of the Trinity which is chiefly ſtruck at) but ſurely your *deep Reaſoners* may find a difference between *groſs Contradictions to our Reaſon*, and barely *being above it*, or not having any *diſtinct Conception* of the Nature of it. And that is all that we aſſert, and which they grant as to all *Subſtances*.

If this be their way of arguing, they may even return to *Tranſubſtantiation* again, without any great leſſening of their Underſtandings. But none are ſo bold in attacking the *Myſteries of the Chriſtian Faith*; as the Smatterers in *Ideas*, and new Terms of Philoſophy, without any true Underſtanding of them. For theſe *Ideas* are become but another ſort of Canting with ſuch Men; and they would reaſon as well upon *Genus* and *Species*, or upon *Occult Qualities*, and *Subſtantial Forms*, but only that they are *Terms* out of *Faſhion*.

But we find that the change of Terms doth neither improve nor alter Mens Underſtandings; but only their Ways of Speaking; and ill Gameſters will not manage their Game one jot the better, for having *new Cards* in their hands. However we muſt ſee what Work they make of it.

P. 86. *Although we do not know the Nature of the Soul, yet we know as much of it, as we do of any thing elſe, if not more*, i. e. we really know nothing by any *adequate Idea* of it, but we muſt believe nothing, but what we have a *clear diſtinct Idea* of. Is not this a rare way of fixing the *Boundaries of Faith and Reaſon*; *As to God and his Attributes*, it is ſaid. P. 81. *That they are not Myſteries to us for want of an adequate Idea; no not Eternity.* P. 88. And in another place, *As to God, we comprehend nothing better than his Attributes.*

Let us try this, by the *Attribute* pitched on by himſelf; *viz. Eternity.* We ſee he pretends to comprehend nothing better than the *Divine Attributes*; and *Eternity* as well as any; (which I am very apt to believe) but how doth he *Comprehend Eternity*? P. 82. Even by finding, *That it cannot be Comprehended.* Is not this Subtle and *deep Reaſoning*? But *Reaſon* he ſaith, *performs its part in finding out the true Nature of Things*; and if ſuch be the *Nature of the Thing*, that it *cannot be Comprehended*, then Reaſon can do no more, and ſo it is not *above Reaſon*. Was there ever ſuch *Trifling* that pretended to Reaſon; and that about the higheſt Matters, and with Scorn and Contempt of others whom he calls *Myſterious Wits*? The Queſtion is, whether any thing ought to be rejected as an Article of Faith, becauſe we cannot comprehend it, or have a clear and diſtinct Perception of it: He concludes it muſt be ſo, or elſe *we overthrow Religion, and the Nature of Man, and the Wiſdom and Goodneſs of God.* Here is an Eſſential Attribute of God, *viz.* his Eternity. Am I bound to believe it or not? Yes, doubtleſs. But how can I comprehend this Attribute of Eternity? *Very eaſily.* How ſo? *Do not you* *comprehend that it is incomprehenſible?* What then? Doth this reach the Nature of the thing, or only the manner of our Conception? *If the Nature of the thing be, that it cannot be comprehended, then you rightly underſtand the Nature of the thing, and ſo it is not above your Reaſon.* Let the Caſe be now put to the *Trinity*; do you believe the Doctrine of it, as of Divine Revelation? No, *God hath given me the Nature and Faculties of a Man; and I can believe nothing, which I cannot have a diſtinct and clear Idea of, otherwiſe I muſt have new Faculties.* Will you hold to this Principle? Then you muſt believe nothing, which you cannot have a clear and diſtinct *Idea* of. Very true. But can you have a clear and diſtinct Idea of what you cannot comprehend? *A clear Idea is that whereof the mind hath a full and evident Perception. A diſtinct Idea is that whereby the Mind perceives the difference of it from all others.* Is this right? Yes. But can you have a full and evident Perception of a thing, ſo as to difference it from all others, when you grant it to be *incomprehenſible?* If you have a *full Perception* of it, you comprehend its Nature, and eſpecially if you can *difference* it from all other things; but when you ſay, *its Nature is incomprehenſible*, and yet *believe it*, you muſt deny it to be neceſſary to Faith, to have *a clear and diſtinct Idea* of the thing propoſed. And if it be repugnant to your Faculties to reject the *Trinity*, becauſe you cannot have a *clear and diſtinct Idea* of it; for the ſame Reaſon you muſt unavoidably reject his *Eternity*, and all other Attributes which have *Infinity* joined with them.

P. 83. But we muſt ſtop here, becauſe this admirable Undertaker hath ſaid, *That he deſpairs not of rendring Eternity and Infinity as little myſterious, as that three and two make five.* And till then I take my leave of him.

And ſo I return to our profeſſed *Unitarians*, who in anſwer to my Sermon fell upon the ſame Subject; and it is neceſſary that I conſider ſo much as tends to the clearing of it. In my Sermon I had urged this Argument to prove, that we may be bound to believe ſome things that are incomprehenſible to us, becauſe the Divine Nature and Attributes are acknowledged to be; and I had ſaid,

(1.) That there is no greater Difficulty in the Conception of the Trinity and Incarnation, than there is of *Eternity*. Not but that there is great Reaſon to believe it; but from hence it appears, that our Reaſon may oblige us to believe ſome things, which it is not poſſible for us to comprehend.

And what ſay our *Unitarians* to this?

They charge my *Notion of Eternity* (as they call it) with a *Contradiction*.

Anſwer to Serm. p. 5. The beſt way of proceeding will be to ſet down my own Words, which are theſe. "We know that either God muſt have been for ever, or it is "impoſſible he ever ſhould be; for if he ſhould come into being when he "was not, he muſt have ſome Cauſe of his Being, and that which was "the firſt Cauſe would be God. But if he was for ever, he muſt be from "himſelf; and what Notion or Conception can we have in our Minds "concerning it?

To this ſay they, *To ſay a Perſon or thing is from it ſelf, is a Contradiction; it implies this Contradiction, it was before it was. And they are ſorry an Eternal God muſt be a Contradiction.* What a falſe and ſpiteful Inference is this?

But it had look'd like very *deep Reaſoning*, if I had ſaid, *That God was the Cauſe of himſelf*; for that would have implied the Contradiction he had charged it with: but I had expreſly excluded his being *from any Cauſe*; and the thing I urged was only the Impoſſibility of our having a clear and diſtinct Conception of *Eternity*. For if he could have *no Cauſe*, what could we think of his being Eternal? *If to be from himſelf as a Cauſe*, be unconceivable, (as I grant it is) then it proves what I deſigned, that we cannot have any diſtinct Idea of *Eternity*. But *to be from himſelf*, in the Senſe generally underſtood, is a meer *Negative Expreſſion*; for no Men were ſuch

Fools to imagine any thing could be before it ſelf; and in this Senſe only Learned Men have told us, that it is to be underſtood by thoſe *ancient and modern Writers*, who have uſed that Expreſſion; as when St. *Jerom* ſaith, That *God is ſelf-originated*; and St. *Auguſtin, that God is the Cauſe of his own Wiſdom*; and *Lanctantius, that God made himſelf.* All theſe, and ſuch like Expreſſions, are only to be negatively underſtood. Poſſevin. Appar. in Genebrard.

But I confeſs I aimed at ſhewing, that it was impoſſible for us to have any *clear and diſtinct Idea* of *Eternity*; and therefore I took in all poſſible ways of conceiving it, either by God's being from himſelf, or his Co-exiſting with all differences of Time, without any ſucceſſion in his own Being, or his having a ſucceſſive Duration. From all which I argued the Impoſſibility of a clear Notion of Eternity. And now what do theſe Men do? They diſpute againſt one of theſe Notions, and very triumphantly expoſe, as they think, the *Abſurdities* of it. And what then? *Why then this Notion will not do.* But I ſay none will do.

I prove there can be no ſucceſſive Duration in a Being of neceſſary Exiſtence; and that it is not to be conceived, how without Succeſſion God ſhould be preſent with the Being and not Being, the Promiſe and Performance of the ſame thing; and yet one of theſe ways we muſt make uſe of. From whence I concluded, That all we can attain to is a full Satisfaction of our Reaſon concerning God's Eternity, although we can form no diſtinct Conception of it in our Minds. But when theſe Men, inſtead of anſwering the Argument from all the Notions of Eternity, only diſpute againſt one Notion of it, they apparently ſhew the weakneſs of their Cauſe, if it will bear no other Defences but ſuch as this. For I take it, that the main Debate in point of Reaſon depends upon this, whether we can be certain of the Being of a Thing, of which we can have no *clear and diſtinct Idea?* If we may, then it can be no Objection in point of Revelation, that we can have no *clear and diſtinct Idea* of the Matter revealed; ſince there can be no Reaſon to tie us up ſtricter in Point of Revelation than we are without it. If we can be certain in Reaſon of many things we can have no ſuch *Ideas* of, what imaginable Reaſon can there be, that a point of Faith ſhould be rejected on that account?

2. I urged another Attribute of God, *viz.* his *Spirituality*, for the ſame Reaſon; *viz.* that we are ſatisfied in point of Reaſon that God muſt be a Spirit, and yet we cannot have a clear diſtinct poſitive Notion of a Spirit.

And what Anſwer do they give to this? As wiſe as the former. Why truly, *I had no cauſe to object this againſt them, becauſe they own the Spirituality of God's Nature, and none ſince* Biddle *have denied it.* P. 6.

Very well! but doth my Argument proceed upon that, or upon the not having *a diſtinct and clear Idea* of a *Spirit?* It was hardly poſſible for Men ſo to miſtake my meaning, unleſs they did it becauſe they had no other Anſwer to give.

3. I argued from *God's Preſcience*, which I do expreſly aſſert, and prove that they cannot have a diſtinct Notion of it; nay that *Socinus* denied it, becauſe he could not underſtand it.

But here they tell me, *I cannot defend our Doctrine againſt theirs without finding Contradictions in God's Eternity and Foreknowledge.* If this be the Ingenuity and Juſtice and Charity of the *Unitarians*, commend me to the *honeſt-hearted Deiſts*, if there be any ſuch, as they aſſure us there are. One had better be charged with *Trifling and Fooling with Myſteries*, than with undermining the main foundations of Religion, by charging them with *Contradictions*. P. 7.

But nothing could be farther from my Thoughts, than any thing tending that way. And ſuch a baſe Calumny is too much honoured with a Confutation. But do they offer to clear the Difficulty, and give us a *clear and di-*

diſtinct Idea of God's foreknowing future Events without a *certain Cauſe* to make them future? Nothing like it. For the queſtion is not, *Whether a thing be neceſſary, becauſe God foreſees it as certain?* (as they ſuppoſe) But how of a thing merely poſſible it comes to be certain without a *certain Cauſe*; and how a thing which hath no *certain Cauſe*, can be certainly foreknown; and what clear and diſtinct Notion we can have of this in our Minds. If they had anſwer'd this, they had ſaid ſomething to the purpoſe. To reſolve *all into God's infinite Wiſdom*, is a good Anſwer from us, but not from them. For we think it our Duty to ſatisfie our ſelves with what God hath revealed, without prying into the manner of things above our Comprehenſion; but theſe Men who will receive nothing but what they have *clear and diſtinct Ideas* of, ought to ſhew the manner of this, or elſe we muſt be excuſed on the ſame reaſon, if we allow the manner of the *divine Subſiſtences* in the *ſame Eſſence* to be above our Comprehenſion.

4. I ſhew'd how unreaſonable their Demands were, when the Nature of God is owned to be *incomprehenſible*, and his *Perfections infinite.*

And now of a ſudden they are quite turned about; for before, they were only for fencing and warding off Blows, but at laſt they come to the point, and own *the Being of God to be comprehenſible by them*; *and that they have clear and diſtinct Ideas of God's infinite Attributes.* This is indeed to the purpoſe, if they can make theſe things out. But Fencers have many tricks, and I wiſh we find none here. I had ſaid, “That in conſequence to the Aſſertion, that nothing is to be believ'd, but what may be comprehended, the very Being of God muſt be rejected too, becauſe his Being is incomprehenſible, and ſo they muſt reject one God as well as three Perſons.

P. 7. To this they reply, *That to comprehend the Being or Exiſtence of God is only this, to comprehend that God is*; *and if we cannot comprehend that, all Religion ceaſes.* Is not this a fine turn? What I ſaid of God as to the Perfections of his Nature, they will have it underſtood of his bare Exiſtence, which I do not mention. When God is ſaid to be *an incomprehenſible Being*, who before them did underſtand the meaning to be, *That we cannot comprehend that there is a God:* This is not mere *trifling*, for it looks like ſomething worſe; and yet they preſently after ſay, *That to comprehend a thing is to have a clear adequate Conception of it.* And will they pretend to have ſuch a one
P. 5. of the divine Eſſence, when they confeſs but a little before, *That we converſe every day with very many things, none of which we comprehend, and that I might have ſpared my pains in proving it?* But what can be the meaning of theſe ſayings, *They cannot comprehend the common Natures of things*, nor have a *clear* and *diſtinct Idea* of them, but they can *comprehend* an *infinite Being*, whom all Mankind own to be *incomprehenſible.* But as to divine *Attributes*, they ſay, *They have clear, diſtinct and adequate Conceptions of them*, and inſtance in *Eternity*, *Power*, *Wiſdom and Juſtice.* We do not deny that in ſuch Attributes which we apply to God, becauſe we find them to be *Perfections in us*, we have a diſtinct and clear Perception of them, as they are conſider'd in themſelves, for that is the reaſon why we attribute them to God. But for ſuch as peculiarly belong to God, as *Eternity* doth; and for the degrees of other Attributes as they belong to him, as they are *infinite*, ſo they are above our *Comprehenſion.* (1.) As to Eternity, ſay they, it is a *clear and diſtinct Notion of Eternity*, *to ſay*, *it is a Duration without beginning and without end.*

But we can have no *clear and diſtinct notion of Duration*, when applied to a Being that hath *neceſſary Exiſtence*; for *Duration*, they ſay, *conſiſts in a Succeſſion.* And what *Succeſſion* can there be in a Being which *always* is the ſame, if there were no difference of times, *i. e.* God was the ſame Being before time was, and is the very ſame Being under all the differences of times; he hath not any other Duration now than he had before; and what Succeſſion could there be where there was no time? But we make uſe of *Duration* with reſpect to things done in time, and for the help of our Underſtandings apply the meaſure of time to divine Acts. But in a *neceſſary Exiſtence*, there can be *no paſt, preſent or to come*; and in a ſucceſſive Duration, there muſt be conceived a longer continuance from time to time; which is repugnant to the Notion of a Being which always is. So that if we cannot conceive *Eternity* without *Duration*, nor *Duration* without *Succeſſion*, nor can apply *Succeſſion* to a *Being* which hath *neceſſary Exiſtence*, then we can have no *clear and diſtinct Notion of God's Eternity*. (2.) As to the *Infiniteneſs* of God's Perfections, they ſay, *That although the Mind be in it ſelf finite, yet it hath an infinite Comprehenſion, for what is finite with reſpect to its Extenſion of parts, may be infinite in other reſpects, and with reſpect to ſome of its Powers.* But how doth it appear that we have any *Power* to *comprehend* what is *infinite*? All the *Power* we have extends only to *adding and enlarging our Ideas* without bounds, *i. e.* we can put no ſtop to our Apprehenſions, but ſtill they may go farther than we can poſſibly think, but is this an *infinite Comprehenſion*? So far from it, that this ſhews our Capacities to be finite, becauſe our *Ideas* cannot go ſo far as our Reaſon. For our Reaſon tells us, we can never go ſo far, but we may ſtill go farther: but it is impoſſible for our Underſtanding to have *diſtinct Ideas* of the infinite moments in an eternal Succeſſion of the utmoſt Bounds of Immenſity, or of the extent of infinite Power and Knowledge; ſince the very Notion of *Infinite* implies, that we can ſet no bounds to our Thoughts; and therefore although the *Infinity* of the divine Attributes be evident to our Reaſon; yet it is likewiſe evident to our Reaſon, that what is *infinite* muſt be above our *Comprehenſion*.

P. 8.

II. I come now to the laſt enquiry, which is, that if we allow things above our Reaſon, what ſtop can be put to any abſurd Doctrine, which we may be required to believe?

And this is that which our *Unitarians* object in all their late Pamphlets. In anſwer to my Sermon they ſay, That on our principles, *our Reaſon would be in vain, and all Science and Certainty would be deſtroy'd*, which they repeat ſeveral times. And from hence they do ſo frequently inſiſt on the *Parallel* between the Doctrine of the *Trinity* and *Tranſubſtantiation*: They ſay, *That all the defence we have made for one will ſerve for the other, or any other abſurd and impoſſible Doctrine. That what we ſay will equally ſerve all the Nonſenſe, and impoſſible Doctrines that are to be found among Men; and they particularly inſtance in Tranſubſtantiation.* I need mention no more. But I did not expect to have found this *Parallel* ſo often inſiſted upon, without an anſwer to *two Dialogues* purpoſely written on that Subject, at a time when the Doctrine of the *Trinity* was uſed as an Argument to bring in *Tranſubſtantiation*, as that is now alledged for caſting off the other.

Anſwer to the Arch-biſhop, &c. *p.* 4.
P. 17.
P. 67.
Letter of Reſolut. p. 3
Conſiderat. on the Explication, &c. *by* Dr. W. p. 30.

But I muſt do them that right to tell the World, that at that time a *Socinian* Anſwer was written to thoſe *Dialogues*, which I ſaw, and wiſh'd it might be printed, that the World might be ſatisfied about it and them. But they thought fit to forbear; and in all their late Pamphlets, where this *Parallel* is ſo often repeated, there is but once, that I can find, any notice taken of thoſe *Dialogues*, and that in a very ſuperficial manner. For the main Deſign and Scope of them is paſt over, and only one particular mention'd, which ſhall be anſwer'd in its due order.

But in anſwer to the general Enquiry, I ſhall endeavour to ſtate the due bounds between *Faith and Reaſon*, and thereby to ſhew, that by thoſe grounds on which we receive the Doctrine of the *Trinity*, we do not give way to the Entertainment of any abſurd Opinion, nor overthrow the *Certainty* of *Reaſon*.

1. We have no difference with them about the *Uſe* of our *Reaſon* as to the *Certainty* of a *Revelation*. For in this caſe, we are as much as they for

ſearching into the grounds of our Faith; for we look on it as a *reaſonable Act* of our Minds, and if we did not allow this, we muſt declare our ſelves to believe without grounds. And if we have grounds for our Faith, we can expreſs them in Words that are intelligible; and if we can give an account of our Faith in an intelligible manner, and with a deſign to give others ſatisfaction about it, I think this is making *uſe of our Reaſon in Matters of Faith.*

2. We have no difference with them about the *uſe of our Reaſon*, as to the *true Senſe of Revelation.* We never ſay, that Men are bound to believe upon the bare *ſound of Words* without examining the *Senſe* of them. We allow all the beſt and moſt reaſonable ways of attaining to it, by Copies, Languages, Verſions, comparing of Places, and eſpecially the *Senſe of the Chriſtian Church* in the beſt and pureſt Ages, neareſt the Apoſtolical Times, and expreſs'd in ſolemn and publick Acts.

By theſe *Rules* of *Reaſon* we are willing to proceed, and not by any late and uncertain methods of interpreting Scripture.

3. We differ not with them about the *right uſe* of the *Faculties* which God hath given us, of *right Underſtanding* ſuch matters as are offer'd to our Aſſent. For it is to no purpoſe to require them to believe, who cannot uſe the Faculties which are neceſſary in order to it. Which would be like giving the *Benefit of the Clergy* to a Man with a *Cataract* in both his Eyes. And it would be very unreaſonable to put his Life upon that Iſſue, whether he could read or not, becauſe he had the *ſame Organs of Seeing* that other Men had; for in this caſe the whole matter depended not on the *Organ* but the *Uſe* of it: This needs no Application.

4. We differ not with them about *rejecting* ſome Matters propoſed to our Belief, which are *contradictory to the Principles of Senſe and Reaſon.* It is no great argument of ſome Mens Reaſon, whatever they pretend to talk againſt *admitting ſeeming Contradictions in Religion*; for who can hinder *ſeeming Contradictions?* Which ariſe from the ſhallowneſs of Mens Capacities, and not from the repugnancy of Things: and who can help Mens Underſtandings? But where there is evident proof of a *Contradiction* to the *Principles of Senſe and Reaſon*; we are very far from owning any ſuch thing to be an Article of Faith, as in the caſe of *Tranſubſtantiation.* Which we reject, not only, as having no foundation in Scripture, but as repugnant to the common Principles of Senſe and Reaſon; as is made to appear in the two *Dialogues* before mention'd.

Conſiderat. on the Explication by Dr. W. p. 30.

But our *Unitarians* find fault with the Author of them, for laying the force of his argument upon this, *That there are a great many more Texts for the Trinity, than are pretended for Tranſubſtantiation*; whereas many other arguments are inſiſted on, and particularly the great *abſurdity of it in point of Reaſon, Dial.* 2. from *p.* 33. to the end. And it is not the bare *number of Texts*, which he relies upon, but upon the *greater Evidence and Clearneſs* of the *Text* on one ſide than on the other, which depends upon figurative Words, not capable of a *literal Senſe* without overthrowing the Doctrine deſigned to be proved by it. See with what Ingenuity theſe Men treat the Defenders of the *Trinity*, and the Enemies to *Tranſubſtantiation*, which they call only a *Philoſophical Error or Folly*; but the Doctrine of the *Trinity* is charged with *Nonſenſe, Contradiction*, and *Impoſſibilities.*

Anſwer to Archbiſh. p. 21.

But wherein then lies the difference in *point of Reaſon?* For thus far I have ſhew'd, that we are far from overthrowing *Reaſon* or giving way to any *abſurd Doctrines.* It comes at laſt to the point already treated of in this Chapter, how far we may be obliged to believe a Doctrine which carries in it ſomething *above our Reaſon*; or of which we cannot have any *clear and diſtinct Ideas.* And of this I hope I have given a ſufficient Account in the foregoing Diſcourſe.

AN
ANSWER
TO
Mr. *LOCKE*'s LETTER,

Concerning Some Paſſages Relating to his ESSAY of *Humane Underſtanding:* Mention'd in the late Diſcourſe in Vindication of the Trinity. With a *POSTSCRIPT* in anſwer to ſome Reflections made on that Treatiſe in a late *Socinian* Pamphlet.

SIR,

I HAVE ſeriouſly conſider'd the *Letter* you were pleaſed to ſend me, and I find it made up of two Parts; A *Complaint* of me, and a *Vindication* of your ſelf: To both which I ſhall return as clear and diſtinct an Anſwer, and in as few words, as the matter will permit.

1. As to the *Complaint* of me, it runs quite through the Book, and even your *Poſtſcript* is full of it.

The Subſtance of it is, that in *anſwering Objections againſt the Trinity, in point of Reaſon,* I produce ſeveral Paſſages out of your *Eſſay of Humane Underſtanding,* as if they were intended by you to that Purpoſe; but you declare to the World, *p.* 150. that it was written by you *without any Thought of the Controverſie between the* Trinitarians *and* Unitarians; *and p.* 224. *That your Notions about Ideas have no Connexion with any Objections that are made by others againſt the Doctrine of the Trinity, or againſt Myſteries.* And therefore you complain of it, as *an Injury done to you, in imputing that to you, which you have not done,* p. 95. or *at leaſt in leaving it ſo doubtfull, that the Reader cannot diſtinguiſh who is meant,* p. 96. and this you call *my peculiar way of Writing in this part of my Treatiſe.*

Now to give you and others ſatisfaction as to this matter, I ſhall firſt give an account of the *Occaſion* of it, and then ſhew what *Care* I took to prevent Miſunderſtanding about it.

The *Occaſion* was this, Being to anſwer the *Objections in Point of Reaſon,* (which had not been anſwered before) the firſt I mention'd, was, *That it was above Reaſon, and therefore not to be believed*; in anſwer to this, I propoſed two Things to be conſider'd; 1. What we underſtand by Reaſon. 2. What Ground in Reaſon there is to reject any Doctrine above it, when it is propoſed as a matter of Faith.

As to the former I obſerv'd that the *Unitarians* in their late Pamphlets talk'd very much of *clear and diſtinct Ideas and Perceptions,* and that the Myſteries of Faith were repugnant to them, but never went about to ſtate the Nature and Bounds of Reaſon in ſuch a manner as thoſe ought to have done who make it the Rule and Standard of what they are to believe. But I added, that a late Author in a Book, call'd *Chriſtianity not Myſterious,* had taken upon him to clear this Matter, whom for that cauſe I was bound to conſider; the deſign of his Diſcourſe related wholly to *Matters of Faith,* and not to *Philoſophical Speculations*; ſo that there can be no Diſpute about his Application of thoſe he calls *Principles of Reaſon and Certainty.*

When the mind makes uſe of intermediate Ideas to diſcover the Agreement or Diſagreement of the Ideas received into them, this Method of Knowledge, he ſaith, *is properly called Reaſon or Demonſtration.*

The Mind, as he goes on, *receives Ideas two ways:*

1. *By Intromiſſion of the Senſes.*
2. *By conſidering its own Operations.*

And theſe ſimple and diſtinct Ideas, are the ſole Matter and Foundation of all our Reaſoning.

And ſo *all our Certainty* is reſolved into two things, either *immediate Perception, which is ſelf-Evidence,* or *the uſe of intermediate Ideas, which diſcovers the Certainty of any thing dubious;* which is what he calls *Reaſon.*

Now this I ſaid did ſuppoſe,

“ That we muſt have clear and diſtinct Ideas of what-ever we pretend to any Certainty of in our minds (by Reaſon) and that the only way to attain this Certainty is by comparing theſe Ideas together; which excludes all Certainty of Faith or Reaſon, where we cannot have ſuch clear and diſtinct Ideas.

From hence I proceeded to ſhew, that we could not have ſuch *clear and diſtinct Ideas,* as were neceſſary in the preſent Debate, either *by Senſation or Reflection,* and conſequently we could not attain to *any Certainty* about it; for which, I inſtanced in the *Nature of Subſtance* and *Perſon,* and the *Diſtinction* between them.

And by vertue of theſe Principles I ſaid, “ That I did not wonder, that the Gentlemen of this new way of Reaſoning had almoſt diſcarded Subſtance out of the Reaſonable part of the World. Which *Expreſſion* you tell me *you do not underſtand.* But if you had pleaſed to have look'd back on the Words juſt before, a perſon of your Sagacity could not have miſſed the Meaning I intended. Which are, Now this is the caſe of Subſtance; it is not intromitted by the Senſes, nor depends upon the Operations of the Mind, and cannot be within the compaſs of our Reaſon.

P. 6. But you ſay, *That if I mean that you deny or doubt that there is in the World any ſuch thing as Subſtance, I ſhall acquit you of it, if I look into ſome Paſſages in your Book which you refer to.* But this is not the point before us, whether you do own *Subſtance* or not? but whether by vertue of theſe Principles, you can come to any Certainty of Reaſon about it? And I ſay, the very places you produce do prove the contrary; which I ſhall therefore ſet down in your own Words, both as to *Corporeal* and *Spiritual Subſtances.*

P. 7. *When we talk or think of any particular ſort of Corporeal Subſtance, as Horſe, Stone,* &c. *tho' the Idea we have of either of them be but the Complication or Collection of thoſe ſeveral ſimple Ideas of ſenſible Qualities which we uſe to find united in the thing called Horſe or Stone, yet becauſe we cannot conceive how they ſhould ſubſiſt alone, or one in another, we ſuppoſe them exiſting in and ſupported by ſome common ſubject, which Support we denote by the name Subſtance, tho' it be certain we have no clear or diſtinct Idea of that thing we ſuppoſe a Support. The ſame happens concerning Operations of the Mind,* viz. *Thinking, Reaſoning,* &c. *which we conſidering not to ſubſiſt of themſelves, nor apprehending how they can belong to Body or be produced by it, we are apt to think theſe the Actions of ſome other Subſtance, which we call Spirit, whereby yet it is evident, that having no other Notion or Idea of Matter, but ſomething wherein thoſe many ſenſible Qualities, which affect our Senſes do ſubſiſt, by ſuppoſing a Subſtance wherein Thinking,*
P. 8. *Knowing, Doubting, and a Power of Moving,* &c. *do ſubſiſt, we have as clear a Notion of the Nature or Subſtance of Spirit as we have of Body, the one being ſuppoſed to be (without knowing what it is) the* Subſtratum *to thoſe ſimple Ideas we have from without, and the other ſuppoſed (with a like Ignorance of what it is) to be the* Subſtratum *to thoſe Operations which we experiment in our ſelves.* You mention

tion other places to the ſame purpoſe, but theſe are ſufficient for mine. P. 9. *Theſe and the like faſhions of ſpeaking, you ſay intimate, that the Subſtance is ſuppoſed always ſomething,* &c. I grant that you ſay over and over, *that Subſtance is ſuppoſed:* but that is not what I looked for, but ſomething in the way of Certainty by Reaſon. Yes, you ſay, *we cannot conceive how theſe ſenſible Qualities ſhould ſubſiſt alone, and therefore we ſuppoſe a Subſtance to ſupport them.* It is but *ſuppoſing* ſtill, becauſe we cannot conceive it otherwiſe. But what Certainty follows barely from our not *being able to Conceive?* Are there not multitudes of Things which we are not able to conceive, and yet it would not be allowed us to ſuppoſe what we think fit on that account? I could *hardly conceive* that Mr. *L.* would have brought ſuch Evidence as this againſt himſelf; but *I muſt ſuppoſe ſome unknown Subſtratum* in this Caſe.

But you go on, *That as long as there is any ſimple Idea, or ſenſible Quality left, according to my way of Arguing, Subſtance cannot be diſcarded, becauſe all ſimple Ideas, all ſenſible Qualities carry with them a ſuppoſition of a Subſtratum to exiſt in and of a Subſtance wherein they inhere.* What is the meaning of *carrying with them a ſuppoſition of a Subſtratum and a Subſtance?* Have theſe *ſimple Ideas* the Notion of a *Subſtance* in them? *No, but they carry it with them.* How ſo? Do *ſenſible Qualities* carry a *Corporeal Subſtance* along with them? Then a *Corporeal Subſtance* muſt be *intromitted* by the Senſes together with them. *No; but they carry the Suppoſition with them.* And truly that is burden enough for them. But which way do they *carry it?* It ſeems it's only *becauſe we cannot conceive it otherwiſe.* What is this *Conceiving?* It may be ſaid that it is *an Act of the Mind, not built on ſimple Ideas, but lies in comparing the Ideas of Accident and Subſtance together, and from thence finding that an Accident muſt carry Subſtance along with it?* But this will not clear it; for the *Ideas* of *Accidents* are *ſimple Ideas*, and carry nothing along with them, but the Impreſſion made by ſenſible Objects: and the Idea of *Subſtance* comes in by way of *Suppoſition* with the other: ſo that it is not *the comparing two Ideas together*, but the *ſuppoſing* one *Idea* from another, and that a very *obſcure and confuſed one* too, as is confeſſed, *viz. That it is ſomething which ſupports Accidents*, and was found out for that ſubſtantial End. As appears from theſe remarkable words of yours.

Book 2. Ch. 13. Sect. 19. *They who firſt ran into the Notion of Accidents, as a ſort of real Beings that needed ſomething to inhere in, were forc'd to find out the word Subſtance to ſupport them. Had the poor* Indian *Philoſopher but thought of this word Subſtance, he needed not to have been at the trouble to find an Elephant to ſupport it, and a Tortoiſe to ſupport his Elephant. The word ſubſtance would have done it effectually. And it might have been taken for as good an Anſwer from an* Indian *Philoſopher, that Subſtance without knowing what it is, is that which ſupports the Earth, as we take it for a ſufficient Anſwer, and good Doctrine from our* European *Philoſophers, that Subſtance without knowing what it is, is that which ſupports Accidents.* P. 14. What can be ridiculing the Notion of Subſtance, and *the* European *Philoſophers* for aſſerting it, if this be not? I forbear now your *Repetition* of it; becauſe I ſee it doth not pleaſe you. Ch. 23. Sect. 2. But truly it was not to upbraid you with the bare *Repetition* as a *fault in Writing* (many of which I am too much ſenſible of my ſelf, to blame it in others) but only to ſhew that it was not a ſudden Fancy, but a deliberate, and (as you thought) a lucky Similitude.

P. 11. But you ſay, *You would be glad to hear a clearer and more diſtinct Idea of Subſtance, but you can find no better in your own Thoughts, or in the Books of Logicians.* Are not theſe *Logicians* a ſort of *European Philoſophers*, who were deſpiſed ſo much before, for this very Notion of *Subſtance?* Even *Burgerſdicius* and *Sanderſon* (whom you quote) were ſo, as well as many others of the dull *Tribe of Logicians.*

But I do not find fault with the Definition of *Subſtance* brought by *Logicians*; for they do not ſay, *that it was found out only to ſupport Accidents*, but they ſay, it firſt implies a *Subſiſtence by it ſelf*; and then *that it ſupports Accidents:* But you ſay, *The former implies no more than that Subſtance is a Thing, or Being; or in ſhort, ſomething they know not what.* Is there no difference between the bare *Being* of a *Thing*, and its *Subſiſtence by it ſelf?* I had thought *Accidents* or *Modes of Matter* which make ſenſible Impreſſions on us, were *Things* or *Beings*, or elſe there could be no effect of them; but you will not ſay they *ſubſiſt of themſelves*, and are in no other thing as the proper ſubject of them, and you confeſs at laſt, *that Subſtance doth imply that it is not ſupported it ſelf as a Mode or Accident.* So that our *European Philoſophers* happen to be in the right at laſt.

P. 12. Well! *but I would think it hard to be thought to diſcard every thing which I do not comprehend; for I own Myſteries. Why then ſhould I charge others for diſcarding Subſtance, becauſe they have but a confuſed Idea of it?* This is the force of the Charge which I bring into as few words as may be, but without the leaſt Intention to abate the ſtrength of it.

To which I anſwer, That I do not charge them with *diſcarding the Notion of Subſtance*, becauſe they have but an *imperfect Idea* of it; but becauſe upon thoſe Principles there can be no *certain Idea* at all of it: whereas I aſſert it to be one of the moſt *natural* and *certain Ideas* in our Minds, becauſe it is a Repugnance to our firſt conception of Things that Modes or Accidents ſhould ſubſiſt by themſelves; and therefore I ſaid the Rational Idea of Subſtance is one of the firſt Ideas in our Minds; and however imperfect and obſcure our Notion be, yet we are as certain that Subſtances are and muſt be, as that
P. 22. there are any Beings in the World. *Herein* you tell me *you agree with me, and therefore you hope this is no Objection againſt the Trinity.* I never thought it was, but to lay all Foundation of Certainty as to matters of Faith upon *clear and diſtinct Ideas*, which was the Opinion I oppoſed, does certainly overthrow all *Myſteries of Faith*, and excludes the Notion of *Subſtance* out of *Rational Diſcourſe*, which at length you apprehend to have been my meaning.

P. 35. But, ſay you, *if any aſſert, that we can have no Ideas but from Senſation or Reflection, you declare, that this is not your Opinion.* I am very glad of it: And I will do you all the Right I can in this matter. But we muſt take your *Meaning* from your own words. And there are three Particulars you expreſs it in.

P. 25. (1.) *That your Meaning was, to ſignifie all thoſe Complex Ideas of Modes, Relations, and ſpecifick Subſtances, which the Mind forms out of ſimple Ideas.* So that theſe *Ideas* are allowed by you although they come not by *Senſation or Reflection.* But is not the Notion of *particular Subſtances* a *Complex Idea*, becauſe it is a *Complication of ſimple Ideas*, as will preſently appear from your own words; but all *ſimple Ideas come in by Senſation and Reflexion.* But you may ſay *the Combination of them to make one Idea, is an Act of the Mind, and ſo this Idea is not from Senſation or Reflection.* It ſeems then, the Mind hath a Power to form *one Complex Idea* out of many *ſimple ones*, and this makes a true Idea of a *particular Subſtance* not coming in by *Senſation* or *Reflexion.* But I am ſtill to ſeek, how this comes to make an *Idea of Subſtance*; I underſtand it very well to be a *Complex Idea of ſo many Accidents* put together; but I cannot underſtand, how a *Complex Idea of Accidents* ſhould make an *Idea of Subſtance.* And till you do this you are as far as ever from a *true Idea* of *Subſtance*, notwithſtanding your *Complex Ideas.*

P. 38. (2.) *You never ſaid that the general Idea of Subſtance comes in by Senſation*
or Reflection. And if there be any Expreſſions that ſeem to aſſert it to be *by a*
Complication of ſimple Ideas, (and not by Abſtracting and Inlarging them) be-
P. 28, 29. *cauſe we accuſtom our ſelves to ſuppoſe a Subſtratum*; it ought to be look'd on
as a ſlip of the Pen, or a Negligence of Expreſſion. In which Caſes, I think no
Man ought to be ſevere. But was there not too much occaſion given for o-
thers to think, that the *Idea* of particular *Subſtance* was only a *Complication*

of ſimple Ideas; and becauſe *all ſimple Ideas do come in*, you ſay, *only by Senſation and Reflection*, therefore all the *Ideas of particular Subſtance* (which is but a *Complication* of them) muſt either come in thoſe ways, or elſe we can have no true Idea of particular *Subſtance* at all?

So that there are Two things, wherein you are very far from giving Satisfaction.

P. 32. 1. That although you ſay, *That the Idea of Subſtance in general is made by Abſtraction*; yet you add, *That all the Ideas we have of particular diſtinct Subſtances are nothing but ſeveral Combinations of ſimple Ideas*. From whence it is plain, that according to your repeated Aſſertions, we can have no *Idea* of *particular and diſtinct Subſtances*, but what is made up of a Complication of *ſimple Ideas*; and although there may be ſome abſtracted Notion or *general Idea of Subſtance*, which is only an act of the Mind, yet there is no real Idea of any particular Subſtance, but what is a Complication of ſimple Ideas. *And* Book 2. ch. 23. Sect. 6. *that a Man hath no other Idea of any Subſtance, let it be Gold, or Horſe, Iron, Man, Vitriol, Bread, but what he has barely of thoſe ſenſible Qualities, which he ſuppoſes to inhere with a ſuppoſition of ſuch a Subſtratum, as gives as it were a ſupport to thoſe Qualities or ſimple Ideas, which he has obſerved to exiſt united together*. Theſe are your own words; and what can the meaning of them be, but that we neither have nor can have any Idea of a *particular Subſtance*, but only with reſpect to the *ſimple Ideas* which make it up; and theſe being *ſenſible Qualities*, there is no ſuch thing as an *Idea of Subſtance*, but only a *ſuppoſition* of a *Subſtratum to ſupport Accidents*?

P. 32. 2. *That although the Idea of Subſtance be made doubtfull by attributing it only to our accuſtoming our ſelves to ſuppoſe ſome Subſtratum*; *yet the Being of Subſtance is not*. How is this poſſible? Is not the Being *doubtful* if the *Idea* be; and all our *Certainty* come in by *Ideas*? *No*, ſay you, *the Being would not be ſhaken if we had no Idea of Subſtance at all*. What! not as to our *Knowledge*? P. 33. But you ſay, *there are many things in Nature of which we have no Ideas*. And can we have any *Certainty* of Reaſon as to thoſe things? For about that our debate is, *viz*. What *Certainty* we can have as to *Subſtance*, if we can have no *Idea* of it? So that the *Being of Subſtance* on theſe Principles is far from *being ſafe and ſecure* as to us, when we have ſo lame an account of the Idea of it.

But you have yet a farther diſtinction to bring off the *Idea* of *Subſtance*; for you ſay,

P. 40. (3.) *That the Idea of Subſtance is a Relative Idea. For the mind can frame to it ſelf Ideas of Relation, and perceiving that Accidents cannot ſubſiſt of themſelves, but have a neceſſary Connexion with Inherence or being ſupported, which being a Relative Idea, it frames the Correlative of a Support, which is Subſtance*. And now I think we have all that is ſaid in Defence of the *Idea of Subſtance*; *viz*. That there is a *Complex Abſtracted* and *Relative Idea* of it; which is derived from the *ſimple Ideas got by Senſation or Reflection*. But this *Relative Abſtracted Idea* is confeſſed to be *an obſcure, indiſtinct, vague Idea of Thing or Something*; *and is all that is left to be the poſitive Idea, which hath the Relation of a Support or Subſtratum to Modes or Accidents*: And *that what Idea we have of particular and diſtinct Subſtances is nothing but a Complication of ſimple Ideas with the ſuppoſition of a Subſtratum or Support*.

Theſe being the *Conceſſions* and *Diſtinctions* you make in this Matter, I muſt now return to the *Occaſion* of this Debate, which was, whether the ground of our Certainty, as to the Nature of Subſtance, can be reſolved into the *ſimple Ideas* we receive in by *Senſation or Reflection*. The queſtion is not, Whether you *doubt or deny any ſuch Being as Subſtance in the World*? nor whether the Notion you have of it be *clear and diſtinct*? for you confeſs it is not; but the point in debate is, What Certainty we can have of the *Nature* of *Subſtance* from the *ſimple Ideas* we have by *Senſation or Reflection*? And here the queſtion is not, Whether the mind cannot form *Complex* and *Abſtracted general Ideas* from thoſe *ſimple Ideas?* But whether thoſe *ſimple Ideas are the Foundation of our Knowledge and Certainty as to the Nature of Subſtance?*

For you affirm over and over (if I may have leave to ſay ſo) *That the ſimple Ideas we have by Senſation and Reflection are the Foundation of all our Knowledge.* P. 18, 23. 24, 36, 37. And yet *that the Ideas we have of particular diſtinct Subſtances are nothing but ſeveral Combinations of ſimple Ideas of Accidents.* P 8.

Which being ſuppoſed, I think it no hard matter to make it appear that we come to any *Certainty* as to the *Nature* of *Subſtance* cannot in this way of *Ideas*. For,

1. The *ſimple Ideas* afford no ground of Certainty any farther than as to themſelves. Outward Objects make an impreſſion on our Senſes; and all the Certainty we have by them is that our Senſes are ſo and ſo affected by them; but what that is in thoſe Objects which produces thoſe Effects in us, theſe *ſimple Ideas* do not acquaint us. For the old or new Doctrine of *Qualities* may be true, notwithſtanding any Effect of theſe *ſimple Ideas* upon us; for the ſame effects would be whether there be *real Qualities in the Objects*, or only a *power to make ſuch Impreſſions* on us, which we fancy to be *Qualities* without us. And ſo for our inward Perceptions; we certainly know, that we have a Power of Thinking, Doubting, Conſidering, &c. theſe *ſimple Ideas* we are very certain of; but whether theſe Perceptions come from a *Material* or *Immaterial Subſtance*, you ſay, *cannot be certainly known by theſe ſimple Ideas:* for you think Matter may be ſo refined and modified as to produce them. Now it is a very ſtrange thing to me, that Men of Underſtanding ſhould make theſe *ſimple Ideas the Foundation of all our Knowledge and Certainty*; and yet, that we ſhould be able to attain to no Certainty at all by them, from whence they proceed. For if theſe *Ideas* were intended for the means of our attaining to any Certainty, this would be the firſt thing we ſhould know by them. It is not diſtinguiſhing *Primary* and *Secundary Qualities* will help us out here. For theſe ſenſible Qualities of Bodies, which ariſe from the firſt, *viz. Bulk, Figure, Texture and Motion of Parts*, do not carry any evidence along with them that they are not Reſemblances of ſomething in the Objects as well as the Primary. It is very eaſie to affirm, *That there is in Truth nothing in the Objects themſelves, but only Powers to produce various Senſations in us:* but I intend not to diſpute, whether it be ſo or not; all that I obſerve, is, that there have been *Philoſophers*, both *European* and others, of another opinion; and that theſe *ſimple Ideas*, which are ſaid to be *the only Foundation* Eſſay. B.2. ch.8. Sect. 25. *of our Knowledge*, do not help us one jot in the Diſcovery. For it is confeſſed by your ſelf, *That Senſation diſcovers nothing of Bulk, Figure or Motion of Parts in the Production of ſenſible Qualities, nor can Reaſon ſhew how Bodies by their Bulk, Figure and Motion ſhould produce in the Mind the Ideas of Blew, Yellow,* &c. How then are theſe *ſimple Ideas* the *Foundation of our Knowledge and Certainty*, when by them we can diſcover nothing of the true Cauſes of thoſe Impreſſions which are made upon us? Ch.9. Sect. 8, 9, 10. And you own, *That the Ideas of Senſation are often corrected by Judgment, and that ſo inſenſibly, that we are apt to miſtake one for the other*; ſo that theſe *ſimple Ideas* are but a very ſlippery and uncertain Foundation for our *Knowledge*, unleſs Reaſon and Judgment be watchfull to prevent the Errors we are liable to in the *Ideas* of *Senſation*. But if no more be meant by the *ſimple Ideas that come in by Senſation or Reflection, and their being the Foundation of our Knowledge*, but that our Notions of Things come in either from our Senſes or the Exerciſe of our Minds: As there is nothing extraordinary in the Diſcovery, ſo I am far enough from oppoſing that, wherein I think all Mankind are agreed. But when new Terms are made uſe of by ill men to promote *Scepticiſm* and *Infidelity*, and to overthrow the *Myſteries of our Faith*, we have then Reaſon to enquire into them, and to examine the Foundation and Tendency of them. And this was the *true and only Rea-*

ſon of my looking into this way of *Certainty by Ideas*, becauſe I found it *applied* to ſuch Purpoſes.

(2.) *The Idea of particular Subſtances* being only *the Complication of many ſimple Ideas*, can give no greater Foundation of Knnowledge or Certainty, than thoſe *ſimple Ideas* of which it conſiſts.

Which is ſo clear of it ſelf, that I ſhall not go about to prove it. But that P. 7, 8, 10, 30. you make the Ideas of *particular Subſtances* to be no other, is plain from the ſeveral places before mention'd, produced by your ſelf in this Book. So that as to the Notion of *particular Subſtances*, we can find no Foundation of Knowlege or Certainty at all from the Ideas. It cannot be denied, that you joyn *the ſuppoſition of a Subſtratum* with this *Complication of ſimple Ideas*; but we muſt take notice that you place the *Idea* of *particular and diſtinct Subſtances* in that *Complication*, and only reſerve the *ſuppoſition* of the *Subſtratum*, as a general confuſed unknown thing, which makes no part of the *Idea*, but is only kept at a dead liſt to *ſupport Accidents*. Your words are, *When we talk or think* P. 6. *of any particular ſort of Corporeal Subſtance, as* Horſe, Stone, &c. *tho' the Idea we have of either of them be but the Complication or Collection of thoſe ſeveral ſimple Ideas of ſenſible Qualities, we uſe to find united in the thing called Horſe or Stone:* then follows, *Yet we ſuppoſe them exiſting in ſome common Subject*, &c. So that the *Idea* was compleat before the *ſuppoſition*. And again, *Whatever be the ſecret Nature of Subſtance in general, all the Ideas we have of particular Sub-* P. 8. *ſtances are nothing but ſeveral Combinations of ſimple Ideas.* Can any thing be plainer? Yet there follows, *Co-exiſting in ſuch, though unknown cauſe of their Union, as makes the whole ſubſiſt of it ſelf.* Here we have ſtill *an unknown Support*, but made no part of the *Idea* it ſelf. In another place, the *Idea of Sub-* B. 2. ch. 23. Sect. 1. *ſtance* is ſaid to be *a Complication of many Ideas together, becauſe not imagining how theſe ſimple Ideas can ſubſiſt by themſelves, we accuſtom our ſelves to ſuppoſe ſome Subſtratum which we call Subſtance.* And this is ſaid to be *the Notion of* Sect. 2, 3, 4. *pure Subſtance in general*, and not of any particular Subſtance, which conſiſts in a *Complication only of ſimple Ideas*.

(3.) The *Relative Idea* of *Subſtance* ariſing from the *neceſſary Support* of *Accidents* is a mere effect of Reaſon and Judgment, and no effect of any *ſimple Ideas*. For it ariſes from nothing ſuggeſted by the *Ideas* of Senſation or Reflection, but it comes only from the Mind it ſelf. Becauſe, as I ſaid before, it is a Repugnancy to our firſt Conception of Things, that Modes or Accidents ſhould ſubſiſt by themſelves. But which of the *ſimple Ideas* is this built upon? You tell me, *You ſay the ſame thing*, and quote theſe Words of yours; *And I* P. 22. *ſay, Becauſe we cannot conceive how ſimple Ideas of ſenſible Qualities ſhould ſubſiſt alone, or one in another, we ſuppoſe them exiſting in and ſupported by ſome common Subject.* But you have not told me, how this is founded on the *ſimple Ideas*, which was your main point. *You boaſt*, you ſay, *of my Agreement with you herein:* I wiſh we might as well agree in all other things under Debate; but why did you not inform me, how you came to this, by your *ſimple Ideas*; and what ſteps and progreſs you made in the *Complication of your ſimple Ideas* before you came to it? For truly, I ſhould have found ſome difficulty in it, ſince you make the *Idea of a particular Subſtance a Complication of many ſimple Ideas*: for if it be ſo, how could a *Complication of ſimple Ideas*, which cannot ſubſiſt by themſelves, make the *Idea* of a *Subſtance* which doth ſubſiſt by it ſelf? This looks a little untowardly in the way of *Knowledge* and *Certainty*. But there is no help for it, a *Subſtratum muſt be ſuppoſed to ſupport theſe* unlucky *Accidents*. Let it be ſo then. How came we to know that theſe *Accidents* were ſuch feeble things? What *ſimple Ideas* inform'd you of it? If none, then it is to be hoped there is ſome other way to attain *Knowledge* and *Certainty* in this matter. No; you tell me, there is no need of any other way, but this of *Ideas*. How ſo? Your words are theſe, *The general indetermined Idea of Some-* P. 40.

thing, is by the Abſtraction of the mind derived alſo from the ſimple Ideas of Senſation and Reflection. But alas! We are not upon the *general indetermined Idea of ſomething*; but upon the *particular Idea of diſtinct Subſtances*, which is granted not to be by *Abſtraction*, but by a *Complication of ſimple Ideas.* So that this is quite off from the matter. But as to your *general abſtracted Idea*, I have ſomething farther to ſay.

(4.) A general *Abſtracted Idea* of *Subſtance* is no *real Subſtance*, nor a *true Idea* of one, if *particular Subſtances* be nothing but a *Complication of ſimple Ideas*. P. 40. For you ſay, *That the Mind by Abſtraction from the poſitive ſimple Ideas got by Senſation or Reflection comes to the general Relative Idea of Subſtance.* If then the *general Idea* be raiſed from the *ſimple Ideas*, and thoſe *ſimple Ideas* make that of *particular* and *diſtinct Subſtances* only by *Complication*, then the *general Idea* of *Subſtance* can be nothing but an *Abſtracted Complication* of theſe *ſimple Ideas*, or elſe it is not by *Abſtraction* from the *ſimple Ideas*. But I do not deny that there is a *general Nature of Subſtance*, which is as *real* as *a general Idea* can be, and it is that, which makes any *particular Subſtance* be what it is in its own Nature without reſpect to Individual Modes and Properties. And although this general Subſtance doth not exiſt of it ſelf, yet it doth really exiſt in the ſeveral Individuals that belong to its kind; and the ſeveral kinds of particular Subſtances are really diſtinguiſhed from each other, not merely by *ſimple Ideas of ſenſible Qualities*, but by their inward Frame and Conſtitution: as the Subſtance of a Man is from that of a Horſe or a Tree. For it is ridiculous to imagine, that theſe really differ from each other only as Individuals of the ſame ſort under the general *Abſtracted Idea* of *Subſtance*. And if there be *Subſtances* of ſeveral kinds really different from each other, an account muſt be given, not only of the *general Notion of a Subſtratum for Accidents*, but of the *ſpecifick Nature* of *different Subſtances*, and wherein the difference of the *unknown Support* lies, as to the Modes and Accidents of their kinds, which I deſpair of ever ſeeing done by the *ſimple Ideas of Senſation and Reflection*. B. 2 Ch. 24. Sect. 16. And your ſelf confeſs, *That we have no Idea of Abſtract Subſtance*; and that *by the Complex Idea of ſenſible Qualities, we are as far from the Idea of the Subſtance of Body, as if we knew nothing at all.*

And now I freely leave the Reader to judge whether this be a tolerable Account of the *Idea of Subſtance* by *Senſation or Reflection*, and whether I deſerve ſo much to be complained of, for expoſing the unreaſonableneſs of laying *the Foundation of all our Certainty and Knowledge upon ſimple Ideas which we receive by Senſation or Reflection.*

But before I proceed further, it will be proper here to take notice how you P. 43. juſtifie your *Idea of Subſtance* from *the Etymology of the Word*; *which*, ſay you, *is ſtanding under or upholding.* I told you very little weight is to be laid on a bare Grammatical Etymology, when the Word is otherwiſe uſed by the beſt Authors for the *Eſſence* of a thing; and I named *Cicero* and *Quintilian*; and the Greek Word imports the ſame. But ſtill you ſay, it is derived *à ſubſtando*; P. 44. and you tell us your opinion, *That if we knew the Original of Words, we ſhould be much helped to the Ideas they were firſt applied to and made to ſtand for.* If you mean the *true Ideas of them*, I muſt beg leave to differ in my opinion, and my Reaſon is this, becauſe Words were uſed before men came to form Philoſophical *Notions* or *Ideas* of Things; and therefore they were forced to make uſe of Words applied in another Senſe; or elſe to coin Words on purpoſe to expreſs their own (as *Cicero* often doth, as *Qualities*, *Evidence*, *Comprehenſion*, &c.) So that if *ſubſtare* were uſed in another Senſe before, it doth not follow, that it ought to be ſo, when we enquire into the true *Ideas* of Things. But one of the beſt Criticks of the Latin Tongue in our Age, hath told us, that *ſubſtantia* Voſſ. Etymol. in V. Sto. is ſo called, *quia per ſe ſubſtat.* And *ſubſtare* is uſed by *Terence*, not for *ſtanding under*, but for *being ſtedfaſt*, *Metuo ut ſubſtet hoſpes.* But as to your general

ral Obſervation; I think there are very few Words uſed in the Philoſophical Language of the *Romans*, but what were taken off from the original Senſe they were applied to; as *Perſona* was firſt taken for a Man in *Maſquerade*, *Genus* for a *Pedegree*, *Species* for a *Sight*, from *Specio*, *to ſee*, *Virtus* for manly Courage, and diſtinguiſh'd from *Probity*. *Sit virtus etiam non Probitate minor. Ovid. de Pont. l.* 3. And ſo *Anima* was firſt taken for *the Breath in the Body*, as well as *Spiritus*. Thence *Varro* ſaith, *Their Anceſtors, although they eat Leeks and Onions*, yet were *bene animati*, *had no ill Breath*; and thence *Animam agere* and *efflare*, ſaith *Cicero*; and from *Anima*, he ſaith came *Animus*, by which they underſtood *the Mind*; *Hinc Animus ad intelligentiam tributus*, ſaith *Varro:* and many others of a like Nature. But I ſhall only add one more, and that is the Name of *Idea*, ſo very often uſed by your ſelf and others of late. I wiſh we had been told *the original uſe of it*, *and how it was firſt applied*, that we might better judge of the true meaning of it now when ſo much Weight is laid upon it. I find in *Thucydides*, who was an accurate Writer, and underſtood the true Senſe of Words, that an *Idea* is uſed by him for an *Appearance and Shew* without Reality, as when he ſaith, *That the* Athenians *in dealing with the* Sicilians, *made uſe of the ſame Idea which they had done before*. Where it can ſignifie nothing but what he calls before a *Pretence*. But when the Philoſophers came to uſe this Word, they applied it to another Senſe; *Plato* made uſe of it to ſignifie the true *Exemplars* or *Models* of Things, according to which the ſeveral ſorts of them were framed and diſtinguiſhed. This Notion he had, as many others, from the *Pythagoreans*, but what they *Myſtically* called *Numbers* he called *Ideas*. But *Idea* in its *original Senſe* from the Etymology of it, is derived from *Seeing*, and ſo the natural Senſe of it is *ſomething Viſible*; from thence it came to ſignifie the *Impreſſion* made in us from our Senſes; and thence it was carried to the *general Notion* of a thing, and from thence by Metaphyſical and abſtracted Speculations to the *Original Exemplars* of particular Eſſences, which were *Simple and Uniform*, and not liable to thoſe Changes which viſible Objects are ſubject to. So *Cicero* tells us, *Plato formed his Notion of Idea*, which he would by no means allow to any Repreſentation made by our Senſes, which *are dull*, *heavy*, *uncertain and imperfect either by the Minuteneſs*, *or Diſtance*, *or Mutability of the Objects*; thence the Philoſophers of his School denied any true grounds of Certainty to be laid in the *Ideas* we have by our Senſes, which can only afford ground for *Probability* (not as to the bare *Objects*) but as to the *Notions* we take from them. But all Knowledge and Certainty was placed in the acts of the Mind (*Scientiam nuſquam eſſe cenſebant niſi in animi notionibus atque rationibus*) *i. e.* in examining and comparing, not the *bare Ideas*, but the *Definitions of things*; and from theſe, judging of the Truth and Certainty of them. And if our *Ideas* of things be *ſo few*, *ſo ſuperficial*, *and ſo imperfect* as you confeſs them to be; if we are ſo much to ſeek, as to *the Connexion of Ideas*, and the finding out proper *intermediate Ideas*, I am afraid this way of Certainty by *Ideas* will come to very little at laſt. And ſo *this Agreement and Diſagreement of Ideas* will have the Fate of the *Stoicks Criterion of Truth*, which only multiplied Diſputes, but ended none. Never any men talked more of *Certainty* than they; and they boaſted of their Diſcoveries of the *true grounds* of it: and the queſtion then was not about a *Criterion* of the *bare Exiſtence of things*; (about which they allow'd the Judgment of the Senſes to be ſufficient, and the *Ideas* from them to be true;) Nor was it about a *Criterion* for *the Actions of Life*, for which they thought *Probability* or *Opinion* ſufficient; but it was about finding out ſuch a *mark of truth in the Ideas of our Minds as could not agree to a Falſhood*, i. e. ſuch *an Impreſſion or Signature*, as *Cicero* expreſſes it, *as appear'd in that which was*, *which could not be found in that which was not*. And this was called *Viſum*, or a *true Idea*; his words are, *Quale igitur viſum? quod ex eo quod eſſet, ſicut eſſet, impreſſum eſt*

Thucyd. l. 6. p. 392. Ed. Ox. & l. 3. p. 184. 8.

Acad. l. 1.

Cicer. in Lucul. c. 6.

ſignatum,

C. 24. *ſignatum, & effectum.* The *Greeks* called it a *Comprehenſive Idea,* which they compared to Light, which diſcovers it ſelf as well as other Things. But when they came to be pinched with particular difficulties about the Natures of Things, they were never able to make out that infallible mark of Truth in their Idea; and yet this was a more likely way to have found it, than to place the grounds of Certainty in the comparing the *Agreement and Diſagreement of Ideas,* unleſs it could be made out that we have a full ſtock of *Ideas,* and are able to diſcern and make out the *Connexion* of them with one another. For if we fail in either of theſe, the talking of Ideas and comparing thoſe which we have will do us little ſervice in finding out of Truth.

But I confeſs, the deſign in general is ſo good, that it's pity that it ſhould lie open to ſo many Objections; and much more, that it ſhould be abuſed to very bad purpoſes. But my joyning *your words with another's Application,* is that which hath given you ſo much *Offence* as to make you think it neceſſary to publiſh this *Letter* for your *Vindication.*

2. I come therefore now to ſhew *the Care* I took to prevent being miſ-underſtood; which will beſt appear by my own Words. " I muſt do that right " to the Ingenious Author of the *Eſſay of Humane Underſtanding,* (from " whence theſe Notions are borrow'd to ſerve other purpoſes than he intend" ed them,) that he makes the caſe of Spiritual and Corporeal Subſtances to " be alike. It was too plain that the bold Writer againſt the *Myſteries of our Faith* took his Notions and Expreſſions from thence, and what could be ſaid more for your Vindication, than that he turned them to other purpoſes than the Author intended them? And the true Reaſon why the *Plural Number* was ſo often uſed by me, was becauſe he built upon thoſe which he imagin'd had been your grounds, and my buſineſs was to ſhew that thoſe Expreſſions of yours, which ſeemed moſt to countenance his method of Proceeding could not give any reaſonable Satisfaction. But you ſay, *You do not place Certainty only in clear and diſtinct Ideas; but in the clear and viſible Connection of any of our Ideas.* P. 57. And *Certainty of Knowledge,* you tell us, *is to perceive the Agreement or Diſagreement of Ideas, as expreſſed in any Propoſition.* Whether this be a true account of the *Certainty of Knowledge* or not, will be preſently conſider'd. But it is very poſſible he might miſtake or miſapply your Notions; but there is too much reaſon to believe, he thought them the ſame, and we have no reaſon to be ſorry, that he hath given you this occaſion for the explaining your Meaning, and for the *Vindication* of your ſelf in the matters you apprehend I had charged you with: And if your Anſwer doth not come fully up in all things to what I could wiſh, yet I am glad to find that in general you own *the Myſteries of the Chriſtian Faith,* and the *Scriptures* to be the *Foundation and Rule of it.* For thus you conclude your Book, in the laſt Paragraph of the *Poſtſcript.* P. 226. *The Holy Scripture is to me, and always will be the conſtant Guide of my Aſſent, and I ſhall always hearken to it, as containing infallible Truth relating to things of the higheſt Concernment. And I wiſh I could ſay there were no Myſteries in it; I acknowledge there are to me, and I fear always will be. But where I want the Evidence of things, there yet is ground enough for me to believe, becauſe God hath ſaid it: And I ſhall preſently condemn and quit any Opinion of mine, as ſoon as I am ſhewn that it is contrary to any Revelation in the Holy Scripture.*

Which Words ſeem to expreſs ſo much of a Chriſtian Spirit and Temper, that I cannot believe you intended to give any advantage to the Enemies of the *Chriſtian Faith;* but whether there hath not been too *juſt occaſion* for them to apply them in that manner is a thing very fit for you to conſider. For in an age wherein the *Myſteries of Faith* are ſo much expoſed by the Promoters of *Scepticiſm* and *Infidelity,* it is a thing of dangerous conſequence to ſtart ſuch new methods of *Certainty* as are apt to leave mens minds *more doubtfull* than before; as will ſoon appear from your own Conceſſions. For if the ground of Certainty be reſolved into *the Agreement and Diſagreement of the Ideas as expreſſed in any Propoſition*; is it not natural enough from hence to infer, that from whenceſoever this *Propoſition* comes, I muſt judge of it by *the Agreement or Diſagreement of the Ideas* contained it: You make a Diſtinction between the *Certainty of Truth* and *the Certainty of Knowledge*. The former you ſay, *Is when Words are ſo put together in Propoſitions as exactly to expreſs the Agreement or Diſagreement of the Ideas they ſtand for*: and the latter, *When we perceive the Agreement or Diſagreement of Ideas, as expreſſed in any Propoſition.* Book 4. Ch. 6. Sect. 3. But our queſtion about *Certainty* muſt relate to what *we perceive*, and the means we have to judge of the Truth and Falſhood of Things as they are expreſſed to us; which you tell us, *Is by the Agreement or Diſagreement of the Ideas in the Propoſition.* And in another place, *Where ever we perceive the Agreement or Diſagreement of any of our Ideas, there is certain Knowledge; and when-ever we are ſure thoſe Ideas agree with the Reality of Things, there is certain real Knowledge:* Ch. 4. Sect. 18. and then conclude, *I think I have ſhewn wherein it is that Certainty, real Certainty, conſiſts, which, whatever it was to others, was, I confeſs, to me heretofore, one of thoſe Deſiderata which I found great want of.* So that here is plainly a new Method of Certainty owned, and that placed in *the Agreement and Diſagreement of Ideas*. But the Author already mention'd profeſſes to go upon the ſame grounds, and therefore it was neceſſary for me to examine them.

He ſaith, *That the ſimple and diſtinct Ideas we receive by Senſation and Reflection are the ſole Matter and Foundation of all our Reaſoning*; and that *our Knowledge is in Effect nothing elſe but the Perception of the Agreement or Diſagreement of our Ideas.* Christianity not Myſt. p. 10. And *that where our Perception is not immediate, our Certainty comes from the clear and viſible Connexion of Ideas.* P. 12. For he ſaith, *That if the Connexion of all the intermediate Ideas be not indubitable, we can have no Certainty.* P. 13. Wherein now do his grounds of Certainty differ from yours?

But *he applies them to other Purpoſes.* I grant he doth ſo, and that was it which I had ſaid for your Vindication. But the queſtion now is, whether your general expreſſion had not given him too much occaſion for it?

It is true, that *Ch.* 3. he diſtinguiſhes *the means of Information* from *the ground of Perſwaſion*; and he reckons all Authority *Divine* as well as *Humane* among *the means of Information*: and the *ground of Perſwaſion* he makes to be nothing but *Evidence*; and this *Evidence*, he ſaith lies in our *Ideas*, Ch. 4. in the *Agreement or Diſagreement of them*, p. 19. and he places *Certainty* in *our clear Perceptions of this Agreement or Diſagreement*, which you call *clear and viſible Connexion of Ideas*. And wherein then lies the difference as to the grounds of Certainty?

But his deſign is *to overthrow the Myſteries of Faith.*

This is too true. But upon what *grounds*? Is it not upon this Principle, *that our Certainty depends upon the clear Perception of the Agreement or Diſagreement of Ideas in any Propoſition*? Now let the Propoſition come to us either by *Humane* or *Divine Authority*: If our Certainty depends upon this, we can be no more certain, than we have clear *Perception of the Agreement or Diſagreement of the Ideas contained in it*; and ſo he thought he had reaſon to reject all Myſteries of Faith, which are contained in Propoſitions upon your grounds of Certainty.

But you ſay, you own *the infallible Truth of the Scriptures, and that where you want the Evidence of Things there is ground enough for you to believe, becauſe God hath ſaid it.* I do verily believe you, becauſe I have a far greater Opinion of your Sincerity and Integrity than I ſee reaſon for, as to the other Perſon who pretends mightily to own the Authority of Scripture at the ſame time when he undermines it. For his Words are, *The Authority of God or Divine Revelation is the Manifeſtation of Truth by Truth it ſelf, to whom it is impoſſible* *to lye*, p. 16. But when he comes to ſtate the point, how far we are to believe upon Divine Revelation, he hath theſe Words, *Sect.* 2. *ch.* 1. *n.* 10. The natural Reſult of what hath been ſaid is, *That to believe the Divinity of Scripture, or the Senſe of any Paſſage thereof without rational Proofs, and an evident Conſiſtency is a blameable Credulity, and a temerarian Opinion ordinarily grounded upon an ignorant and wilful Diſpoſition.* And in the next Chapter he ſaith, *That Revelation is not a neceſſitating Motive, but a mean Information. Not the bare Authority of him that ſpeaks, but the clear Conception I form of what he ſays is the ground of my Perſuaſion.* And again, *Whoever reveals any thing, his words muſt be intelligible, and the matter poſſible. This rule holds good, let God or Man be the Revealer. As for unintelligible Relations, we can no more believe them from the Revelation of God, than from that of Man.* Sect. 2. ch. 2. n. 16. p. 42.

But what are all theſe things to you, who own, *That where you want the Evidence of things, the Authority of Revelation is ground enough for you to believe.* I do not impute them to you, but I muſt ſay, that he alleges no ground for his ſayings but your ground of Certainty: For in the ſame Page he ſaith, *That the conceived Ideas of things are the only ſubjects of Believing, Denying, Approving, and every other act of the Underſtanding.* All the difference we ſee is, that he applies that to *Propoſitions in Scripture*, which you affirm'd of *Propoſitions in general*, viz. that our Certainty depends upon *the clear Perception of the Agreement or Diſagreement of the Ideas contained in them.* But I ſhall do you all the Right I can, as to this matter, by ſhewing what Reaſon I had to ſay, that *your Notions were turned to other purpoſes than you intended them*, and that I ſhall make appear from ſeveral paſſages in the ſame Book.

B. 4. ch. 3. Sect. 23. 1. You own the great Defects of *Humane Knowledge*, notwithſtanding the *ſimple Ideas* we have by Senſation or Reflection. And from theſe things,

1. The Paucity and Imperfection of our Ideas in general; becauſe our Senſation and Reflexion goes ſo little a way in reſpect of the vaſt extent of the Univerſe; and the infinite Power and Wiſdom of the Creator of it: So that what we ſee in the intellectual and ſenſible World, holds no proportion to what we ſee not: and whatever we can reach with our Eyes or our Thoughts of either of them, is but a point almoſt nothing in compariſon of the reſt.

Sect. 24, &c. 2. The want of Ideas which we are capable of, becauſe although we have Ideas in general of *Bulk*, *Figure* and *Motion*; yet we are to ſeek as to the particulars of them in the greateſt part of the Bodies of the Univerſe; although we daily ſee their Effects. And that becauſe of the Diſtance and Remoteneſs of ſome, and the Minuteneſs of others, and therefore we cannot come to a ſcientifical Knowledge in Natural Things, much leſs to that of Spiritual Beings, of which we have only ſome few and ſuperficial *Ideas*.

Sect. 28. 3. Want of a diſcoverable Connexion between thoſe Ideas we have. Becauſe the Mechanical Affections of Bodies have no Affinity at all with the *Ideas* they produce in us; there being no conceivable Connexion between any Impulſe of any ſort of Body, and any Perception of any Colour or Smell which we find in our Minds. And ſo the Operations of our Minds upon our Bodies are inconceivable by us; And the Coherence and Continuity of Parts of Matter; and the original Rules and Communication of Motion, are ſuch as we can diſcover no natural Connexion with any Ideas we have.

Sect. 30. 4. Want of finding out ſuch intermediate Ideas, which may ſhew us the Agreement or Diſagreement they have one with another. And this for want of due Application of Mind in acquiring, examining and due comparing thoſe Ideas; and by ill uſe of Words, which have ſo much perplexed and confounded Mens underſtanding.

Book 4. Ch. 17. Sect. 1. 2. You own the many Failings in our Reaſon: By which you underſtand two Faculties in our Minds, *viz. Sagacity*, and *Illation*; the one finding out, and the other ordering the intermediate Ideas; ſo as to diſcover the Connexion

between them. But Reaſon, you ſay, *fails where our Ideas fail us*, and becauſe Sect. 9.
of the *Obſcurity, Confuſion or Imperfection of our Ideas*, both as to Matter and our Sect. 10.
Minds, and the Divine Operations; and for want of intermediate Ideas; and Sect 11.
by proceeding upon falſe Principles and dubious Expreſſions.

3. As to *Propoſitions* you own theſe things; Sect. 12.

1. Thoſe are according to Reaſon, whoſe Truth we can diſcover, by exa- B.4.ch.17.
mining and tracing thoſe Ideas we have by Senſation or Reflexion; and by na- 1.Sect, 23.
tural Deduction find to be true or probable.

2. Thoſe are above Reaſon, whoſe Truth or Probability we cannot by Reaſon derive from thoſe Principles.

3. Thoſe are contrary to Reaſon, which are inconſiſtent with, or irreconcileable to our clear and diſtinct Ideas.

4. As to *Faith* and *Divine Revelation* you own,

1. That Faith is the Aſſent to any Propoſition, not thus made out by de- B. 4 ch.18. Sect. 2.
ductions of Reaſon, but upon the Credit of the Propoſer, as coming immediately from God which we call Revelation.

2. That things *above Reaſon* and not contrary to it, are properly Matters of Faith, and to be aſſented to on the Authority of Divine Revelation.

Thus far I have endeavoured with all poſſible Brevity and Clearneſs to lay down your Senſe about this matter. By which it is ſufficiently proved that I had reaſon to ſay, that your Notions were carried *beyond your Intention.*

But you ſtill ſeem concerned *that I quote your Words*, although I declare, P. 59.
that they were uſed to other purpoſes than you intended them. I do confeſs to you, that the Reaſon of it was, that I found your Notions as to *Certainty by Ideas* was the main Foundation which the Author of *Chriſtianity not Myſterious* went upon; and that he had nothing which look'd like Reaſon, if that Principle were removed; which made me ſo much endeavour to ſhew that it would not hold. And ſo I ſuppoſe the Reaſon of my mentioning your words ſo oſten P. 62.
is no longer a *Riddle* to you.

I now proceed to other particulars of your *Vindication.*

Among other Arguments againſt this Principe of Certainty, I inſtanced in the *Being of Spiritual Subſtances within our ſelves, from the Operations of our Minds, which we do perceive by Reflexion, as Thinking, Doubting, Conſidering,* &c. This Argument I yielded to be very good; but that which I urged from thence was, that it could not be from thoſe *ſimple Ideas* of the Operations of the Mind; becauſe you had affirmed that it is impoſſible for us by the Contemplation of our Ideas to be certain without Revelation that a material Subſtance cannot think. This is a point, in my apprehenſion, of great conſequence, and therefore I muſt more ſtrictly examine what you ſay in anſwer to it.

Which is, *That thinking is inconſiſtent with the Idea of Self-ſubſiſtence, and* P. 65.
therefore hath a neceſſary connexion with a Support or Subject of Inheſion; i. e. If there be Thinking there muſt be ſomething that Thinks.

But the queſtion is, Whether that Something be a Material or Immaterial Subſtance? *But this Thinking Subſtance is in your ſenſe a Spirit.* The queſtion I put is, whether *Matter* can think or not? If not, then the Subſtance which thinks muſt be *Immaterial*; if it can think, then there can be no evidence from the *Idea of Thinking* to prove the Subſtance which thinks to be *Immaterial.*

This I take to be plain Reaſoning; which you muſt allow, becauſe it is about *the Agreement or Diſagreement of two ſimple Ideas*, viz. *Matter* and *Thinking.*

But you ſay, *That the general Idea of Subſtance being the ſame every-where,* P. 66.
the Modification of Thinking, or the Power of Thinking joyned to it makes it a Spirit, without conſidering what other Modification it has, as whether it has the Modification of Solidity or not. As on the other ſide, Subſtance, which hath the Modification of Solidity is Matter, whether it has the Modification of Thinking or not. And therefore if I mean by a Spiritual and Immaterial Subſtance, you grant

that you have not proved, nor upon your Principles can it be demonſtratively proved, that there is an Immaterial Subſtance in us that thinks.

Id. p. 74. 82.

I have thus ſet down your own Words, that you may not complain I have done you Injury. But when you put in *demonſtratively proved*, I ſuppoſe you mean *in the way of Certainty by Ideas*; for concerning that our diſpute is. And therefore when you add, *That you expect that I ſhould conclude it demonſtrable from Principles of Philoſophy*, you muſt give me leave to ſay, this is going off from the buſineſs before us; which is about *your Principles of Certainty from Ideas*; for it was only to that purpoſe, that I brought this argument to prove, that we cannot from our Ideas be certain of one of the points of greateſt importance, *viz.* that there is a Spiritual Subſtance within us; and yet the operations of our Mind are made one of the Sources of thoſe *ſimple Ideas*, which are made by you the Foundation of Knowledge and Certainty. So that the point before us is, whether this Aſſertion of yours, *That the Power of Thinking may belong to modified Matter*, doth not overthrow your *Certainty* by *Ideas*?

No, ſay you, that which you are certain of by the Idea is only, *That there is in us a Spiritual Subſtance*, and that, you ſay, implies no more than a *Thinking Subſtance*, i. e. that by Thinking you can prove you have a Power of Thinking, which I believe may be *demonſtratively proved*.

But I pray Sir, conſider how this queſtion aroſe, it was from your diſtinguiſhing *Spiritual* and *Corporeal Subſtances* from each other; and ſaying that *we have as clear a Notion of a Spirit as we have of a Body*. Againſt this I urged, that if it be poſſible for Matter to think, which you aſſert, then from the Idea of Thinking, we cannot prove the Certainty of a Spiritual Subſtance within us, where it is plain, that a *Spiritual Subſtance* is oppoſed to the *Power of Matter*. It is not whether *Matter ſo modified can think*, but whether *Matter can think*; and let it be *modified* how it will, *Matter* is *Matter* ſtill. *But the Power of Thinking makes it a Spirit*, ſay you. But doth it ceaſe to be Matter or not? If not, then it is Matter ſtill endued with a Power of Thinking; and ſo our Idea can be no other, than of a Material Thinking Subſtance. But you ſay further, *That the Power of Thinking makes it a Spirit, without conſidering what other Modifications it has, whether it has the Modification of Solidity or not.* That is, “Although it be really a *Material Subſtance*, yet the Modification of “Thinking makes it a *Spiritual Subſtance*; for we are to go no farther than “that *Modification of Thinking*, and from thence we are to conclude it to be “a *Spiritual Subſtance*. But we are now enquiring not into the bare *Modification of Thinking*; but whether from thence we can prove an *Immaterial Subſtance* within us, or which is all one, a *Spiritual Subſtance* as oppoſed to *Corporeal*, which is your own Diſtinction. And that I may not be thought to do you injury, I ſhall produce your own Words.

B. 2. Ch. 23. Sect. 15.

By the ſimple Ideas we have taken from our own minds we are able to frame the complex Idea of a Spirit. And thus by putting together the Ideas of Thinking, Perceiving, Liberty and Power of moving themſelves, we have as clear a Perception and Notion of Immaterial Subſtances, as well as Material. So that here we have two things clear.

1. That a *Spirit* and *Immaterial Subſtance* are the ſame.
2. That from the *Operations of our Minds*, we have a *clear Idea* of an *Immaterial Subſtance* within us.

Sect. 17.

Again you ſay, *That the primary Ideas we have of Body as contradiſtinguiſhed to Spirit, are the Coheſion of ſolid and conſequently ſeparable parts, and a Power of communicating Motion by Impulſe. Theſe you think are the Original Ideas proper and peculiar to Body.* Here *Body* is *contradiſtinguiſhed to Spirit*; and as it is ſo, *the Coheſion of ſolid and ſeparable Parts* is made one of the *original Ideas* proper and peculiar to Body *as diſtinguiſhed* from *a Spiritual Subſtance*: How then, I pray, can a *Spiritual Subſtance* conſiſt of *ſolid and ſeparable Parts*? Fo

what,

whatever is *ſolid*, you grant to be *conſequently ſeparable*. This ſeems to me to confound the Ideas of *Body and Spirit*, which you had taken ſo much care to diſtinguiſh; and ſo muſt deſtroy all Certainty of a Spiritual Subſtance from your *Ideas*. For although the bare *ſimple Idea* of *Thinking* may be ſaid to be diſtinct from that of a *ſolid Body*; yet it is impoſſible from that *Idea* ſo explained to prove a *Spiritual Subſtance*, as diſtinct from Body. Which was the thing I intended to prove.

But you go on to compare the *Complex Idea* of *Spirit* and *Body* in theſe Words; *Let us compare then our Complex Idea of Spirit, without our Complex Idea of Body.* Sect. 22. *Our Idea of Body is an extended ſolid Subſtance, capable of communicating Motion by Impulſe; and our Idea of our Souls is of a Subſtance that thinks and has a Power of exciting Motion in Body by Will and Thought. Theſe you think are our Complex Ideas of Soul and Body as contradiſtinguiſhed.* Here you do not ſpeak of the bare *Ideas* of *Thinking* and *Solidity*; but of the *different Subſtances*, and one is ſaid to be a *ſolid Subſtance* and the other *a Subſtance that thinks*.

I ſhall add one paſſage more to the ſame purpoſe.

The Idea we have of Spirit compared with that we have of Body, ſtands thus. Sect. 30. *The Subſtance of Spirit is unknown to us, and ſo is the Subſtance of Body equally unknown to us.* Here we have again *the Subſtance of Spirit* and the *Subſtance of Body* diſtinguiſhed from each other; and not the bare *Modifications*. So that I need no body to anſwer you but your ſelf. But leaſt ſuch expreſſions ſhould be thought a mere *ſlip of the Pen*; you are pleaſed again to aſſert *the Notion of* Sect. 31. *an Immaterial knowing Subſtance to imply no more of a Contradiction than an extended diviſible Body*.

And yet after all this you confeſs, *That you have not proved an Immaterial* P. 67. *Subſtance, and that it cannot be proved upon your Principles.*

What is the meaning of this? I cannot think you intended to leſſen the Authority of your Book in ſo conſiderable a part of it: And I ſhould much rather have thought the latter Paſſage a *ſlip of your Pen*, but that in your Letter you go about to defend it. Therefore I muſt attend your Motions in it.

You ſay, *That all the great ends of Religion and Morality are ſecured barely* P. 68. *by the Immortality of the Soul without a neceſſary ſuppoſition that the Soul is Immaterial.*

I am of opinion, that the *great ends of Religion and Morality are beſt ſecured* by the Proofs of the *Immortality of the Soul* from its *Nature and Properties*; and which I think prove it *Immaterial*. I do not queſtion whether God can give *Immortality* to a *Material Subſtance*; but I ſay it takes off very much from the evidence of Immortality, if it depend wholly upon God's giving that, which of its own Nature it is not capable of. For if the *Soul* be a *material Subſtance* it is really nothing but *Life*; or Matter put into Motion with ſuch Organs and Parts as are neceſſary to hold them together; and when Death comes, then this *Material Subſtance* ſo modified is loſt. God may by his Power grant a new Life; but will any man ſay, God can preſerve the Life of a Man when he is dead? This is a plain Abſurdity, and I think no ſuch thing tends to *preſerve Religion or Morality*.

Mr. *Hobbes* ſpeaks very conſonantly to his own Principles (although not to thoſe of *Religion* and *Morality*.) For he ſaith, *That the univerſe being the Aggregate of all Bodies, there is no real part of it that is not alſo a Body.* Leviath. ch. 34. And ſo he ſaith, *That Subſtance and Body ſignifie the ſame thing, and therefore Subſtance Incorporeal are Words which deſtroy one another.* But what then is a *Spirit*? *That*, he ſaith, *in the proper ſignification of it in common Speech, is either a ſubtle, fluid, inviſible Body, or a Ghoſt, or other Idol or Phantaſm of the Imagination.* But is there not an *Immortal Soul* in Man? *The Promiſe of Immortality*, ſaith he, *is made to the Man and not to the Soul*; and *Immortal Life doth not begin in Man*

till the Reſurrection. From whence it is plain, he look'd on the Soul as nothing
Leviath. but the *Life*; and ſo he ſaith, *That Soul and Life in Scripture do uſually ſignifie*
ch. 38. *the ſame thing.* And in the Vindication of his *Leviathan*, he ſaith, *That his*
Vindicat. *Doctrine is, that the Soul is not a ſeparated Subſtance, but that the Man at his*
of Leviath. *Reſurrection ſhall be revived.* And he anſwers that place, *Fear not them which*
p. 90, 91. *kill the Body, but cannot kill the Soul*; thus, *Man cannot kill a Soul, for the Man*
killed ſhall revive again. I think he might as well have ſaid, *That Man cannot*
kill the Body; for that ſhall be *revived* at the *Reſurrection.*

But what is all this to you? I hope nothing at all. But it ſhews, that thoſe who have gone about to overthrow *the Immortality of the Soul by Nature*, have not been thought *to ſecure the great ends of Religion and Morality.*

And although we think the ſeparate State of the Soul after Death is ſufficiently revealed in Scripture, yet it creates a great difficulty in underſtanding it, if the Soul be nothing but *Life*, or a *Material Subſtance* which muſt be diſſolved when Life is ended. For if the Soul be a *Material Subſtance* it muſt be made up as others are, *of the Coheſion of ſolid and ſeparate Parts*, how minute and inviſible ſoever they be. And what is it which ſhould keep them together, when Life is gone? So that it is no eaſie matter to give an account, how the Soul ſhould be capable of *Immortality*, unleſs it be an *Immaterial Subſtance*; and then we know the Solution of the Texture of Bodies cannot reach the Soul being of a different Nature.

And this is no more than what the wiſeſt and moſt intelligent *Philoſophers* have aſſerted, merely from the conſideration of the Nature and Properties of the Soul: as you very well know; and I need not for your ſake, run into ſuch a Digreſſion, (or as you call it, *ſtep out of my way*) any farther, than you
P. 69. give occaſion for it in what follows. For you tell me, *You have great Authorities to juſtifie your uſing a Spiritual Subſtance without excluding Materiality from it.* And for this you refer me to two great men indeed among the *Romans*, *Cicero* and *Virgil.* I was ſurprized at what you ſay out of *Cicero*, having been no ſtranger to his Writings about theſe matters, and I have conſulted the place you refer to; where you ſay that he oppoſes *Corpus* to *Ignis* and *Anima*, i. e. Breath; and that the Foundation of his diſtinction of the Soul from the Body is, *becauſe it is ſo ſubtle as to be out of Sight.* It is a very eaſie matter to multiply Citations out of *Cicero*, where *Spiritus* and *Anima* are both taken for Breath; but any one who will but read the very beginning of his *Tuſculan Queſtions*, may underſtand his meaning. For in the Entrance of that Diſpute he takes *Animus* for the Soul, and neither *Anima* nor *Spiritus*: and he tells us, there were two opinions about it at Death. Some held a *Diceſſus Animi à Corpore*, a departure of the Soul from the Body, others ſaid, that the Soul never departed, but was extinguiſhed with Life: and the ſeveral opinions he ſets down at large, *Ch.* 9, 10. and then *Ch.* 11. he ſumms up the different opinions; and ſaith he, *If it be the Heart, or Blood, or Brain; becauſe it is a Body, it will be extinguiſhed with it: If it be* Anima, *the Vital Breath, it will be diſſipated; if it be Fire, it will be extinguiſhed.* It is true, he diſtinguiſhes here the *Vital Breath* from the *Body*; and no one queſtions ſuch a diſtinction of the Animal and Vital Spirits from the groſſer parts of the Body; but all this proceeds upon the Suppoſition of thoſe who held nothing to ſurvive after Death; but then he goes on to thoſe who held the Souls, when they are gone out of their Bodies, *to go to Heaven as their proper Habitation.* And here he plainly ſuppoſes the *Soul* not to be a *finer ſort of Body*, but of a different Nature from the Body which it leaves. *Nam Corpus quidem*, ſaith he, *quaſi vas eſt & receptaculum Animi*, C. 22. and elſewhere he calls the Body the Priſon of the Soul, *C.* 30. and ſaith, *That every wiſe Man is glad to be diſmiſſed out of the Bonds and Darkneſs of it:* and his buſineſs in the Body is *ſecernere Animum à Corpore*, to draw off the Soul from the Body; which the Philoſophers called *Commentatio mortis*, i. e.

a *Continual Exerciſe of Dying*; therefore, ſaith he, *Disjungamus nos à Corporibus, id eſt, conſueſcamus mori.* Is it poſſible now to think ſo great a Man look'd on the *Soul* but as a *Modification of the Body*, which muſt be at an end with Life? Inſtead of it, there are ſeveral things very remarkable in this very Book concerning the *Immortality* of Souls by Nature.

1. He extremely deſpiſes thoſe who made the Soul a mere Mode of Matter which was extinguiſhed with Life; and he ſaith, they were *Plebeii Philoſophi*, *Ch.* 23. a mean ſort of Philoſophers, and in another place *minuti Philoſophi*, De Senect. c. 23. *who held there was no Senſe after Death.* But he repreſents *Cato* there, as weary of *the Noiſe and Filth of this World*, and *longing to go to far better Company. O præclarum diem, cum ad illud Divinum Animorum Concilium Cœtumq; proficiſcar, atq; ex hâc turbâ & colluvione diſcedam!* Did theſe men look on the Souls of Men, as mere *Modifications of Matter*?

2. He urges the *general Conſent* of *Nations* for the *Permanency* of Souls after Death. *c.* 16. and he affirms Nature it ſelf *de Immortalitate Animorum tacitè judicare*, c. 14. And I do not think the general Conſent of Mankind in this Matter, ſo uncertain, or ſo ſlight an argument, as ſome have made it; even ſince *the late Diſcoveries*: as I think it were no hard Matter to prove; but I ſhall not here *go out of my way to do it.*

3. The moſt ancient Philoſophers of *Greece* held the ſame opinion as he ſhews from *Pherecydes*, *Pythagoras*, *Socrates*, *Plato*, &c. c. 16, 17, &c. and they went upon far better *Reaſons* than the other, as he proves at large, *c.* 21, 22, 23.

4. That the Bodies and Souls of Men have a different Frame and Original. *Our Bodies*, he ſaith, *c.* 19. are made of *Terreſtrial Principles*; but the Souls, he ſaith, are of *a divine Original*; and *if we could give an account how they were made, we ſhould likewiſe how they were diſſolved*, c. 14. as we may of *the Parts and Contexture of Bodies*; but ſaith he, *Animorum nulla in terris origo inveniri poteſt, nihil eſt enim in animis mixtum atque concretum, aut quod ex terra natum atque fictum eſſe videatur*, c. 27. So that here he plainly makes a Difference between our *Bodily Subſtance*, and that of our *Souls*, which have no bodily Texture and Compoſition: becauſe there is no material Subſtance, which can reach to the wonderful Faculties and Operations of the Soul, and therefore he concludes in theſe words, *Singularis eſt igitur quædam natura atque vis animi ſejuncta ab his uſitatis notiſque naturis.* What can expreſs the Soul to be of a different Subſtance from the Body, if theſe words do it not? And preſently adds, *That the Mind is of a divine and Spiritual Nature and above Material Compoſition as God himſelf is.*

I hope this may give you ſatisfaction as to *Cicero*, how far he was from making the Soul a *Material Subſtance*. And the only place you produce out of him *c.* 22. proves nothing but *that the Soul is inviſible*, as you may ſee by looking upon it again.

As to *Virgil*, you quote that Expreſſion, *Dum Spiritus hos regit artus*; where it is taken for the *Vital Spirit*: which ſenſe I know no body queſtions; and ſo *Tully* expreſſes Life, *quæ Corpore & Spiritu continetur*, and oppoſes it to a Life of Immortal Fame, which he there ſpeaks of, *Pro Marcello*, c. 9. but the only matter in debate is, Whether they excluded any other Notion of *Spirit*, which was not done, as I have made it appear concerning *Cicero*, and ſo I ſhall of *Virgil* too.

For ſoon after, *Æneid* 4. 385. he hath theſe Words.

Et cum frigida mors Animæ ſeduxerit Artus,
Omnibus Umbra locis adero, dabis improbe pœnas.

Which ſhews that *Virgil* did believe *the Soul* to be more than a mere *Vital Spirit*, and that it ſubſiſted and acted in a ſeparate State: And it is obſerved by *Servius*, that *Virgil* uſes *Spiritus*, *Mens* and *Animus* for the ſame. In *Æneid* 6. 726.

Spiritus intus alit, totamq; infuſa per artus.
Mens agitat molem ——

And he proves, that *Virgil* aſſerted *the Immortality of Souls*, and anſwers the arguments againſt it; and *as far as he could underſtand*, he ſaith, *that our Bodies are from the Elements and our Souls from God*; and *the Poets intention was, Vt Animos immortales diceret.* So that neither *Cicero* nor *Virgil* do you any kindneſs in this matter, being both Aſſertors of the *Souls Immortality* by *Nature*. P.71. If theſe will not do, you bring me to *Scripture*, and ſay, that *Solomon himſelf ſpeaks after the ſame manner about Man and Beaſt, as the one dieth, ſo dieth the other, yea, they have all one Spirit*, Eccleſ. 3. 19. I will not diſpute about the proper Senſe of the Hebrew Word, but I muſt about *Solomon's Senſe.* For although he makes Life and Death common to *Man and Beaſt*; yet he ſaith, v. 21. *The Spirit of a Man goeth upward, and the Spirit of a Beaſt goeth down to the Earth.* But you ſay, *If the Notion of a Spirit excludes Materiality, then the Spirit of a Beaſt muſt be Immaterial, as well as that of a Man.* I anſwer, that although the bare *Word* doth not prove it, yet the deſign of *Solomon*'s Diſcourſe doth, and ſo *the going upward of the Spirit of a Man* muſt be underſtood in a very different Senſe, from *the going downward of the Spirit of a Beaſt.* For he ſaith concerning Man, *That the Spirit ſhall return to God that gave it*, c. 12. 7. To what purpoſe? To be diſſipated in the common Air? or to be loſt in the vaſt Confuſion of Matter? no, but he concludes his Book thus; v. 14. *For God ſhall bring every Work into Judgment with every ſecret thing, whether it be good, or whether it be evil.* If theſe be *Solomon*'s Words, as no doubt they were, and he were a Man of Senſe, and laid his Sayings together, as no doubt he did; theſe laſt Words muſt interpret the foregoing, and his other Sayings be made Conſonant to this. *Yes*, you may ſay, *This relates to the general Judgment, and not to the Soul's Subſiſtence after Death.* But *Solomon* ſpeaks of the *Spirit of a Man going upward at Death, and returning to God that gave it:* What Senſe is there in this, if it be a *Material Subſtance* which vaniſhes and is diſſolved then? And if the Soul be not of it ſelf a free, thinking Subſtance, I do not ſee what Foundation there is in Nature for a Day of Judgment. For where there is nothing but *Matter*, there is no *Freedom* of acting; where there is no Liberty, there is no *Choice*; where there is no *Choice*, there is no room for *Rewards* and *Puniſhments*, and conſequently no *Day of Judgment.* But *Solomon* poſitively concludes, there will be a Judgment to come as to *good and evil Actions* in another World, and therefore he muſt be underſtood in thoſe Expreſſions, to mean a *Free* and *Thinking*, and conſequently an *Immaterial Spirit* in us.

P. 72. But you urge farther, *That our Saviour himſelf oppoſes Spirit* to *Fleſh* and *Bones*, Luk. 24. 39. i. e. *to ſuch a groſs Compages as could be ſeen and felt.* The queſtion then was, whether it were the real Body of Chriſt or only an *Appearance* of it; and how could this be reſolved better than our Saviour doth? *Handle me and ſee, for a Spirit hath not Fleſh and Bones as you ſee me have. But he calls this a Spirit.* What follows? Therefore *a Spirit is only an Appearance?* I do not think that is your meaning. And no body queſtions but the name of *Spirits* is ſometimes given to *Apparations*. But this is far from our caſe, which is, whether that *real Spiritual Subſtance* we find in our ſelves be *Material* or not? Doth a *Spiritual Subſtance* imply Matter in its *Idea* or not? You cannot ſay it doth: Then it may be *Immaterial:* But how come we to know things but by their diſtinct *Ideas*? Is the *Idea* of *Matter* and *Spirit* diſtinct or not? If not, to what purpoſe do we talk of Knowledge by *Ideas* when we cannot ſo much as know *Body* and *Spirit* from each other by them?

P. 73. Is it then any Abſurdity to call a *Spiritual Subſtance Immaterial?* No, you ſay, *You would not be thought to affirm, that Spirit never does ſignifie a purely Immaterial Subſtance; for in that Senſe the Scripture attributes the Notion of Spirit* *to God, and you have proved from your Principles, that there is a Spiritual Immaterial Subſtance.* And this you think proves an *Immaterial Subſtance in your way of Ideas.* But of that afterwards. We are yet upon the proving an *Immaterial Subſtance* in our ſelves *from the Ideas we have by Senſation and Reflection.* Now, I ſay, ſtill this is impoſſible if the *ſpiritual Subſtance* in us *may be material.* And at laſt you grant, *That what I ſay is true, that it cannot upon* P. 74. *theſe Principles be demonſtrated.* Then ſay I, *Your grounds of Certainty from Ideas* are plainly given up. But you ſay, *it may be proved probable to the high-* P. 75. *eſt Degree.* But that is not the point; for it is not *Probability*, but *Certainty*, that we are promiſed in this *way of Ideas*; and that *the Foundation of our Knowledge* and *real Certainty lies in them*; and is it dwindled into a *Probability* at laſt? The only reaſon I had to engage in this matter was a bold Aſſertion, that *the Ideas we have by Senſation or Reflection are the ſole Matter and Foundation of all our Reaſoning:* and that *our Certainty* lies in *perceiving the Agreement or Diſagreement of Ideas as expreſſed in any Propoſition*; which laſt are your own Words. How can we then be certain where we have no *Ideas* from *Senſation* or *Reflection* to proceed by? As in the preſent caſe. I have a Mind to be reſolved whether the Soul in Man be an *Immaterial Subſtance* or not; and we are to judge of the Truth of it by our *Ideas.* I ask then, What *Idea* you have of the *Soul* by *Reflection?* You anſwer, *That it is a Thinking Subſtance.* But doth this prove it *Immaterial?* You anſwer, *That you cannot be certain, but that it is very probable.* Is not this giving up the *Cauſe* of *Certainty?* But you ſay, *You never offer'd it as a way of Certainty where we cannot reach Certainty.* But P. 81. did you not offer to put us into the *way of Certainty?* What is that, but to attain Certainty in ſuch things, where we could not otherwiſe do it? And what a ſtrange way is this, if it fails us in ſome of the firſt Foundations of the real Knowledge of our ſelves? But you ſay, *If I diſlike your way, you deſire me to ſhew you a better way of Certainty as to theſe points.*

I am ſenſible that you deſign herein, to draw me *out of my way to do you a* P. 81. *kindneſs*; but I will ſo far gratifie you at this time; and to oblige you the more, I will make uſe of no other Principles or *Ideas*, than ſuch as I meet with in your Book; and from thence I do not deſpair of proving, that we may be certain that a *material Subſtance cannot think.*

And the method I ſhall proceed in, ſhall be to prove it, by ſuch *ways and ſteps* as you have directed me to, although you might not think to find them ſo laid together.

1. From your general Principles as to *Knowledge* and *Certainty.* You ſay, *That all our Knowledge conſiſts in the view the Mind hath of its own Ideas; which* Book 4. *is the utmoſt Light and greateſt Certainty, we with our Faculties and in our way of* Ch. 2. *Knowledge are capable of.* Sect. 1. Here you reſolve our *Knowledge and Certainty* into *the view of the Ideas in our Minds;* therefore by thoſe *Ideas* we may come to know the Certainty of things; not in the Frame and inward Eſſence of them, as you often tell us; but by the Powers and Properties which belong to them. *Whatever,* ſay you, *be the ſecret and abſtract Nature of Subſtance in general, all the* Book 2. *Ideas we have of particular diſtinct Subſtances, are nothing but ſeveral Combina-* ch. 23. *tions of ſimple Ideas.* Sect. 6, 14. And you take pains to prove, *That Powers make a great part of our complex Ideas of Subſtances: and their ſecondary Qualities are thoſe which* Sect. 7. *in moſt of them ſerve principally to diſtinguiſh Subſtances one from another; which* Sect. 8. *ſecondary Qualities, as has been ſhewn, are nothing but bare Powers.* So that our Knowledge cannot reach the inward Subſtance of things; and all our Certainty of Knowledge as to them, and their Diſtinction from each other, muſt depend on thoſe Powers and Properties which are known to us.

One would think ſometimes, that you would allow Mankind *no more Know-* Sect. 12. *ledge than ſuits with the Conveniences of Life;* but this would overthrow the great deſign of your Book, which is to put us into a way of real Certainty *by the*

the Agreement or Diſagreement of Ideas; and where ever we perceive the Agreement or Diſagreement of any of our Ideas, there is certain Knowledge. Book 4. Ch. 4. Sect. 18. So that here you own we may come to a Certainty of Knowledge (which is beyond mere Probability) and that *by perceiving the Agreement or Diſagreement of Ideas.*

2. If we can find the *Diſagreement* of any two *Ideas* upon your own Princi- B.3.ch.10. Sect. 15. ples, we muſt do thoſe of *Body and Spirit.* For the *Idea of Matter* in general, you ſay, *That in Truth it contains nothing but the Idea of a ſolid Subſtance, which is every-where the ſame, every-where uniform.* And *that Body ſtands for a ſolid extended figured Subſtance.* So that *Solidity, Extenſion* and *Figure* are the inſeparable Properties of Bodies. And in another place you have theſe Words, B. 2. ch. 23 Sect. 17 *The primary Ideas we have peculiar to Bodies as contradiſtinguiſhed to Spirit, are the Coheſion of ſolid and conſequently ſeparable Parts, and a Power of communicating Motion by Impulſe. Theſe you think are the original Ideas proper and peculiar to Body, for Figure is but the conſequence of finite Extenſion.* Here we have the *Idea of Body* laid down by your ſelf *as contradiſtinguiſhed to Spirit.* Therefore by your own confeſſion we may perceive the Diſagreement of theſe two *Ideas* of *Body* and *Spirit*, and conſequently may certainly know their Diſtinction from each other by their inſeparable Properties. But if it be poſſible for *Matter to think*, then theſe *Ideas* muſt be confounded: Yet you diſtinguiſh the Ideas of a *Material* and *Immaterial Subſtance* in theſe Words, B.2.ch.23. Sect. 15. *Putting together the Ideas of Thinking and Willing, and the Power of Motion or Reſt added to Subſtance, we have the Idea of a Spirit; and putting together the Ideas of ſolid coherent Parts, a Power of being moved, joyned with Subſtance, we have the Idea of Matter. The one is as clear and diſtinct an Idea as the other; the Idea of Thinking and Moving a Body being as clear and diſtinct Ideas, as the Ideas of Extenſion, Solidity and being moved.* Can any thing now be plainer than the *Diſagreement* of theſe two *Ideas*, by the ſeveral Properties which belong to them? But if after all this Matter may *Think*, what becomes of theſe clear and diſtinct *Ideas?* And yet you have theſe Words, *Thus by putting together the Ideas of Thinking, Perceiving, Liberty and Power of moving themſelves and other things, we have as clear a Perception and Notion of Immaterial Subſtances as we have of Material.* Here it is plain, that you make Thinking and Perceiving to be part of the Complex Idea of an *Immaterial Subſtance.* How is this poſſible, if a *Material Subſtance* be capable of Thinking as well as an *Immaterial?* either therefore you muſt renounce your own Doctrine of Certainty by Ideas, or you muſt conclude, that Matter cannot think.

B.2.ch.11. Sect. 8. 3. But I urge this yet further from your Notion of *Liberty* and *Neceſſity. Liberty*, you ſay, *is the Idea of a Power in any Agent to do or forbear any Action, according to the Determination or Thought of the Mind, whereby either of them is preferr'd to the other. So that Liberty cannot be, where there is no Thought, no* Sect. 13. *Volition, no Wiſh.* And again, *Agents that have no Thought, no Volition at all are neceſſary Agents.* But you make a *Power of Thinking* and *Liberty* to be parts of the *Complex Idea* of an *Immaterial Subſtance*, in the Words before cited. But what *Liberty* can you conceive in mere Matter? For you grant, *That Bodies* B.2.ch.28. Sect. 11. *can operate upon one another only by Impulſe and Motion*; that *the Primary Qualities of Bodies which are inſeparable from it, are Extenſion, Solidity, Figure and* Sect. 10. *Mobility from any Body.* Now how can the Idea of *Liberty* agree with theſe ſimple Ideas of Body? To be *moved only by Impulſe from another Body*; and from *the free Determination of our own Thoughts*; are two Ideas as diſagreeing with each other, as we can well imagine. But if Matter may *Think*, it may have *Liberty* too, becauſe you join theſe together; but if it be uncapable of *Liberty*, which goes along with *Thinking*, how can you imagine it ſhould be capable of Thinking?

B.2.ch.27. Sect. 9. I argue, from your Notion of *Perſonal Identity*, which you place in *ſelf-Conſciouſneſs.* For you tell us, *That a Perſon is a thinking intelligent Being* *that has Reaſon and Reflection; and can conſider it ſelf, as it ſelf, the ſame thinking thing in different times and places; which it does only by that Conſciouſneſs, which is inſeparable from thinking, and ſeems to you eſſential to it.* From whence it follows, that if there can be no *Self-conſciouſneſs* in Matter, then it cannot think, becauſe it wants that which you ſay is Eſſential to it. *It being impoſſible, for any one to perceive, but he muſt perceive that he doth perceive.* But what is there like *Self-conſciouſneſs* in Matter? Or how is it poſſible to apprehend that meer Body ſhould perceive that it doth perceive? For Bodies, you ſay, *operate only by Impulſe and Motion:* i. e. one Body upon another. But how can a Body operate upon it ſelf without Motion? Thoſe you call the *Secondary Qualities of Bodies,* are only you ſay, *the effect of the Powers in ſome Bodies upon others endued with Senſe and Perception.* So that the effects of theſe Powers in Bodies, or of the Primary Qualities of *Bulk, Site, Figure, Motion,* &c. is not upon themſelves but upon other Bodies, either by changing thoſe Primary Qualities in them by different Site, Figure, Motion, &c. or producing thoſe Effects in us, or which we call *Senſible Qualities.* But either of theſe ways there is no poſſibility for Matter to operate upon it ſelf in a way of *Self-conſciouſneſs.* If then every intelligent thinking Being have this ſo inſeparably belonging to it, that you ſay, *it is impoſſible for any one to perceive, without perceiving that he doth perceive;* and it be impoſſible from the *Idea* of Matter to make out that a meer Body can *perceive that it doth perceive,* I think it is more than probable in the way of Ideas that Matter cannot think.

5. I argue from the power of *Abſtracting* which you make proper to a thinking Subſtance. This is done, ſay you, *by conſidering Ideas in the Mind as* B.2.ch.14. *ſeparate from the Circumſtances of Time and Place. And this power of abſtracting,* Sect. 9. you add, *puts a perfect diſtinction between Man and Brutes; and is an Excel-* Sect. 10. *lency which the Faculties of Brutes do by no means attain to.*

You tell me, *That you did not ſay the chief Excellency of Mankind lies chiefly,* Letter, *or any ways, in this that Brutes cannont abſtract; for Brutes not being able to do* p. 27. *any thing cannot be any Excellency of Mankind.* But I hope it is the Excellency of Mankind, that they are able to do what the Brutes cannot: And you ſay, *This puts a perfect diſtinction between Man and Brutes;* and I had thought in comparing Man and Brutes that which *put a perfect Diſtinction was the chief Excellency* with reſpect to them. But let that be as it will; the thing I inſiſt upon is, the power of *Abſtracting* following that of *Thinking* ſo cloſely that you utterly deny it to Brutes; but if it may be in the power of Matter to think, how comes it to be ſo impoſſible for ſuch Organized Bodies as the Brutes have to inlarge their Ideas by Abſtraction? *Pomponatius* thinks to avoid the Argu- De Immort. ment from Abſtraction to prove the Souls Immateriality, by ſaying, That in the *Animæ,* moſt abſtract Speculation the Mind reſts upon Particulars; *Univerſale in ſingula-* c. 9. *ri ſpeculatur.* But this doth not reach the force of the Argument; which is not, whether the Mind hath not an Eye to Particulars, when it forms Univerſal Notions; but whether the power of forming ſuch Abſtract Ideas from Particulars do not argue a Power which meer Matter can never attain to: And all that Philoſopher hath ſaid, doth not amount to the leaſt Proof of it.

6. *Laſtly,* I argue from the Reaſon you give, why God muſt be an *Immateri-* Let.p.139. *al Subſtance.* For theſe are the words in your Letter. *And the Idea of an Eternal, actual, knowing Being is perceived to have a Connection with the Idea of Immateriality, by the Intervention of the Idea of Matter, and of its actual Diviſion, Diviſibility and Want of Perception,* &c. Here the *want of Perception* is owned to be ſo eſſential to Matter, that God is therefore concluded to be *Immaterial;* and this is drawn from the Idea and Eſſential Properties of Matter; and if it be ſo Eſſential to it, that from thence you conclude God muſt be an *Immaterial Subſtance,* I think the ſame Reaſon will hold, as to any thinking Subſtance. Becauſe the Argument is not drawn from any thing peculiar to the Divine Perfections, but from P. 73. the general *Idea* of Matter.

But after all, you tell me, *That God being Omnipotent, may give to a Syſtem of very ſubtil Matter Senſe and Motion.* Your words before were, *a Power to perceive or think*; and about that all our debate runs; and here again you ſay, P. 66. *That the Power of Thinking joined to Matter, makes it a Spiritual Subſtance.* But as to your Argument from *God's Omnipotency*, I anſwer, That this comes to the ſame Debate we had with the *Papiſts* about the *Poſſibility of Tranſubſtantiation.* For, they never imagin'd, that a Body could be preſent after *the manner of a Spirit* in an ordinary way, but that by *God's Omnipotent* Power it might be made ſo: but our Anſwer to them was, That God doth not change the Eſſential Properties of things while the things themſelves remain in their own Nature: And that it was as repugnant for a Body to be after the manner of a Spirit, as for a Body and Spirit to be the ſame. The ſame we ſay in this Caſe. We do not ſet bounds to *Gods Omnipotency:* For he may if he pleaſe, change a Body into an *Immaterial Subſtance*; but we ſay, that while he continues the Eſſential Properties of Things, it is as impoſſible for Matter to think, as for a Body by Tranſubſtantiation to be preſent after the manner of a Spirit; and we are as certain of one as we are of the other. Theſe things I thought neceſſary on this occaſion to be cleared, becauſe I look on a miſtake herein to be of dangerous Conſequence as *to the great Ends of Religion and Morality: which,* you think, *may be ſecured although the Soul be allowed to be a Material Subſtance*; but I am of a very different Opinion: For if God doth not change *the Eſſential Properties of things*, their Nature remaining; then either it is impoſſible for a *Material Subſtance* to think, or it muſt be aſſerted, that a Power of thinking is within the *Eſſential Properties* of *Matter*; and ſo *thinking* will be ſuch a Mode of *Matter*, as *Spinoza* hath made it: and I am certain you do not think he hath promoted *the great Ends of Religion and Morality.*

I ſhall now proceed to conſider the *Arguments* for proving a *Supream Immaterial Subſtance*, which you freely allow to be ſo. And my Deſign, as I ſaid, was to ſhew, that the certainty of it is not placed upon any clear and diſtinct Ideas, but upon the force of Reaſon diſtinct from it.

P. 87. To this you anſwer, *That Knowledge and Certainty in your Opinion, lies in the Perception of the Agreement or Diſagreement of Ideas, ſuch as they are, and not always in having perfectly clear and diſtinct Ideas.* But thoſe who offer at *clear and diſtinct Ideas,* bid much fairer for *Certainty* than you do; and ſpeak P. 88. more agreeably to your original grounds of Certainty. For your *Relative Idea,* which you here run to again is no certainty at all from the Idea, but from the plain Evidence of Reaſon, that Accidents cannot ſupport themſelves.

I paſs over all which I think I have ſufficiently anſwered already; as when you ſpend ſo many Pages about *my uſing the Plural Number when your words are only mentioned,* &c. But I ſhall paſs over nothing which may ſeem to an indifferent Reader to require any Farther Conſideration.

P. 101. Whether you took this *way of Ideas* from the Modern Philoſopher mentioned P. 103. by you, is not at all material; but I intended no *Reflection* upon you in it (for that you mean *by my commending you as a Scholar of ſo great a Maſter*) I never meant to take from you the Honour of your own Inventions; and I do believe you when you ſay, *That you wrote from your own Thoughts, and the Ideas you had there.* But many things may ſeem New to one that converſes only with his own Thoughts, which really are not ſo; as he may find when he looks into the Thoughts of other Men which appear in their Books. And therefore, although I have a juſt Eſteem for the Invention of ſuch who can *ſpin Volumes barely out of their own Thoughts*; yet I am apt to think they would oblige the World more, if after they have thought ſo much themſelves, they would examine what thoughts others have had before them concerning the ſame things, that ſo, thoſe may not be thought their own Inventions, which are common to themſelves and others. If a Man ſhould try all the Magnetical Experiments himſelf and publiſh them as his *own Thoughts*, he might take himſelf to be the

Inventor of them; but he that examines and compares them with what *Gilbert* and others have done before him, will not diminiſh the Praiſe of his Diligence, but may wiſh he had compared his Thoughts with other Mens, by which the World would receive greater Advantage, altho' he loſt the Honour of being an *Original*.

The Matter of Certainty, you ſay, *one cannot imploy too many Thoughts about*, P. 106. viz. as to the *finding the true Grounds of it, or wherein it is placed*. This I was led to conſider, by our *Unitarians* placing it in *clear and diſtinct Ideas*; and therefore rejecting *the Myſteries of Faith*, becauſe they could not have *clear and diſtinct Ideas* of them. And one wrote purpoſely to ſhew that we were not to believe any *Myſteries in the Goſpel*, becauſe *all our Certainty depended upon the Perception of the Agreement or Diſagreement of thoſe ſimple Ideas which we have by Senſation or Reflection*. Now if theſe Principles of Certainty hold good as to all Propoſitions we can have no Certainty of Faith, where we cannot perceive the Connexion of the Ideas contained in them. I own that you ſay, *That Faith is an Aſſent to any Propoſition not made out by any Deductions of Reaſon, but upon the Credit of the Propoſer*. But this doth not clear the matter; for, is Faith an *Unreaſonable Act*? Is it not an Aſſent to a *Propoſition*? Then if all *certainty* in Acts of Reaſon be derived from the *perceiving the Agreement or Diſagreement* of the Ideas contained *in it*, either there can be no *Certainty* of the Reaſonable Act of *Faith*, or the *Grounds* of *Certainty* muſt be laid ſome other way. But you ſay, *Where you want Evidence of things there is yet Ground enough for you to believe becauſe God hath ſaid it*. Which doth not yet remove the Difficulty, from the true Ground of *Certainty*; for, ſay they, *Revelation is but a means of Information; and God diſcovers by that ſuch Propoſitions, which we could not have found out without Revelation; but wherever Propoſitions are offered to our Underſtandings, we muſt judge of them by our Perception of the Agreement and Diſagreement of the Ideas contained in them. And Faith doth not overthrow Nature. If therefore the Nature of Certainty lies herein we cannot be certain without it.*

Is it not enough for you to diſown the Conſequence, but to ſhew that it doth not follow from *your Principles* of *Certainty*? But of this I have ſpoken already, and I love not Repetitions. I only take notice, that you Aſſert and hold to the ſame. *I ſtick to my own plain way of Certainty by Ideas*. P. 107. And ſo do thoſe who reject *the Myſteries of Faith*, becauſe *not agreeable to their Ideas*, and think they proceed upon your Grounds.

But you ſay, *That according to my Rules you know not where to place Certainty*; Ib. for in the Account I give of *Des Cartes*, I have theſe words concerning him. “The firſt thing he found any Certainty in, was his own Exiſtence, which he founded upon the Perception of the Acts of his Mind. From hence he proceeded to enquire how he came by this Certainty, and he reſolved it into this, that he had a clear and diſtinct Perception of it. And from hence he formed his general Rule, that what he had a clear and diſtinct Perception of was true. Which in Reaſon ought to go no farther, than where there is the like Degree of Evidence; for the Certainty was not grounded on the clearneſs of the Perception, but on the plainneſs of the Evidence. Which is of that nature that the very doubting of it proves it, ſince it is impoſſible that any thing ſhould doubt or queſtion its own being that had it not. So that here it is not the clearneſs of the Idea, but an immediate Act of Perception, which is the true ground of Certainty. And this cannot extend to things without our ſelves, of which we can have no other Perception, than what is cauſed by the Impreſſion of outward Objects. But whether we are to judge according to thoſe Impreſſions doth not depend on the Ideas themſelves, but upon the Exerciſe of our Judgment and Reaſon about them, which put the difference between true and falſe, and adequate and inadequate Ideas, ſo

“ that our Certainty is not from the Ideas themſelves, but from the Evidence
“ of Reaſon, that thoſe Ideas are true and juſt, and conſequently, that we
“ may build our Certainty upon them.

Theſe I acknowledge to be my words; and yet I ſee no Reaſon why I may not *ſtick to them.* But you ſay, *That I have placed the Grounds of Certainty of our own Exiſtence, ſometimes in the plainneſs of Evidence, in oppoſition to the clearneſs of Perception; ſometimes in the immediate act of Perception in oppoſition to the clearneſs of the Idea and the certainty of other things without us in the Evidence of Reaſon, that theſe Ideas are true and juſt in oppoſition to the Ideas themſelves; ſo that ſuch is your Dulneſs you cannot by theſe Rules tell, where to place Certainty.* P. 107.

But all theſe Miſts will eaſily be ſcattered, if you ſet your ſelf a little to conſider the Deſign of my Diſcourſe; which was not, to lay down Rules of Certainty, but to ſhew that the Grounds of Certainty from clear and diſtinct Ideas were not well laid at firſt by *Des Cartes* himſelf. Becauſe he deduced his Rule as to Certainty of other things, from the Evidence he had as to his own Exiſtence, which he had both from immediate Perception and uncontroulable Evidence, when even the Doubting of it neceſſarily proved it. But the main Queſtion was, whether this would reach to other things without us: Yes ſaid he, *the Rule will hold, where-ever there are clear and diſtinct Ideas.* But I ſay the Certainty doth not depend upon the Idea but upon inward Perception and the Evidence ſounded upon it; and we have not the ſame as to External Objects: For we have no inward Perception of them, nor any Evidence that reſults from our own Beings; therefore the Rule of Certainty is carried beyond the true Ground of it. I do not oppoſe in the former Caſe the *plainneſs of the Evidence* to *the clearneſs of the Perception*; but I ſuppoſe them both as to our own Exiſtence. I ſay indeed after, that it is not the clearneſs of the Idea, but an immediate act of Perception which is the true Ground of Certainty as to our own Exiſtence; but there I take Idea as *Des Cartes* did, for the clear and diſtinct Perception of our Minds, which might reach to other Objects as well as our ſelves; and ſuch an Idea I deny is the Ground of Certainty as to our own Beings, which is founded on an immediate Act of Perception. And when they prove this as to ſuch outward Objects, which we have the Ideas of, they may then carry the Rule ſo far; but I ſay the Caſe is vaſtly different, as to a clear Perception we have from our own Acts, and that which we have as the Impreſſions from outward Objects; in the former Caſe we have ſuch an Evidence, as it is impoſſible to doubt of, but the very doubting muſt prove it: Is it the ſame as to the Ideas of External Objects? And as to theſe I do not deny, but we may come to a Certainty: but I ſay, it is not from the Ideas, which may be true or falſe, adequate or inadequate, and whether we may be certain of them or not, depends upon the Exerciſe of our Reaſon and Judgment about them. So that I found the Certainty of Ideas upon Reaſon, and not Reaſon upon the Certainty of Ideas.

And ſo I come more cloſely to conſider the Argument from the *Ideas* as to the Proof of a *Supream Immaterial Subſtance.*

If our Certainty did ariſe from *clear and diſtinct Ideas* then it muſt hold, where we have a *clear and diſtinct Idea*, as it is confeſſed we have concerning God. But this Argument from the Idea will not be allowed in this caſe; it is *denied* by others plainly; but I do not ſay that it is *denied by you*, but that it is made *a doubtfull thing.* Which comes to the ſame, in the point of Certainty: and ſo *the force of my Argument doth by no means fail.* P. 110.

P. 113. But you ſay, *That you intended by your words not to deny that the Idea of a moſt perfect Being doth prove a God, but to blame thoſe who take it for the only proof, and endeavour to invalidate all others. For the Belief of a God being the Foundation of all Religion and genuine Morality, you thought no Arguments that* *are made uſe of to work the Perſwaſion of a God into mens Minds ſhould be invalidated, which you grant is of a very ill Conſequence.* P. 114.

Here you muſt give me leave to ask you, what you think of the univerſal Conſent of Mankind, as to the Being of God? Hath not this been made uſe of, as an Argument not only by Chriſtians, but by the wiſeſt and greateſt Men among the Heathens? And what then would you think of one who ſhou'd go about to invalidate this Argument? And that by proving, that it hath been diſcover'd in theſe latter Ages by Navigation, that there are whole Nations at the Bay of *Soldania*, in *Braſil*, in the *Carribbe Iſlands*, and *Paraquaria*, among whom there was found no Notion of a God, and even the Author of *the Eſſay* B. 1. Ch. 4. Sect. 8. *of Humane Underſtanding* hath done this.

This cannot be thought a *mere ſlip of the Pen*. For men do not quote Authors ſo punctually then. But if it would not be thought *ſtepping too much out of my way*, I think I could prove that theſe Inſtances are very ill choſen, becauſe either they were taken from ſuch as were not ſufficiently acquainted with the People and Language of the Country; or that their Teſtimony is contradicted by thoſe who have been longer among them and underſtood them better; or laſtly that the account given of them makes them not fit to to be a ſtandard for the Senſe of Mankind, being a People ſo ſtrangely bereft of common Senſe, that they can hardly be reckoned among Mankind, as appears by the beſt accounts both of the *Cafres* of *Soldania*, and the *Caiguæ* of *Paraquaria*.

But this would be too much a *Digreſſion* in this place. I return therefore to the argument for proving the Exiſtence of God; and you may plead for your ſelf that your deſign was only to prove, *That there is no Innate Idea of a God.* But doth not this however take off from the force of an Argument ſome have uſed to perſwade Men that there is a God? I meddle not with *Innate Ideas*; but have not ſome Perſons of Note, in theſe Matters, uſed the Argument from the *Mark and Character of God imprinted on the Minds of Men* to prove his Being? And have you not ſet your ſelf to diſprove it? Ch. 4. Sect. 12.

But I leave this, and come to the argument from the *Idea of God*, concerning which you ſay, *That though the Complex Idea for which the Word God* P. 119. *(whether containing in it the Idea of neceſſary Exiſtence or no, for the caſe is the ſame) will not prove the real Exiſtence of a Being anſwering that Idea, any more than any other Idea in any ones mind will prove the real Exiſtence of any real Being anſwering that Idea, yet you conceive it does not hence follow, but that there may be other Ideas by which the Being of God may be proved*

And afterwards you offer *to ſhew that your Proof of a Deity is all grounded on* P. 123. *Ideas*, i. e. *from the Ideas of our ſelves, as we are thinking Beings.* But you con- P. 125. P. 121. feſs, that you think, that the argument from the *Idea* will *not hold*, but however you will not give up the argument from *Ideas*. Againſt which I urged your own argument, *That from the Conſideration of what we find in our ſelves and in our Conſtitutions, our Reaſon leads us to the Knowledge of this certain and evident Truth, that there is an eternal, moſt powerfull, and moſt knowing Being.* All which, I ſaid, I did readily yield; but we ſee plainly, the Certainty is not placed in the *Idea*, but in good and ſound Reaſon from the Conſideration of our ſelves and our Conſtitutions. To which you reply, *That you never thought* P. 126. *the Conſideration of our ſelves and our Conſtitutions excluded the Conſideration of the Idea of Being or of Thinking, two of the Ideas that make a part of the Complex Idea a Man hath of himſelf.* But is the Reaſon you ſpeak of, which leads us from thence to the Knowledge of an eternal, moſt powerfull, and moſt knowing Being, contained in the Complex Idea of a Man or not? *A Complex Idea is made up of ſimple Ideas, all ſimple Ideas come in by Senſation or Reflection*; and upon comparing theſe ſimple *Ideas* our Certainty you ſay is founded. What *ſimple Ideas* then are there in Man, upon which you ground the Certainty of this Propoſition, That there is a God? I grant you, that there is a Certainty grounded upon our Beings and the Frame of our Natures; but this ſtill I ſay, is a *Certainty* of *Reaſon* and not of *Ideas*.

P. 128. You ſay, *You do not well underſtand what I mean by being not placed in the Idea; for you ſee no ſuch Oppoſition, but that Ideas and ſound Reaſon may ſtand together*, i. e. *in Reaſon rightly managing thoſe Ideas ſo as to produce Evidence by them.* But what need all this great noiſe about *Ideas* and *Certainty, true and real Certainty by Ideas*, if after all, it comes only to this, that our *Ideas* only repreſent to us ſuch things, from whence we bring arguments to prove the Truth of things? But the World hath been ſtrangely amuzed with *Ideas* of late, and we have been told, that ſtrange things might be done by the help of *Ideas*, and yet theſe *Ideas* at laſt come to be only common Notions of P. 127. things, which we muſt make uſe of in our Reaſoning. You ſay, *in that Chapter about the Exiſtence of God, you thought it moſt proper to expreſs your ſelf in the moſt uſual and familiar way, by common Words and Expreſſions.* I would you had done ſo quite through your Book; for then you had never given that Occaſion to the Enemies of our Faith to take up your new way of *Ideas*, as an effectual Battery (as they imagin'd) againſt the *Myſteries of the Chriſtian Faith*. But you might have enjoy'd the ſatisfaction of your *Ideas* long enough, before I had taken notice of them, unleſs I had found them employ'd in doing Miſchief.

P. 132. But at laſt you tell me, *That whether I will call it placing the Certainty in the Idea, or placing the Certainty in Reaſon; or if I will ſay, it is not the Idea that gives us the Argument, but the Argument, it is indifferent to you.* And if you mean no more by your *Certainty from Ideas*, but *a Certainty from Reaſon*, I am not ſuch an unreaſonable Man to diſagree with you.

The next Argument for the Exiſtence of God ſtands thus, as I have ſumm'd it up.

We find in our ſelves Perception and Knowledge. So that there is ſome Knowing, Intelligent Being in the World. And there muſt have been a Knowing Being from Eternity, or an Unknowing; for ſomething muſt have been from Eternity: but if an Unknowing, then it 'is impoſſible there ever ſhould have been any Knowledge, it being as impoſſible for a thing without Knowledge to produce it, as that a Triangle ſhould make three Angles bigger than two right ones.

To which I added, that allowing the Argument to be good, yet it is not taken from the Idea, but from Principles of true Reaſon, as that no Man can doubt his own Perception; that every thing (we ſee) muſt have a Cauſe; that this Cauſe muſt either have Knowledge or not; if it have, the point is gain'd; if it hath not, nothing can produce nothing, and conſequently a not knowing Being cannot produce a Knowing.

In your Anſwer to this, I muſt firſt take notice of your Exception to that P. 145. Expreſſion, *Allowing the Argument to be Good*; which you ſay, ſeems to imply that I thought the Argument not to be Good, which was very far from my meaning. For I had ſaid before, *That you brought very good Arguments to prove the Exiſtence of a God in that Chapter:* and afterwards, *That I was far from weakning the force of your Arguments.* And ſo I hope that Exception is removed.

P. 136. *You except not*, you ſay, *againſt my Arguments or Principles of Reaſon:* but P. 137. you think ſtill, *this is an Argument taken from Ideas:* if you will think ſo, I cannot help it. But you endeavour to ſhew, *That the very Principles you allow are founded upon Ideas:* As that a man cannot doubt of his own Perception; *This*, you ſay, *is by perceiving the neceſſary Agreement of the two Ideas of Perception and Self-Conſciouſneſs.* But I rather think, it is from that Self-Evidence which attends the immediate Perception of our own Acts, which is ſo great, that as S. *Auguſtin* obſerves, the Academicks had nothing to ſay againſt that kind of Certainty, but only againſt that which aroſe from things conveyed by our Senſes to our Mind.

Cum enim duo ſint genera rerum quæ ſciuntur, unum earum quæ per ſenſus corporis percipit animus, alterum earum quæ per ſeipſum, multa illi Philoſophi garrierunt contra corporis ſenſus; animi autem quaſdam firmiſſimas per ſeipſum perceptiones rerum verarum, quale eſt illud, Scio me vivere, nequaquam in dubium vocare potuerunt. De Trin. l. 15. c. 12.

The next Principle that every thing muſt have a Cauſe, muſt be underſtoood of the Matter treated of, *i. e.* the things we ſee and perceive in the World. You ſay, *It is a true Principle that every thing that hath a Beginning muſt have a Cauſe, becauſe by contemplating our Ideas we find that the Idea of Beginning is connected with the Idea of ſome Operation; and that with the Idea of ſomething operating which we call a Cauſe, and ſo the Beginning to be, is perceived to agree with the Idea of a Cauſe, as is expreſſed in the Propoſition.* Is not here a great ado to make a thing plain by *Ideas*, which was plainer without them? For is not any Man who underſtands the meaning of plain Words ſatisfied that nothing can produce it ſelf? or, That what is not cannot make it ſelf to be? And ſo the evidence doth not depend on the Agreement of the Ideas of Beginning, and Operation, and Cauſe; but upon the Repugnancy of the contrary Suppoſition. As in that Principle, *That it is impoſſible for a thing to be and not to be at the ſame time:* If you ſay that this depends upon the Diſagreement of the Ideas of Not-Being and Being, it will be to little purpoſe for me to ſay any more about it.

But there is one thing which deſerves to be conſider'd; which is *the Connexion between the Idea of an Eternal, Actual, Knowing Being, with the Idea of Immateriality.* P. 139. This was the thing I look'd for. And by what means now doth this Connexion between theſe two Ideas appear? *By the help of an Intermediate Idea.* What is that? *Even the Idea of Matter.* How ſo? The Idea of Matter you tell us, implies its *Actual Diviſion, Diviſibility, and want of Perception*, &c. *which are the Arguments you uſe in this Proof.* Are they ſo indeed? And will not the ſame Ideas prove our Souls to be Immaterial? If *want of Perception* be in the very Idea of Matter, how can Matter be made capable of Perceiving? But I find you do not always attend to the *Agreement or Diſagreement of your own Ideas.* But of this before.

I proceed to the laſt Argument I produced to ſhew, that your Proofs of the Exiſtence of God doth not depend upon Ideas. And the Subſtance of it I thus put together. If we ſuppoſe nothing to be firſt, Matter can never begin to be; if bare Matter without Motion be Eternal, Motion can never begin to be; if Matter and Motion be ſuppoſed Eternal, Thought can never begin to be. For if Matter could produce Thought, then Thought muſt be in the Power of Matter; and if it be in Matter as ſuch, it muſt be the inſeparable Property of all Matter, which is contrary to the Senſe and Experience of Mankind. If only ſome Parts of Matter have a Power of Thinking, how comes ſo great a difference in the Properties of the ſame Matter? What Diſpoſition of Matter is requir'd to Thinking? And from whence comes it? Of which no account can be given in Reaſon. This I took to be the Force of your Argument, which I ſaid, I was far from deſigning to weaken: Only I obſerved that the Certainty of it is not placed upon clear and diſtinct Ideas, but upon Reaſon diſtinct from it; which was the Thing I intended to prove.

P. 142. But you ſay, *Tou do not ſee but the ſame proof may be placed upon clear and diſtinct Ideas, and upon Reaſon too.* I hope this matter is made a little clearer to you; having ſo fully ſhew'd to you before, that in the way of ideas you can come to no Certainty about any Subſtance, but by Reaſon as it is diſtinct from the Ideas; *i. e.* as to Material Subſtances that your Certainty is reſolved into this Principle of Reaſon, that Accidents cannot ſubſiſt without a *Subſtratum*.

As to Spiritual Subſtance in us, that depends on two things.

1. That Thinking is only a Mode, and muſt ſuppoſe a Subſtance.

2. That Matter cannot think, and therefore it muſt be an Immaterial Subſtance; which I have proved from your own Principles.

As to a *Supreme Immaterial Subſtance*, the evidence depends upon this Reaſon, that Matter and Motion cannot produce Thought; and therefore an Eternal Thinking Being muſt be Immaterial. And that Matter and Motion cannot produce Thought, is proved by this Reaſon, that either it muſt be an inſeparable Property of Matter; or ſome account in Reaſon muſt be given why ſome part of Matter ſhould think and not others. And doth not all this proceed upon Reaſon as diſtinct from Ideas?

And when I ſaid, *That the Certainty of it*, i. e. the Argument *is not placed on clear and diſtinct Ideas, but upon the force of Reaſon diſtinct from it*, I meant *the Certainty from Ideas*, although it were not ſo clearly expreſſed as it might have been; but here I obſerve you call for the *Plural Number*, which you are ſo offended with in other Parts of your Letter.

The next thing I undertook to ſhew was, that we can have no clear and diſtinct Idea of *Nature* and *Perſon* from *Senſation or Reflection*. Here you ſpend many Pages to ſhew that this doth not concern you. Let it be ſo. But it concerns the Matter I was upon; which was to ſhew that we muſt have *Ideas* of theſe things which we cannot come to by Senſation or Reflection.

My words are, I grant that by Senſation or Reflection we come to know the Powers and Properties of Things. But our Reaſon is ſatisfied, that there muſt be ſomething beyond theſe, becauſe it is impoſſible that they ſhould ſubſiſt by themſelves. So that the Nature of things properly belongs to our Reaſon, and not to mere Ideas. Still you are at it, *That you can find no Oppoſition between Ideas and Reaſon: But Ideas are the Objects of the Underſtanding, and Underſtanding is one of the Faculties imploy'd about them.* No doubt of it. But you might eaſily ſee that by Reaſon, I underſtood, *Principles of Reaſon*, allow'd by Mankind. Which I think are very different from *Ideas*. But I perceive *Reaſon* in this Senſe is a thing you have no *Idea* of, or one as *obſcure* as that of *Subſtance*. But if you ſet aſide theſe *common Principles* of *Reaſon*, your *Ideas* will ſignifie very little; and will, like Accidents, want a *Subſtratum* to ſupport them. P. 157.

But your Notion of *Nature* and *Perſon* deſerves to be more throughly conſider'd. Therefore to proceed more clearly in a debate of this Conſequence with reſpect to the *Doctrine of the Trinity* (what-ever you pretend to the contrary) I ſhall firſt ſet down your Notions of *Nature* and *Perſon* from your own Words, and then enter upon the Examination of them.

P. 165. As to *Nature*, you tell me in ſhort it is this, *That it is a Collection of ſeveral Ideas combined into one Complex Abſtract Idea. Which when they are found united in any Individual Exiſting, though joyned in that Exiſtence with ſeveral other Ideas, that Individual is truly ſaid to have the Nature of a Man, or the Nature of Man to be in him: for as much as all theſe ſimple Ideas are found united in him, which anſwer the Complex Abſtract Idea to which the ſpecifick name Man is given by any one; which Abſtract Specifick Idea keeps the ſame, when he applies the Specifick Name ſtanding for it, to diſtinct Individuals*, i. e. *no body changes his Idea of a Man, when he ſays*, Peter *is a Man, from that Idea which he makes the Name Man to ſtand for, when he makes* John *a Man.*

P. 216. As to *Perſon in the way of Ideas*, you tell us, *That the Word Perſon in it ſelf ſignifies nothing, and ſo no Idea belonging to it, nothing can be ſaid to be the true Idea of it; but when any Language appropriates it to any Idea, then that is the* P. 217. *true Idea of a Perſon and ſo of Nature. Theſe are therefore the ſigns of two Ideas they are put to ſtand for; and by enumeration of all the ſimple Ideas that are contained in the Complex Idea that each of them is made to ſtand for, we ſhall immediately ſee the whole difference that is between them.*

After which, you conclude, *That you muſt content your ſelf with this condemned*

demned way of Ideas, and deſpair of ever attaining any Knowledge by any other than that, or farther than that will lead you to it.

But this muſt not hinder me from enquiring a little more ſtrictly into theſe Notions of *Nature* and *Perſon*, for if theſe hold, I do not ſee how it is poſſible to defend the Doctrine of the Trinity. For if theſe terms really *ſignifie nothing in themſelves*, but are only *Abſtract and Complex Ideas*, which *the common uſe of Language hath appropriated to be the ſigns of two Ideas*; then it is plain, that they are only *Notions of the Mind*, as all *Abſtracted and Complex Ideas are*; and ſo *one Nature* and *three Perſons* can be no more.

We muſt therefore examine what your Notion is, of *Abſtracted and Complex Ideas*, and how it can be applied to *Nature and Perſon*; and whether they are *only ſigns of ſuch Ideas* as People have agreed to ſignifie by them.

To explain this, I muſt give an account, as well as I can, from your ſelf, how theſe *Abſtracted* and *Complex Ideas* come to be formed in our Minds, and what is implied in them. *The Underſtanding*, you ſay, *ſeems to you not to have* B. 2. ch. 1. *the leaſt glimmering of any Ideas which it hath not by Senſation or Reflection.* Sect. 5. *Theſe and their ſeveral Modes and the Compoſitions made out of them, we ſhall find contain our whole ſtock of Ideas; and that we have nothing in our Minds which did not come in one of theſe two ways.* From hence you conſider the ſeveral ſorts of Ch. 2. *Ideas, ſome Simple and ſome Complex. The ſimple Ideas are the Materials of all* Sect. 1. *our Knowledge; and when the Underſtanding is once ſtored with theſe ſimple Ideas,* Sect. 2. *it has the Power to repeat, compare and unite them, even to an almoſt infinite variety, and ſo can make at pleaſure new Complex Ideas: But no underſtanding can make one new ſimple Idea, not taken in by the ways before mention'd, nor can it deſtroy thoſe that are there.* After you have given an account of the *ſimple Ideas* both ways, you come to the *Faculty of Diſcerning in our Minds*, and there you ch. 11. reckon up, *Diſtinguiſhing Ideas, Comparing, Compounding* and *Abſtracting.*

The *Reaſon of Abſtraction*, you ſay, *is to have one general Name for many Par-* Sect. 9. *ticulars, or elſe Names would be endleſs. Which Abſtraction is performed by ſeparating the Ideas of particular Objects from the Circumſtances of real Exiſtence, as Time, Place,* &c. *Complex Ideas are thoſe ſimple Ideas which the Mind unites as* Ch. 12. *one Idea. But ſtill it is confin'd to thoſe ſimple Ideas which it received by Senſation* Sect. 1. *or Reflection, which are the ultimate Materials of all its Compoſitions.*

Of theſe you reckon *Modes, Subſtances* and *Relations.* Sect. 3.

The Ideas of Subſtances are ſuch Combinations of ſimple Ideas, as are taken to Sect. 6. *repreſent particular things ſubſiſting by themſelves. And theſe are of two ſorts, one of ſingle Subſtances as they exiſt ſeparately, as of a Man,* &c. *the other of ſeveral of theſe put together, as an Army of Men.*

In your Chapter of *Complex Ideas of Subſtances*, you affirm *the Ideas of par-* Ch. 23. *ticular Subſtances to be made by a Combination of ſimple Ideas*: and again, *that* Sect. 3. *it is by ſuch Combination of ſimple Ideas as co exiſt in ſome unknown cauſe of their* Sect. 6, 14. *Union.*

That the Complex Ideas we have of God and ſeparate Spirits are made up of the Sect. 33. *ſimple Ideas we have by Reflection; by inlarging the Ideas we find in our ſelves.*

In your 3d Book you conſider *general Terms.* And the *Reaſon* of them, you B. 3. ch. 3. ſay is, *becauſe it is beyond the power of Humane Capacity to frame and retain* Sect. 2. *diſtinct Ideas of all Particulars. And theſe are made by way of Abſtraction from Circumſtances of Time and Place.* After which you tell us, *That General Natures* Sect. 6. *are nothing but Abſtract Ideas; and the whole Myſtery of* Genera *and* Species, Sect. 9. *which make ſuch a noiſe in the Schools, is nothing elſe but Abſtract Ideas with Names annexed to them.* From whence, you ſay, *it is plain that General and* Sect. 11. *Univerſal, belong not to the real Exiſtence of Things, but are the Inventions and Creatures of the Underſtanding; made by it for its own uſe and concern only Signs* Sect. 12. *whether Words or Ideas.* And the *Abſtract Idea and the Eſſence of the Species* Sect. 14. *or Genus of the ſame thing: and every diſtinct, abſtract Idea is a diſtinct Eſſence.*

But then you diſtinguiſh *the Real and Nominal Eſſence. The former is the Real,* Sect. 15. *Internal Conſtitution of particular things; and the Nominal is the Abſtract Idea.* Sect. 16. *But there is ſo near a Connexion between them that the Name connot be attributed to any particular Being, but what has this Eſſence, whereby it anſwers that Abſtract Idea, whereof that Name is the Sign.*

Theſe things you repeat and inlarge upon in ſeveral other places, but this I think is the ſubſtance of what you ſay upon this matter: For I would not willingly miſtake or miſrepreſent your Meaning.

The Queſtion now between us comes to this, Whether the common *Nature* or *Eſſence of Things* lies only in an *Abſtract Idea,* or *a General Name,* and the Real Eſſence conſiſts only in particular Beings from which that Name is abſtracted?

The Queſtion is not, Whether in forming the Notion of Common Nature, the Mind doth not abſtract from the Circumſtances of particular Beings? But it is whether there be not an Antecedent Foundation in the Nature of things upon which we form this Abſtract Idea? For if there be, then it cannot be called *an univerſal Name* only: or a meer *ſign* of an *Idea,* which we have formed from putting many ſimple Ideas together, which *Name* belongs to all of ſuch a ſort, as have thoſe *ſimple Ideas* united together. I know not how it comes to paſs, that a *Man ſpinning Books out of his own Thoughts* ſhould hit ſo luckily upon the Thoughts of another Man: I do not mean now, about clear and diſtinct Ideas, but about this Point of *univerſal Names.* For Mr. *Hobbs* in Leviath. ch. 4. his Chapter of *Speech,* tells us, That *Names* were to ſerve for *Marks or Notes of Remembrance,* and therefore were called *Signs. Of theſe Names, ſome are proper and ſingular to one thing, as* Peter, John, *this Man, this Tree; ſome are common to many things, as Man, Horſe, Tree, in reſpect of all which it is called an Univerſal, there being nothing in the World Univerſal but Names; for the things nam'd, are every one of them individual and ſingular.*

One univerſal Name is impoſed on many things, for their ſimilitude in ſome Quality or other Accident; and whereas a proper Name bringeth to mind one thing only Univerſals recall any one of thoſe many.

And of Univerſals ſome are of more, or leſs Extent, the larger comprehending the leſs large, and ſome of equal extent, &c.

This is enough to let you ſee that theſe Notions are not ſo peculiar but that another Perſon, from his *own Thoughts* too, had ſaid much the ſame things.

But whoever ſaid or thought them firſt, we muſt examine how reaſonable theſe Thoughts are.

I know no Body that thinks now-a-days, that *Univerſals exiſt any where by themſelves;* but I do think, that there is a difference to be made between that and making them *meer Names,* or *ſigns of Ideas.*

I. And the Reaſons I go upon are theſe. In the firſt place, we are agreed that there is a ſupream immaterial moſt perfect Being; whoſe Eſſential Attributes do not depend upon our *Arbitrary Ideas;* nor any *Names* or *Signs of Honour* we give him, nor upon the meer *Inlarging the Ideas* of our own Perfections; or ſuch as we account to be ſo in our ſelves: for we attribute thoſe to God which we are not capable of, as *Eternity,* or *Neceſſary Exiſtence, Immutability,* &c. Herein, we take up no *Complex Ideas* from ſeveral Individuals; but we form a true Idea of a Divine Eſſence, from ſuch Attributes as are Eſſential to an infinitely perfect Being, which being *Infinite* is thereby *Incomprehen-* B. 2 ch. 17. Sect. 1. *ſible* by us. And ſo you own, *That the great God of whom and from whom are all things is incomprehenſibly Infinite.* And *that God is infinitely beyond the reach of our narrow Capacities.*

II. In the next place, we look on this Supream Being, as the wiſe Creator of all things, who hath ordered the ſeveral Sorts and Ranks of Beings in the World according to his own Eternal Wiſdom; and hath given them all ſuch

Properties as himſelf thought fit, whereby they are really and eſſentially diſtinguiſhed from one another; as appears by Mankind, and Brutes, and Plants. And no man that ever imploys his own Thoughts can think, that theſe are diſtinguiſhed from each other, only by an Act of our Minds.

III. Among theſe it is evident, that there are ſome things, wherein they agree; and ſome wherein they differ. They all agree in being real, created Beings, and having a ſort of Life belonging to them. But they differ, that ſome have Senſe, which others have not; and ſome have Reaſon and Underſtanding which others want. And all this is ſo plain and evident, that one might queſtion, whether thoſe had Underſtanding or not, who could think the difference of theſe from each others was not in their *Natures*, but only depended on *the ſeveral Names* that we call them by.

IV. Among the Individuals of the ſame kind, there is an Agreement in the ſame Eſſential Properties; as all *Men* in being *Rational Creatures*; and there is a Real Difference from each other in the ſeveral Accidents that belong to them; as to Time, Place, Qualities, Relations, &c. And no Man in his Senſes can call this in queſtion. For his moſt plain and *ſimple Ideas* will inform him of it.

V. The Queſtion now is, Whether that wherein they do all agree, be a meer *Univerſal Name* and *Abſtract Idea* or not.

It is certain, that what God created is no meer *Name* or *Idea*: It is certain, that God created not only *Individuals* but the *ſeveral Kinds*, with the *Differences* which they have from each other; it is certain that theſe *Differences* do not lie in mere *Names* or *Ideas*: How comes it then not to be certain that there is a Real Common Eſſence or Nature in the *Individuals* of the ſame kind?

But *it comes not to us in the way of Ideas*. If it be ſo, the way of *Ideas* and *Reaſon* are two different ways; and I ſhall never forſake one for the other, unleſs I could ſee better *Reaſon* for it; and even then I ſhould not, but adhere to *Reaſon* ſtill.

But how doth it appear by Reaſon, that *Nature is any thing elſe but a Collection of ſeveral Ideas combined into one Complex Abſtract Idea*?

That will be done by conſidering,

1. What theſe *Ideas* are, which are ſo collected into a *Complex Idea*; which is called *Nature*.

2. What that *Eſſence* is which is implied in this *Idea*; whether it be a *Real* or only a *Nominal Eſſence*.

1. What theſe *Ideas* are, of which this Complex Idea of Nature conſiſts; and they are ſaid to be, the *ſimple Ideas of particular Subſtances* united together without the Circumſtances of Time and Place. But thoſe ſimple Ideas may be conſidered two ways.

1. With reſpect to the *Qualities* of things, and theſe Ideas are ſaid to be *true and adequate*; but they go no farther than the Qualities; which reaches only to that Senſe of *Nature*, as it is taken for *Properties*.

2. With reſpect to the *Subject* of them, which is the *Nature* or *Subſtance* that ſupports them, and of this you confeſs we have only *imperfect and inadequate Ideas*.

As they are *true* and *adequate*; and ſo they are not the *true Repreſentations of Things without us, but of the Effects of ſuch Powers in them as produce Impreſſions in us*; which are thoſe you call *Secondary Qualities*. And in that Senſe P. 169. I take your words. And of theſe I ſaid, that we can underſtand nothing really by them but the Effects they have upon us; *i. e. the Powers* and not *the Ideas*. The *Ideas* are the Impreſſions on our Minds; and by theſe we can underſtand nothing but the *Effects* which the *Powers* in outward Objects have upon us, and conſequently not the *Nature* of them. This I take to be plain Senſe.

To this you Anſwer Two things;

1. *That we certainly know to diſtinguiſh things by Ideas, ſuppoſing them nothing* P. 170.

but Effects produced in us by theſe Powers, as if they were Repreſentations.

P. 171. 2. *That we have certainly as much pleaſure and delight by thoſe Ideas one way as the other.*

Granting all this to be true, what is it to the *Complex Idea of Nature*, which ariſes from theſe *ſimple Ideas? Nature is a Collection of ſeveral Ideas combined into one Complex Abſtract Idea.* But the *ſimple Ideas* acquaint us not with the *Nature* of the *Objects*, but only with the *Powers* which are in them; by the B 2. ch. 8. Sect. 10. 15, 17, 23. help of *Bulk*, *Size*, *Figure* and *Motion*; which you call the *Primary Qualities.* Now *theſe*, you ſay, *are really in the things themſelves; whether the Senſes perceive them or not; and the Ideas of theſe are the true Reſemblances of what exiſts in the Objects*; i. e. that by the Impreſſions we find in our ſelves, we are certain that there are Bodies of a determinate *Bulk*, *Size*, *Figure and Motion.* And this is all, we can by theſe *ſimple Ideas* come to, as the *Nature* of Corporeal Subſtances. But ſuppoſe one ſhould ask how we can underſtand the Nature of theſe Operations of the *Primary Qualities* in producing the *Secondary*; we Sect. 25. are ſoon anſwered, *that there is no conceivable Connexion between them, and that Reaſon cannot ſhew how Bodies by their Bulk, Figure and Motion ſhould produce in the Mind the Ideas of Blue, Yellow*, &c. And ſo we are extremely helped by theſe *ſimple Ideas* in underſtanding the *Nature* of any *particular Subſtance.* For the ſenſible Qualities in us are only the Effects of certain Powers in the Objects, cauſed by their Bulk, Size, Figure and Motion; but if we ask how they are produced, we are plainly told, that our Reaſon by theſe *ſimple Ideas* can reach to no knowledge of it. And ſo we are left in as much Ignorance as ever, as to the Manner how Things without us produce Ideas in us.

P. 174. But ſay you, *By theſe ſimple Ideas, we can as certainly diſtinguiſh the Beings wherein thoſe Powers are, and receive as certain Advantages from them, as if thoſe ſimple Ideas were Reſemblances.*

As to *Advantages from them*, that is quite out of our Enquiry; which is concerning the *Idea of Nature*, as it is a Complexion of *ſimple Ideas*; and all that it amounts to is, that by theſe *ſimple Ideas*, we underſtand the *Diſtinct Powers* in ſeveral Bodies to produce Impreſſions in our Minds; and by *the ſecondary Qualities* we find in our ſelves, we are certain of the *primary Qualities* in *Bodies*, from their different Bulk, Size, Figure and Motion. But ſtill we have nothing but an *Idea of Qualities*, which goes no farther than the Eſſential Properties; but the Idea of Nature goes farther, and implies that Being wherein thoſe Qualities are; and that I ſaid, which is the ſubject of Powers and Properties, is the *Nature* or *Subſtance* of it; which in this reſpect is the ſame. Have we any *Adequate Idea* of this?

To this you ſay:

P. 176. 2. *That all Ideas of Subſtances, which are referr'd to Real Eſſences are in that reſpect Inadequate.* This is what your ſelf own to be your Senſe; and is as much as I deſire. For, I pray conſider what a *fine Abſtract Complex Idea* you have given us of *Nature.* Our *Adequate Ideas* go no farther than *Qualities*, and if we enquire into the *Real Eſſence*, or *Subſtance* that ſupports them, we are told that they are *Inadequate*; and conſequently we can have no true Notion or *Idea* at all of it.

P. 178. But you ſay farther, that you do not affirm, *That Abſtract Ideas are only general Names:* For you aſſert a *Real Eſſence* in things; *the internal unknown Conſtitution is the Real Eſſence; and the Abſtract Idea is the Nominal Eſſence.*

P. 181. The former you tell me, you do *readily own*; viz. *That Eſſence which is in particular Subſtances*; but the Queſtion before us is, Whether that which is in more Individuals than one, be a *Real* or only a *Nominal Eſſence.*

2. And this is that which we are next to Examine. To clear this, I put the Inſtance of the *Sun*, where *an Eſſence* was ſaid by you *to be in one Individual*; and yet more Suns might agree in it. In this one Sun there is a *Real*

Eſſence, and not a meer *Nominal* and *Abſtracted Eſſence*: upon which I asked, If there were more Suns, would not each of them have the *Real Eſſence* of the Sun? For what is it makes the ſecond Sun, to be a true Sun, but having the ſame *Real Eſſence* with the firſt? If it were but a *Nominal Eſſence*, then the Second would have nothing but the Name.

Here I muſt examine your Anſwer, as far as I can underſtand it: For here indeed you may complain of the want of *clear and diſtinct Ideas*; but I will do what I can to explain that which I conceive to be your Senſe.

You ſay, *This doth not at all concern the Real, but the Nominal Eſſence.* P. 190.

How is this poſſible? Is there not the *Real Eſſence* of the Sun in that Individual, we call the Sun? But I put the Caſe, that there were a Multiplication of Individuals; and there were more Suns: would not each of theſe have the *Real Eſſence* of the Sun? If it were only a *Nominal Eſſence*, the reſt would have only the Name.

But you ſay, *you did not mean the real Eſſence of the Sun was in that Individual.* How could you mean otherwiſe, when you acknowledge the *Real Eſſence* to be in *particular Subſtances*? And is not the Sun a *particular Subſtance*? *But the Idea of it being a Complex and Abſtracted Idea, could not be the Real Eſſence.* I anſwer, That the *Eſſence* of the Sun being communicated to another is a *Real Eſſence*; or elſe, the Second is but the *Name* and nothing elſe. P. 191.

You tell me, *That you ſay expreſly, that our diſtinguiſhing Subſtances into Species by Names, is not at all founded on their Real Eſſences.* And I think it is clear to any one that underſtands things, and not meer *Ideas*; that another *true Sun* muſt have the *Real Eſſence* of a Sun.

You ask, *What I mean by a true Sun.* I anſwer, That which hath the Eſſence of a Sun; and that the Name cannot be truly applied to that which hath it not. *Yes*, ſay you, *it may to any thing, which hath united in it that Combination of ſenſible Qualities, by which any thing elſe that is called Sun is diſtinguiſhed from other Subſtances*, i. e. *by the Nominal Eſſence.* So that now the *Abſtract Complex Idea* is owned to be nothing but a *Combination of Qualities* in one *Idea*.

But I muſt ſtill ask, what becomes of this Combination of Qualities in the ſecond Sun, if there be not a Real Eſſence to ſupport them? *You grant it when the ſecond Sun comes to exiſt.* And if it does not exiſt, how can it be the Second Sun?

Should it be true, ſay you, *that the Real Eſſence of the Sun were in any of the fixed Stars, yet it could not be called by us the Sun, whilſt it anſwers not our Complex Idea, or Nominal Eſſence of a Sun.* If the *Real Eſſence* of a Sun be in a fixed Star, it is really a Sun, *whether you call it ſo or not*; as a *Laplander* is as really a Man whatever you *call* him, if he hath the Eſſence of a Man. And it is ſtrange to me to find any Man diſpute ſuch evident things. P. 193.

And ſo I come to the Inſtance of the Individuals among Men. I ſaid, that there muſt be a Real Eſſence in every Individual of the ſame kind. *Peter*, *James* and *John* are all true and real Men; not by attributing a general Name to them; but becauſe the true and real Eſſence of a Man is in every one of them.

But you ſay, *I firſt ſuppoſe them to be Men*: no otherwiſe than as they are Individuals of the ſame kind. P. 195.

Your *Weweena*, *Cuchepy* and *Couſheda* I have nothing to ſay to, they may be *Drills* for any thing I know; but *Peter*, *James* and *John* are Men of our own Country, and we know them to be ſeveral Individuals of the Race of Mankind. And what is it makes them Men, but that the true and real Eſſence of a Man is in every one of them? *Yes*, ſay you, *if making be taken for the Efficient Cauſe.* Whoever dreamt of a *Specifick Eſſence* being the *Efficient Cauſe*? But I ſaid, that it was the true and real Eſſence of a Man, which made every Individual a true and real Man; of which I ſaid we are as certain, as that we are Men. *That*, ſay you, *is only by our Senſes finding thoſe Properties, which anſwer* P. 197. P. 198.

ſwer the Abſtract, Complex Idea, which is in our Minds of the Specifick Idea to which we have annexed the Specifick Name Man. I leave to you the Honour of this *Scholaſtick Language*, which is always moſt proper when there is nothing under it. I love to ſpeak plain Senſe if I can, and ſo as to be underſtood by every one that is acquainted with theſe Matters: but theſe *Specifick Names* and *Abſtract* and *Complex Ideas*, I think tend to confound Mens Apprehenſions; who can never think otherwiſe, but that every Man is ſaid to be a true *real Man*; not for any *Specifick Name*, but becauſe his *Properties* ſhew him to be endued with the *true real Eſſence of a Man.* I ſaid, that the general Idea is not made from the ſimple Ideas, but by meer Act of the Mind abſtracting from Circumſtances, but from Reaſon and Conſideration of things.

P. 199. You reply, *That you thought Reaſon and Conſideration had been meer Acts of the Mind, when any thing was done by them.* I hope the *Ideas* you have of the Acts of your own Mind, are clearer than thoſe you have of other Mens. For it is plain, I oppoſed your *General and Abſtract Idea by a meer Act of the Mind, to a Rational Inference* from the Nature and Properties of things. For I added; for, when I ſee ſo many Individuals, that have the ſame Powers and Properties, we thence inferr, there muſt be ſomething common to all, which makes them of one kind; and if the difference of Kinds be real, that which makes them of one kind and not of another, muſt not be a *Nominal* but a *Real Eſſence.* Is there now no difference between theſe Two Acts of the Mind, *viz. Abſtraction* and *Ratiocination?*

P. 201. And you *grant, that the Inference is true.* But you ſay, *it doth not follow, that the general or ſpecifick Idea is not made by the meer Act of the Mind.* Where do I deny that *Abſtraction* is made by an Act of the Mind? But that is not the Queſtion; but whether the Notion of *Eſſence* in Individuals of the ſame kind, be a meer Act of the Mind by *Abſtraction*, or have a real Foundation in the Nature of things? *i. e.* whether it be a *Real* or a *Nominal Eſſence?*

Ibid. But you ſay, *There may be Objections to the Name of Nominal Eſſence.* My Objection is not to the *Name*, but to the *Thing* you underſtand by it, *viz.* that there is nothing beyond Individuals but *Names*, which utterly overthrows the Difference of *Nature* and *Perſon.* For if there be nothing really, but an individuated Eſſence, then it muſt follow, that there can be no difference of *Hypoſtaſes* in the ſame Nature: For Nature individuated muſt take in the *Hypoſtaſis*; and Nature being taken as *common* is affirmed by you to be nothing but an Abſtract and Complex Idea, and a meer Nominal Eſſence.

P. 203. You ſay, *That we cannot know the differences of things by their real Eſſences.* And what then? Do I ever deny, that the difference of kinds is to be underſtood from the different Properties? But we are not upon our Knowledge of the difference of Species, but upon the *Real* and *Nominal Eſſence.*

And I ſhew'd that the real Eſſence doth not depend upon Complex Ideas; becauſe if men miſtake never ſo much in the Combination of Ideas, yet the ſame Eſſence remains; as I inſtanced in the Eſſence of a Man, a Horſe and a Tree.

P. 210. True, you ſay, *Our Thoughts or Ideas cannot alter the real Conſtitutions of things that exiſt; but the Change of Ideas can and does alter the ſignification of their Names, and thereby alter the kinds, which by theſe Names we rank and ſort them into.*

But this doth by no means reach the point, which is not concerning our *ſorting of Things*, which is by Names, but *God's ſorting* them, when he made them of different kinds. For ſo I ſaid, that the Eſſences remain always the ſame, becauſe they do not depend on the Ideas of Men, but on the Will of the Creator, who hath made ſeveral ſorts of Beings.

P. 212. All the Anſwer you give is this, *That the real Conſtitution or Eſſence of particular things exiſting, do not depend on the Ideas of Men, but on the Will of the Creator,*

Creator, but their being ranked into ſorts, under ſuch and ſuch Names does depend and wholly depend upon the Ideas of Men.

But my Argument did not proceed upon *particular things exiſting*, but upon *the ſeveral kinds of God's making*, and is it poſſible for you to think that the kinds are not of his making, but that *Men only by their Ideas make the ſeveral ſorts?* If ſo, I have very little hopes to remove you from your Ideas; but I am bound to do what in me lies to hinder ſuch Notions from overthrowing the *Myſteries of our Faith*.

And it is a great ſatisfaction to me to find, that theſe Notions of Ideas, as far as they tend that way, have ſo very little Foundation in Reaſon, or rather are ſo manifeſtly repugnant to them.

Before I conclude my ſelf, I muſt take notice of your *Concluſion*, viz. *That you muſt content your ſelf with this condemned way of Ideas, and deſpair of ever attaining any knowledge by any other than that, or farther than that will lead me to it.* Which is in effect to ſay, that you ſee no way to avoid *Scepticiſm* but this: but my great Prejudice againſt it is, that it leads to *Scepticiſm*, or at leaſt, that I could find no way to attain to Certainty in it upon your own grounds.

For (1.) you ſay, *That Knowledge to you ſeems to be nothing but the Perception of the Connexion and Agreement or Diſagreement, and Repugnancy of any of our Ideas. In this alone it conſiſts.* Whence it unavoidably follows, that where we can have no *Ideas*, we can have no Knowledge.

Book 4. Ch. 1. Sect. 1.

But you go about to prove, *That there are many more Beings in the World, of which we have no Ideas, than thoſe of which we have any; and that one holds no Proportion to the other.* So that we are excluded from any Poſſibility of attaining to knowledge, as to the far greateſt part of the Univerſe for *want of Ideas*; and yet you ſay, *That he that will conſider the infinite Power, Wiſdom and Goodneſs of the Creator of all things, will find Reaſon to think it was not all laid out upon ſo inconſiderable, mean and impotent a Creature, as he will find Man to be, who in all Probability is one of the loweſt of all intellectual Beings.* And not long after, you ſay, *That the Intellectual World is certainly a greater and more beautiful World than the Material.*

Ch. 3. Sect. 23.

Sect. 27.

But whence comes this *Certainty*, where there can be no *Ideas*? Is a *general Reaſon* ſufficient without particular Ideas? Then why not in other caſes as well?

2. Suppoſe we have no *Ideas* of the Intellectual World, yet ſurely we may have as to the viſible World: No, you ſay, *That although we have Ideas of Bulk, Figure and Motion in general; yet not knowing what is the particular Bulk, Figure and Motion of the greateſt part of the Bodies of the Univerſe, we are ignorant of the ſeveral Powers, Efficacies and Ways of Operation, whereby the Effects we daily ſee are produced. Theſe are hid from us in ſome things by being too remote, in others by being too minute.*

Sect. 24.

So that you confeſs, *We can attain to no Science*, either as to *Bodies* or *Spirits*. And what a narrow compaſs muſt our Knowledge then be confined to? You confeſs, *We have no Ideas of the Mechanical Aſſertions of the minute Particles of Bodies; and this hinders our certain Knowledge of univerſal Truths concerning natural Bodies; and our Reaſon carries us herein very little beyond particular matter of Fact. Certainty and Demonſtration we muſt not in theſe things pretend to.* So that all *Certainty* is given up in the *way of Knowledge*, both as to the *viſible* and *inviſible* World, or at leaſt, the greateſt part of them.

Sect. 26.

Sect. 27.

Sect. 25.

3. But ſtill it is to be hoped, that where we have *Ideas*, we may come to *a Certainty* in diſcerning the *Connexion between them*. No, you ſay, *Another Cauſe of our Ignorance is, the want of a diſcoverable Connexion between thoſe Ideas we have.* What! are we at a loſs here too, and yet all our *Certainty* depends on *the perceiving the Agreement and Diſagreement of Ideas*? Yes, you confeſs, *That the Mechanical Affections of Bodies having no Affinity at all with the Ideas they produce*

Sect. 28.

in us, we can have no diſtinct Knowledge of ſuch Operations beyond Experience. And the Operations of our Minds on our Bodies is as unconceivable.

4. But by the help of *Intermediate Ideas*, may we not come to find out the certain Agreement or Diſagreement of Ideas, ſo there be *due Application* of the B. 4. ch. 2. Sect. 2. Mind to it? Yes, ſay you, *This may be done, and this is that we call Reaſoning, and thoſe intervening Ideas are called Proofs: and where the Agreement or Diſagreement is clearly and plainly perceived, it is called Demonſtration.* But how if this way of *Demonſtration* be made impoſſible? What benefit can we have of Sect. 7. it in the way of Certainty? *Each ſtep*, you tell us, *That Reaſon makes in demonſtrative Knowledge muſt have intuitive Evidence; for elſe, you ſay, that Intermediate Idea would need a Proof. And for want of this, Men often embrace Falſhoods for Demonſtrations.* But if there be no way of coming to Demonſtration but this, I doubt we muſt be content without it.

5. You give no reaſonable Satisfaction in the way of *Ideas*, as to the plaineſt Evidence of Senſe concerning the Exiſtence of external Objects. For there is no *Intuition of the Mind*, nor *Demonſtration* in this Caſe; and all the evidence in your way muſt be from the *Ideas* in our Minds, which are ſuppoſed to ariſe from external Objects; but the queſtion is, how from theſe *Ideas* within our ſelves, we can prove the certain Exiſtence of Objects without our ſelves. Becauſe men may have ſuch *Ideas* in their Minds by the power of *Imagination*, Ch. 2. Sect. 14. when there are no Objects to produce them? You ſay, *A man is invincibly conſcious to himſelf of a different Perception, in ſeeing the Sun in the Day, and remembring it in the Night, and taſting of Wormwood, and ſmelling of a Roſe, and thinking of it afterwards.* But this doth not clear the main difficulty, which is, how from the *Idea* of the *Taſte of Wormwood or Smell of a Roſe* I can prove the actual Being of ſuch things without me, ſince you grant, that there is *no conceivable Connexion in Reaſon, between the Powers in the Objects and the Ideas in us:* and if there be not, how can we be certain in the *way of Ideas?* I do not ſpeak, as to *Pain or Pleaſure*, but as to the *Evidence* from the *Ideas* in our ſelves. For the moſt that you ſay is, *That a Man may perceive a very manifeſt difference between dreaming of being in a Fire, and being actually in it, becauſe of the Pleaſure or Pain that follows the Application of certain Objects; which Certainty is as great as our Happineſs or Miſery, beyond which we have no Concernment to know or to be.* But the preſent difficulty is not merely about the difference between *ſleeping and waking*; and I grant you, that a Man's being ſenſible of Fire touching him, will effectually convince him that he is not in a Dream: but the point before us is, when we are ſenſible we are awake, what it is in the *way of Ideas*, Ch. 11. Sect. 1. which can ſatisfie us of the real Exiſtence of external Objects. For you confeſs, *That the having the Idea of any thing in our Mind, no more proves the Exiſtence of that thing, than the Picture of that Man evidences his being in the World, or the Viſions of a Dream make a true Hiſtory.* How then can we come to any Sect. 2. *Certainty* in the *way of Ideas?* The Account you give is this, *that the actual receiving Ideas from without, makes us know that ſomething doth exiſt at that time without us, which cauſes that Idea within us.* Which is in other terms to remove the Certainty from the *Idea* to the mere *Act* of *Senſation:* but all our Diſpute hath been not about the Certainty either of *Senſe* or *Reaſon*; (which I freely yield to) but about a particular way of *Certainty* by *the Agreement or Diſagreement of Ideas*; and of this I ſhew that you give no ſatisfactory Account, as to the Exiſtence of the plaineſt Objects of Senſe. For you ſay, *The Certainty lies in perceiving the Connexion between Ideas*; and here you grant, *That Reaſon cannot perceive the Connexion between the Objects and the Ideas*, how then ſhould we poſſibly attain any Certainty in the way of Ideas? So that your ſelf gives up the way of *Certainty by Ideas*.

I might eaſily purſue this matter farther; but I think this is ſufficient to let you ſee, you have no ſuch cauſe to be ſo well contented with this *condemned way of Ideas* as you are pleaſed to call it.

And now to conclude, I am very far from being an Enemy to any free Enquiries into the *Nature* and *Reaſons* of Things, and would be glad to find any real Diſcoveries that way. And I can eaſily bear the putting of Philoſophical Notions into a modern and faſhionable Dreſs.

Let Men expreſs their Minds by *Ideas* if they pleaſe; and take Pleaſure in ſorting and comparing and connecting of them; I am not forward to condemn them; for every Age muſt have its *new Modes*, and it is very well if Truth and Reaſon be received in any Garb. I was therefore far enough from *condemning your way of Ideas*, till I found it made the only ground of Certainty, and made uſe of *to overthrow the Myſteries of our Faith*, as I told you in the beginning. This was it which made me look more narrowly into it at firſt, and now to give you this Trouble of an Anſwer to your Letter.

I hope that in the managing this Debate, I have not either tranſgreſſed the Rules of Civility, or miſtaken your Meaning, both which I have endeavour'd to avoid. And I return you thanks for the Civilities you have expreſſed to me through your Letter; and I do aſſure you, that it is out of no Diſreſpect, or the leaſt ill-will to you, that I have again conſider'd this Matter, but becauſe I am farther convinced, that as you have ſtated your *Notion of Ideas*, it may be of dangerous conſequence as to that *Article* of *Chriſtian Faith*, which I endeavour'd to defend.

I am no Lover of *Controverſies*, however, I have been often engaged in them; but I have that ſatisfaction in my mind, that my deſign was to promote that, which upon my beſt Enquiries, I thought to be *Truth*; and by ſuch means as were moſt ſuitable to the purſuit of it, without any Bitterneſs againſt thoſe I oppoſed. But of all *Truth*, I am convinced, that it is fitteſt for me to employ the Remainder of my Days in what concerns the Vindication of our *Holy Religion* contained in the *Scriptures*, which gives us the only ſure Grounds to hope for a *Bleſſed Immortality*. And in the Defence and Practice of that, I hope, by the Grace of God both to live and die.

I am, Sir,

You Real Friend,

and Humble Servant,

Edw. *Wigorn*

Worceſter,
March 27. 1697.

POSTSCRIPT.

I Had no Thoughts of adding a *Poſtſcript* to my Anſwer, as you had done to your Letter; but before the Sheets were wrought off, there was ſent to me a new *Socinian Pamphlet*, wherein there are Reflections (and little more) on my late Treatiſe in *Vindication of the Trinity*. The reaſon I had to joyn my ſhort Animadverſions on that to theſe Papers, was the advantages he takes *from the abſtracted Notion of Nature* againſt the Doctrine of the Trinity, which was the thing I told you I apprehended to be of dangerous Conſequence in it.

But before I come to that, I cannot but take notice of their very different way of Writing from yours, which is *Grave* and *Civil*, but theirs is trifling, and too ſcurrilous in matters of Religion, for which I had ſo juſtly rebuked them before, but it ſeems to very little purpoſe: which makes me apt to think, their greateſt Hopes ſtill are in ſuch Readers who love to ſee Matters of Religion ridiculed; and the Perſons who are concerned to defend them expoſed to Scorn and Contempt. This was that I told them, which gave ſuch a Reliſh to their late Pamphlets, as though nothing would go down with ſuch vitiated Palates, that had not a Mixture of this *Aſſafœtida* with it. But becauſe in the Concluſion of his Pamphlet, he charges me as well as others, with *uſing them unjuſtly as well as roughly*, I ſhall give a Taſt of this man's decent manner of Writing. The firſt thing he inſiſts upon againſt me, is, *That I openly profeſs my Method, that I will prove Firſt, then Secondly, then Thirdly, then Fourthly and Fifthly.* And what harm is there in uſing the plaineſt Method in a nice and intricate Subject? Should I go about to juſtifie this, by the Rules of the ancient and beſt Maſters of Writing in Arguments of ſuch a Nature; That would be ſhewing too much regard to ſuch pitiful Cavilling. But methinks theſe men ſhould not object this Method againſt us, of *Firſt, Secondly* and *Thirdly*, who had before charged us with *brutal and inexcuſable Ignorance in Counting or Numbring*. But he goes on. *And now beloved firſt of the firſt.* Have I any words like theſe? No matter for that. But this ſerves well enough for the *Farce*; when the deſign is to ridicule the *Form and Way of modern Sermons*; which he knew was an acceptable Subject to his *Men of Wit*, as he calls them. If they be really ſo, they cannot but deſpiſe ſuch *Fooling* in ſerious matters. And our *Modern Sermons* are ſuch, both as to the *Structure* and *Reaſon* of them, as will bear the Cenſures of Men of Judgment, (as well, it may be, as of any Age) but his *Men of Wit*, who love Religion in no dreſs, will always have ſomething or other in Sermons to find fault with. And our Author was hard put to it to bring in this ſmart Reflection on *Modern Sermons* to pleaſe his Friends, which was very remote from a Debate about the Trinity.

The next thing is, (for I muſt not ſay *Secondly*) *That my Way of Writing is too obſcure; and that he could not take my Meaning under two or three Readings.* Which to pleaſe his Men of Wit, he facetiouſly expreſſes after this manner; *And when I have ſtrained my Jaws and hazarded my Teeth to break the Shell, moſt commonly it proves nothing but a Shell, that I am tempted to renounce Nuts for ever.* And I think he will do wiſely in it. I am certain, I was ſo far from affecting Obſcurity, that I endeavoured to put the darkeſt points into as good a Light as I could; and I am afraid he ſometimes ſhut his Eyes, that he might complain of the darkneſs of the Room.

I dare not go ſo far as *Thirdly*; and therefore come to conſider the main parts of his Pretence to anſwer my Book.

As to the Contents of my Book, he ſaith, *I ſhew, that neither Antiquity, nor Reaſon, nor Scripture is at all for them, they are all againſt them.* Wherein he is very much in the right. And I ſhall now examine what he hath ſaid, to take off any part of the Charge.

He begins with *Antiquity*, and very fairly takes it for granted, That for 4000 Years, *The Doctrine of the* Unitarians *was the true Doctrine*; but he obſerves, *That I make the Doctrine of the Trinity to have been a part of the Cabala or Oral Tradition among the Jews*; upon which he cries out, *Where is Conſcience, or is Religion nothing but a Name?* Why, what's the matter? How comes *Conſcience* and *Religion* to be ſo deeply concerned, whether the Jews had any Anticipation of the Trinity among them? But he ſaith, *I do not believe the Jewiſh Cabala, no more than the Alchoran, and yet I produce the Authority of it:* and he adds, *That it was a Fiction of the Phariſees; and that it is a Prevarication in me to mention it as the unwritten Word of God.* I am afraid *his Cracking of Nuts* hath put him into ſome Diſorder, and made him cry out, without any other Cauſe but the Pain of his Teeth. Where did I ever give the leaſt Cauſe to ſuſpect my owning *the Jewiſh Cabala, as the unwritten Word of God?* All that I ſaid was this. The *Socinians* had ſaid, *That Chriſt was called the Word, becauſe he* *he was the Bringer or Meſſenger of God's Word.* To which I anſwer'd, That the Jews were to underſtand it in the Senſe it was known among them: which was for *a Divine Subſiſtence*, as I proved from the *Chaldee Paraphraſt*, and the Teſtimonies of *Philo* the *Alexandrian Jew*, who lived ſo near our Saviour's time. Here is not a word of the *Phariſaical Cabala*, which every one knows to have been about *Traditional Cuſtoms*, which they laid as much weight upon, as upon the Law of God, if not more. But the *Chaldee Paraphraſt* was in very great Eſteem, as giving the true Senſe of the Scripture, and for that only I produced it. And what anſwer doth he give to the Teſtimonies out of it? He ſaith, *They relate either to the Law, or to the Command of God to* Moſes, *or to the Power of God.* But I ſhew'd that *Rittangel*, who managed the Debate on this Argument with a learned *Unitarian*, proved to his plain Conviction, that theſe places could be underſtood of nothing but a *Divine Subſiſtence.* But he mightily triumphs, that the moſt pertinent place is falſe printed; for it is ſet down, *Gen.* 20. 21. and he tells us, *There are but* 18 *Verſes in that Chapter*; but a Man of common Ingenuity would ſuſpect an Error in the Preſs in ſuch a Caſe; and if he had pleaſed to have look'd on *Gen.* 28. 21. he might have found 22 Verſes, and the Words in the 21. *Therefore*, ſaith he, *ſo much for* Chaldee *and* Cabala, *deſpiſed by all learned Men, Jews as well as Chriſtians; and never uſed but when the People are to be gulled with noiſy Nothings.* One would hardly think it poſſible ſuch mean ſtuff as this ſhould paſs for an anſwer among any that pretend to Senſe or Knowledge. For how can he deny the ſenſe of the *Chaldee Paraphraſt*, when *Philo* the *Alexandrian Jew* concurs in that Interpretation, as is evident by multitudes of places in him? Did I not expreſly mention his Teſtimony as concurring with the other? Why not a word ſaid to it? Did I not add the Conſent of *Euſebius* concerning the Jews owning the Divinity of the Meſſias, till they fell off from it in oppoſition to the Chriſtians? And are theſe but *noiſy Nothings to gull People with?* Let what will become of the Diſpute between the Phariſaical Jews and the *Karaites*; thoſe who know any thing of theſe Matters, do know that I went upon other grounds; *viz.* whether the Iſraelites did receive from God an Oral Law, which they are bound to obſerve as much as the written Law, and to interpret the written Law, and the force of its obligation by it. And this I never mention'd or intended to plead for it. And as to the 13 ways of *Cabaliſtical Interpretations*, I look on them as groundleſs and frivolous things; but the thing I aimed at, was only this, There are certainly places of the Old Teſtament, which ſpeak of the Meſſias as the Son of God; *Thou art my Son*, &c. and call him Lord, *The Lord ſaid unto my Lord.* The queſtion is, what the Senſe of theſe places was, and how they are to be applied to Chriſt? Now if it appear, that the moſt ancient Jews did underſtand them in ſuch a manner, as to apply them to a *Second Subſiſtence* in the *Divinity*, we have great reaſon to follow that Senſe, which is ſo agreeable to the New Teſtament; and about this we have no manner of Reaſon to deſpiſe the Senſe of the ancient Jews, and eſpecially of the *Chaldee Paraphraſt*, who aſſerts a ſecond and a third Subſiſtence in the Divinity. And this he could not but find without *any danger to his Jaws*, was the only thing I intended.

The next thing in point of *Antiquity* which he conteſts, is about the *Nazarenes:* That Name, I ſaid, was at firſt common to all *Chriſtians*, as is plain from *Act.* 24. 5. afterwards it was applied to the Jewiſh Chriſtians at *Pella* and *Decapolis*; and to ſuch as admitted no *Gentiles* to their Communion, but kept to the Ceremonies of the Law; and of theſe I ſaid they might be all *Ebionites*; but I utterly denied it of ſuch as were Members of the Catholick Chriſtian Church, as it was made up of *Jews and Gentiles.* This Diſtinction he calls a pure figment, but anſwers not one of the Reaſons I brought for it; although I proved from uncontroulable Evidence, that they made two different Bodies, had different Rules of Faith; and that the Church of *Jeruſalem* did hold the Divinity and Pre-exiſtence of our Saviour. And is all this *Cabala too, and only to be uſed when People are to be gulled with noiſy Nothings?* i. e. with empty *Pleroma's*, and ſilent Thunder-claps. The *Alogians* were theirs, for any thing I know in all reſpects; and I will give them *Theodotion*, and *Paulus Samoſatenus*, and *Photinus*. But I think not much to their comfort; the two latter were moſt certainly condemned by the Chriſtian Church; and whether the former were a mere *Jewiſh Proſelyte*, or an *Ebionite* is not worth contending about; ſince S. *Jerom* makes him to tranſlate the places about our Saviour like a Jew, and *Aquila* like a Chriſtian; which ſhews how mean an opinion he had of his Sincerity.

I proved the condemning *Paulus Samoſatenus* while they were under the power of *Zenobia*, to be a plain evidence of the ſenſe of the Chriſtian Church againſt his Doctrine; at a time when no intereſt could be ſuppoſed to ſway them. To this he gives a twofold Anſwer, (1.) *That be ſure it is falſe, that they were then under the power of* Zenobia. But how can we *be ſure it is falſe*, when I brought proof it was true, and he anſwers nothing at all to it? But it ſeems, all is *Cabala and noiſy Nothings* that ſtand in his way. (2.) He ſaith, *They were all Hereticks.* A very ſhort Anſwer. But how is this proved? For a little proof looks well ſometimes, and a man muſt not always ſay, *be ſure it is ſo.* Well, here is a plain proof; *they differ'd from the Council of* Nice *about* Homoouſios. But I had before given a full Anſwer to that, *p.* 42. to which he gives not the leaſt reply, *viz.* that they took it in two different Senſes.

As to *Lucian*, I leave it to the Readers Judgment, if he compares what I have ſaid, and what he anſwers together, and whether he thinks it probable that the *Arians* ſhould forge a Creed under his Name at *Antioch*; if he continued in the Doctrine of *Paulus Samoſatenus*, which was contrary to it.

This is all, he ſaith, that ſeems conſiderable in point of *Antiquity*; and whether he hath ſaid any thing really *conſiderable* about it, let the Reader judge.

Come we now to the *point of Scripture*, which is the main point in the caſe. For I had declared, *p.* 112. that our Faith as to the Trinity, is built upon that; and that there are many places of Scripture, of which no tolerable Senſe can be given without it. And therefore I examined the Senſe the *Unitarians* gave of the moſt remarkable Places, and ſhew'd the Weakneſs and Inconſiſtency of it, and then in an entire Chapter proved our Doctrine from *the Form of Baptiſm* delivered by our Saviour, as it was always underſtood in the Chriſtian Church. This I think was a very plain and eaſie Method of proving our Doctrine.

And now what ſaith our *Unitarian* to all this? Truly, I have met with few Anſwers like it. In ſhort, he ſaith, *That for his part, he is enough perſwaded without further arguing the Matter, that I have ſpent my Breath againſt a Rock.* This is juſt the Popiſh way of anſwering by *Infallibility* and *ſuper hanc Petram.* But in neither caſe can I ſee the leaſt ground for ſuch mighty Confidence. Alas for them! they ſay, *That if we write againſt their Interpretations of Scripture, they are not at leiſure to wipe off every ſmall Soil that may happen to be ſcatter'd in their Books.* Not *at Leiſure!* Whence have come all thoſe Swarms of peſtilent Books which have come abroad of late Years among us, to ſpread their infectious Doctrine over the Nation? And now are they *not at Leiſure* to defend them? And at the ſame time have *Leiſure enough* to run into other Matters, about which there may be more Colour for Cavilling. So that this cannot be the true Reaſon, and I leave the Reader to judge what it is.

The laſt thing is the *point of Reaſon*; and here he finds *Leiſure enough* to expatiate. But I ſhall keep to that point, upon which he ſuppoſes the whole Controverſie to turn, which is, whether the difference between Nature and Perſon, which we obſerve in Mankind, do ſo far hold with reſpect to the Divine Nature, that it is a Contradiction to ſay, there are three Perſons and not three Gods?

And there are ſeveral things I propoſed, in order to the clearing of this Matter,

ter, which I ſhall endeavour to lay down as diſtinctly as I can; and I ſhall not be *Hector'd* or *Banter'd* out of that which I account the moſt proper Method, although it happen to be too obſcure for our *Men of Wit* to underſtand without *Hazard of their Jaws.*

The *Principles* or *Suppoſitions* I lay down are theſe.

I. Nature is One and Indiviſible in it ſelf, wherever it is.

II. The more perfect any Nature is the more perfect muſt its Unity be.

III. Whatever is affirmed of a moſt peſect Being, muſt be underſtoood in a way agreeable to its Perfection.

IV. It is repugnant to the Perfection of the divine Nature, to be multiplied into ſuch Individuals as are among Men; becauſe it argues ſuch a dependence and ſeparation, as is inconſiſtent with the moſt perfect Unity.

V. To ſuppoſe three diſtinct Perſons in one and the ſame Indiviſible Divine Nature, is not repugnant to the Divine Perfections; if they be founded on ſuch relative Properties, which cannot be confounded with each other, and be in themſelves agreeable to the Divine Nature.

VI. Whether there be three ſuch diſtinct Perſons or not, is not to be drawn from our own Imaginations, or Similitudes in created Beings, but only from the Word of God, from whom alone the Knowledge of it can be communicated to Mankind.

Let us now ſee how he proves, that ſince there is no Contradiction for three Perſons to be in one common humane Nature, it muſt be a Contradiction to aſſert three Perſons in the ſame divine Nature. He offers at no leſs than *demonſtrative Reaſon*, p. 58. c. 2. but I have always had the moſt cauſe to fear the Men that pretend to *Infallibility*, and *Demonſtration*. I paſs over his *Myſterious Boxes*, as Trifles fit only to entertain his *Men of Wit*, and come immediately to his *demonſtrative Reaſon*, if it be to be met with. It comes at laſt to no more than this, that *Humane Nature, and Angelical Nature, and Camel Nature have no Exiſtence but only in our Conception; and are only Notions of our Minds; but the Perſons in the ſame rational Being are not mere Metaphyſical Perſons or Relative Properties, but they are ſuch as neceſſarily ſuppoſe diſtinct Subſtances as well as diſtinct Properties. But in the Trinity, the Nature is a really exiſting Nature, 'tis a Spiritual Subſtance, and endued with a great number of Divine Attributes, not an abſtracted or mere notional imaginary Nature; and the Divine Perſons are not diſtinct Subſtances or real Beings, but Properties only in a real Being and in an infinite Subſtance.* This is the force of the *Demonſtration.* But now if I can make it appear, that every Nature is not only One and Indiviſible in it ſelf, but endued with Eſſential Attributes and Properties belonging to it as ſuch, then it will be evident, that Nature is not a *mere Abſtracted Notion of our Minds*, but ſomething which really exiſts ſomewhere; and then the Foundation of this *demonſtrative Reaſon* is taken away. And I appeal to any Perſons that conſider things, whether the *Humane, Angelical, and Camel Nature* (as he calls it) do not really differ from each other, and have ſuch *Eſſential Properties* belonging to them as cannot agree to any other Nature? For elſe it muſt be a mere Notion and Fiction of the Mind, to make any real difference between them. But if *Humane Nature and Camel Nature* do eſſentially differ from each other, then every Nature hath its Eſſential Unity and Properties which cannot belong to any other, and that without any act of our Minds. And if every Nature is really and eſſentially different from another, it muſt have an Exiſtence ſomewhere independent on our Notions and Conceptions.

It may be ſaid, *That no ſuch Nature doth really exiſt by it ſelf, but only in the ſeveral Individuals.* But that is not the preſent Queſtion, where or how it exiſts, but whether it depend only on our Imaginations or the acts of our Minds; and if it doth ſo, then there can be no real and eſſential Difference in the Natures of Men and Beaſt, which I think none who have the Underſtanding of a Man can imagine.

But really exiſting Natures, he ſaith, *are in ſuch Perſons, as neceſſarily ſuppoſe diſtinct Subſtances, as well as diſtinct Properties; and if they exiſted only in a common Nature, as the Humanity, and had not alſo diſtinct Subſtances, they would never make diſtinct Perſons.*

I do allow, that in created and dependent Beings, there muſt be *diſtinct Subſtances* to make *diſtinct Perſons*; but he ought to have given an account what that is which makes *diſtinct Perſons neceſſarily to ſuppoſe diſtinct Subſtances.* For the Nature is One and Indiviſible in them all; or elſe every Individual muſt make a new *Species*, which is an Abſurdity I ſuppoſe he will not be fond of. If there be then one and the ſame Nature in the Individuals, whence comes *the difference of Subſtances to be ſo neceſſarily ſuppoſed?* If it be from Diverſity, Diſſimilitude, Dependance and ſeparate Exiſtence, as I aſſerted, then theſe Reaſons can hold only in created Beings; and where they cannot hold, as in the Divine Nature, why may there not be a diſtinction of Perſons founded on relative Properties, without any diſtinction of Subſtances, which is repugnant to the perfect Unity of the Godhead? What *demonſtrative Reaſon*, nay, what probable Argument hath he offer'd againſt this?

He takes notice *p.* 60. of what I had ſaid about the diſtinction of *Perſonality* and *Perſon*; and that Perſonality is originally only a particular Mode of Subſiſtence; and a Perſon beſides the relative Property takes in the divine Nature together with it. And what *Demonſtration* have we againſt this? So far from it, that he falls to Trifling again to keep his *Men of Wit* in good Humour. *So much for Madam Perſonality, now for Sir Perſon.* Is this a decent way of Writing about theſe Matters; to begin with the Talk of *demonſtrative Reaſon*, and to end with *Burleſquing*, and turning them into Ridicule? If this be an agreeable Entertainment for his *Men of Wit*, it ſhews that they deſerve that Character, as well as he doth that of a *Demonſtrator.*

But this ſportfull Gentleman hath found ſomething elſe to play with, *viz.* that my Notion of three Subſiſtences without three Subſtances is really nothing but *Sabellianiſm.* But I had already ſaid ſo much for the clearing of this, both in the Preface and the Book it ſelf, that I need not to add one Word about it, unleſs he had ſuggeſted ſome new *demonſtrative Reaſon* to prove it. Which he is far enough from. All that he ſaith, is, *That they muſt be called Fools as well as* Sabellius, *if they aſſerted Relative Properties, or any Properties that were in no Eſſence.* But the Author of the Diſcourſe of *Real and Nominal Trinitarians*, (to whom he is no Stranger) had ſaid *That the* Sabellians *held that the Father, Son and Spirit are but only three Names of God given to him in Scripture by occaſion of ſo many ſeveral Diſpenſations toward the Creature, and ſo he is but one ſubſiſting Perſon and three Relative Perſons.* If this be true, here are *Relative Properties* indeed relating to a Divine Eſſence: but how? not as to any *Internal Relations* of *Father, Son and Holy Ghoſt*; but as to *External Diſpenſations*, which are another kind of *Relative Properties.*

This is all that I can find in this laſt Effort, that relates to my ſelf: As to what concerns others, they are very able to defend themſelves, and particularly as to Dr. *S.* and Dr. *Sh.* I muſt ſtill ſay I think them much his Superiours as to Wit and Learning, (for of them I ſpake without the leaſt Reſpect to my ſelf, however he makes it *a Complement to my ſelf and them*, I know not for what Reaſon unleſs it be that I ſpeak of thoſe againſt whom they had written *with Inſolence and Scorn.*) But I hope they will ſhew themſelves ſo much his Superiours too in Wiſdom and Diſcretion, as not to renew their Quarrels upon his Provocations, for he doth what in him lies to inflame them; and he thought it, (and I do not blame him for it) the beſt ſervice he could do to his ſinking Cauſe.

WORCESTER,
April 26. 1697.

E. W.

AN
ANSWER
TO
Mr. *LOCKE*'s Second Letter;

WHEREIN

His NOTION of IDEAS is prov'd to be Inconſiſtent with it ſelf, and with the ARTICLES of the CHRISTIAN FAITH.

SIR,

I Was not a little ſurpriz'd at the length of your *Second Letter*, conſidering the ſhortneſs of the Anſwer contained in it: But it put me in mind of the Springs of *Modena* mention'd by *Ramazzini*, which riſe up with ſuch a plenty of Water upon opening a Paſſage, that the Undertaker is afraid of being overwhelm'd by it. I ſee how dangerous it is to give occaſion to a Perſon of ſuch a fruitful Invention to write; for *Letters* become *Books*, and ſmall Books will ſoon riſe to great Volumes, if no way be found to give a Check to ſuch an *Ebullition* of Thoughts, as ſome Men find within themſelves. I was apt to think the beſt way were, to let Nature ſpend it ſelf; and although thoſe who *write out of their own Thoughts* do it with as much Eaſe and Pleaſure as a Spider ſpins his Web; yet the World ſoon grows weary of Controverſies, eſpecially when they are about Perſonal Matters: Which made me wonder that one who underſtands the World ſo well, ſhould ſpend above fifty *Pages* of a *Letter* in renewing and enlarging a *Complaint* wholly concerning himſelf. Suppoſe I had *born* a little *too hard upon you* in joyning *your Words* and *anothers Intentions* together; had it not been an eaſie and effectual way of clearing your ſelf, to have declared to the World, that you owned the *Doctrine of the Trinity*, as it hath been Received in the Chriſtian Church, and is by ours in the *Creeds and Articles of Religion*? This had ſtopt the Mouths of the Clamorous, and had removed the Suſpicions of the Doubtful, and would have given full Satiſfaction to all reaſonable Men. But when you ſo carefully avoid doing this, all other Arts and Evaſions do but leave the Matter more ſuſpicious among the moſt Intelligent and Impartial Readers. This I mention, not that you need be afraid of the *Inquiſition*, or that I intend to charge you with Hereſie in denying *the Trinity*; but my preſent Deſign is to ſhew, That your Mind is ſo intangled and ſet faſt by your *Notion* of *Ideas*, that you know not what to make of the Doctrines of the *Trinity* and *Incarnation*; becauſe you can have no *Idea* of *One Nature* and *Three Perſons*, nor of *two Natures* and *one Perſon*; as will fully appear afterwards. And therefore, out of regard to Publick Service, in order to the preventing a growing Miſchief, I ſhall endeavour to lay open the ill Conſequences of your Way of *Ideas* with reſpect to the *Articles of the Chriſtian Faith*.

But I ſhall wave all unneceſſary *Repetitions*, and come immediately to the Matter of your Complaint as it is renewed in this *Second Letter*, which I ſhall briefly anſwer, before I proceed to that which I chiefly deſign. Your Complaint,

2d. Letter p. 2. plaint, you ſay, was, *That you were brought into a Controverſie wherein you had*
never medled, nor knew how you came to be concerned in. I told you, “ It was
Anſw. to firſt Letter, p. 46. “ becauſe the Perſon who opoſed the Myſteries of Chriſtianity went upon your
“ Grounds, and made uſe of your Words; although I declared withall, that
“ they were uſed to other purpoſes than you intended them; and I confeſs'd,
“ that the reaſon why I quoted your Words ſo much, was, becauſe I found
“ your Notion as to Certainty by Ideas, was the main Foundation on which
“ the Author of *Chriſtianity not Myſterious* went; and that he had nothing that
“ look'd like Reaſon, if that Principle were removed; which made me ſo
“ much endeavour to ſhew, that it would not hold, and ſo I ſuppoſed the reaſon why I ſo often mention'd your Words, was no longer a Riddle to you.
2d. Letter, p. 48. “ Theſe Paſſages you ſet down in your *Second Letter*; but you ſay, *all this*
ſeems to you to do nothing towards the clearing of this matter. Whether it doth
p. 49. or not, I am content to leave it to any indifferent Reader; and there it muſt
reſt at laſt, although you ſhould write *Volumes* about it.

p. 50. But for what cauſe do you continue ſo unſatisfied? You tell us, *It is, that the*
Author mentioned, went upon this Ground, That clear and diſtinct Ideas are neceſſary
to Certainty, but that is not your Notion as to Certainty by Ideas; which is, That
Certainty conſiſts in the Perception of the Agreement or Diſagreement of Ideas, ſuch
as we have, whether they be in all their Parts perfectly clear and diſtinct or no:
And you ſay, *that you have no Notions of Certainty more than this one.*

Firſt Letter, p. 57. This is no more than what you had ſaid before in your former Letter, and I
took particular notice of it, and gave three ſeveral Anſwers to it, which I ſhall
here lay together and defend, becauſe you ſeem to think I had not anſwered it.

(1.) “ That thoſe who offer at clear and diſtinct Ideas bid much fairer for
“ Certainty than you do (according to this Anſwer) and ſpeak more agreeably
p. 80. “ to your Original Grounds of Certainty. For it is a very wonderfull thing
in point of Reaſon, for you to pretend to *Certainty* by *Ideas*, and not allow
thoſe *Ideas* to be *clear and diſtinct?* You ſay, *the Certainty lies in the Perception of the Agreement or Diſagreement of Ideas:* How can I clearly perceive the
Agreement or Diſagreement of Ideas, If I have not *clear and diſtinct Ideas?* For
how is it poſſible for a Man's Mind to know whether they *agree or diſagree,* if
there be ſome *parts of thoſe Ideas* we have only general and confuſed *Ideas* of?
And therefore I had great reaſon to ſay, that if Certainty be placed in Ideas
we muſt have clear and diſtinct Ideas. You may as well ſay, a Man may be
certain of the *Agreement* and *Diſagreement* of Colours in a confuſed or uncertain
Light. For ſo much as the Idea fails of Clearneſs and Diſtinctneſs, ſo much it
fails of that *Evidence* which it is neceſſary to judge by. Where-ever there is
Obſcurity, Confuſion or *Imperfection in the Ideas,* there muſt be ſo much Uncertainty in the Perception of the Agreement or Diſagreement of them. And to
pretend to Certainty by Ideas without pretending to clear and diſtinct Ideas, is
to judge without Evidence, and to determine a thing to be certainly true, when
we cannot know whether it be ſo or not; for how can you be ſure *that your*
Ideas agree with the Reality of things (wherein you place the *Certainty of Knowledge*) if there be no ſuch Ideas of thoſe things, that you can perceive their
true Nature, and their difference from all others? For therein you will not deny that the Notion of *clear* and *diſtinct Ideas conſiſts.*

Letter II. p. 2, 9, 10, 12, 14, 15, 16, 23, 38, 39, 41, 47, 50, 56, 61, 107, 114. But you ſay more than once or twice, or ten times, *That I blame thoſe who*
place Certainty in clear and diſtinct Ideas, but you do it not, and yet I bring you
in among them; which is the thing you ſo much complain of. I will give you
a full Anſwer to this *Complaint.* I do not deny, but the firſt occaſion of my
Charge was the Suppoſition *that clear and diſtinct Ideas were neceſſary in order*
to any Certainty in our Minds, and that the only way to attain this Certainty was
by comparing theſe Ideas together: But to prove this, your Words were produced, and your Principles of Certainty laid down, and none elſe; and I could not

imagine that you could place Certainty in the Agreement or Diſagreement of Ideas, and yet not ſuppoſe thoſe Ideas to be clear and diſtinct. But finding your ſelf joyned in ſuch Company which you did not deſire to be ſeen in, you rather choſe to diſtinguiſh your ſelf from them, by denying clear and diſtinct Ideas to be neceſſary to Certainty. But it muſt be here obſerved, that our Debate about *Certainty by Ideas* is not about any other Certainty, but about *Certainty of Knowledge* with regard to ſome *Propoſition*, whoſe Ideas are to be compared as to their Agreement and Diſagreement. For your Words are, *Certainty of Knowledge is to perceive the Agreement or Diſagreement of Ideas as expreſſed in any Propoſition. This we uſually call knowing or being certain of the truth of any Propoſition.* So that a *Propoſition* whoſe Ideas are to be compared as to their Agreement or Diſagreement, is the proper Object of this Certainty. And therefore *this Certainty* is to be diſtinguiſhed,

Eſſay, B. 4. ch. 6. Sect. 3.

Firſt Letter, p. 57.

1. From a *Certainty by Senſe*; or that by which we come to know the Exiſtence of External Objects. For you ſay, *That the Knowledge of the Exiſtence of any other thing we can have only by Senſation. For there being no neceſſary Connexion of Real Exiſtence with any Idea a Man hath in his Memory; no particular Man can know the Exiſtence of any other Being, but only when by actual operating upon him it makes it ſelf perceived by him.* But that this is quite another *Certainty* from that of *Ideas*, appears from theſe following words of yours; *For the having the Idea of any thing in our Mind, no more proves the Exiſtence of that thing than the Picture of a Man evidences his being in the World, or the Viſions of a Dream make thereby a true Hiſtory.* Therefore this is a very different Certainty from that of *Ideas*.

B. 4. ch. 11. Sect. 1.

2. From a *Certainty by Reaſon*; When from the Exiſtence of ſome things evident to Senſe, we inferr the Exiſtence of another thing not evident to Senſe; As to take your own words in your former Letter. *As to the Exiſtence of bodily Subſtances, I know by my Senſes, that ſomething extended, ſolid and figur'd does exiſt; for my Senſes are the utmoſt Evidence and Certainty I have of the Exiſtence of extended, ſolid, figured things. Theſe Modes being then known to exiſt by our Senſes, the Exiſtence of them (which I cannot conceive can ſubſiſt without ſomething to ſupport them) makes me ſee the Connexion of thoſe Ideas with a Support, or as it is called, Subject of Inheſion, and ſo conſequently the Connexion of that Support, which cannot be nothing with Exiſtence.*

Letter 1. p. 57.

Granting all this, yet it by no means proves that we can have a *Certainty in the way of Ideas*, where the *Ideas* themſelves by which we have the Certainty are *obſcure and confuſed*; but that ſuppoſing the Ideas we have by our Senſes to be *true*, we may from them inferr the Exiſtence of ſomething of which we have only *an obſcure and confuſed Idea*; which is the Caſe of *bodily Subſtances*. Of which I grant you may come to a certain Knowledge, but not a *Certainty by Ideas*, but by a Conſequence of Reaſon deduced from the *Ideas* we have by our Senſes. And this can never prove that we may have a *Certainty by Ideas*, where the *Ideas* themſelves are not clear and diſtinct: For there is a great difference between having a Certainty by reaſon, of a thing whoſe *Idea is confuſed and obſcure*, and having that Certainty *by obſcure and confuſed Ideas*. For in this Caſe the *Idea* of *Subſtance* is *obſcure*: but the way of Certainty is by a *clear* Deduction of Reaſon from the *Ideas we have by our Senſes*.

3. From a *Certainty by Remembrance*; By which I mean the remaining Impreſſion on the Mind of an Original Certainty by Demonſtration. As to uſe your own Inſtance; *A Man hath found by Mathematical Evidence, that the three Angles of a Triangle are equal to two Right Angles*; The Perception of this at the time of the Demonſtration was clear and diſtinct; but afterwards, the Method of Demonſtration may have ſlipt out of his Mind, yet he retains a Certainty of the thing by vertue of that Demonſtration; but this is not a *clear Perception*, as you would have it, *where the Ideas are confuſed*; but it is an obſcure Remembrance

B. 4. ch. 2. Sect. 15.

membrance of the grounds of that Certainty which he once had; and hath never ſeen any Reaſon ſince, why he ſhould call it in Queſtion.

Theſe things then being put out of the Queſtion, which belong not to it; the Queſtion truly ſtated is, whether we can attain to any Certainty of Knowledge as to the Truth of a *Propoſition* in the way of Ideas, where the Ideas themſelves by which we come to that Certainty be not clear and diſtinct?

Another thing to be obſerved is, that *Des Cartes* who firſt ſtarted this way of *Certainty by Ideas*, thought it a ridiculous thing in any to pretend to it, unleſs *Princip. l. 1. n. 44, &c.* their *Ideas were clear and diſtinct*. He ſaith, *That when we aſſent without clear Perception, we are either deceived, or fall into Truth by chance, but we do often err when we think we have clear Perception, and have not. But to a certain Judgment, it is neceſſary that our Perception be not only clear but diſtinct: that is, when the thing not only lies open to our view, but we ſee it on all ſides, and ſo can diſtinguiſh it from all other things.* You agree with him in placing Certainty in Ideas, but you differ from him in that which alone made his Opinion reaſonable, *viz. That theſe Ideas be clear and diſtinct.* If it were poſſible for us to come to clear and diſtinct Ideas of the things we pretend to be certain of, it were a juſt Pretence to Certainty in that way; but ſince we cannot come at them, we muſt be content with ſuch Meaſures of Knowledge as we are capable of. But for you to talk ſo much of *Certainty by Ideas*, and yet to allow *Obſcurity* and *Imperfection* in thoſe *Ideas*, is like a purblind Man who would pretend to judge exactly of the differences of Colours in the Twilight, becauſe another pretended to do it at Noon-day: Or like one, who would undertake to ſhew certainly the *Agreement or Diſagreement* of two Men at a diſtance from him, in their Habit, Features and Stature, and yet at the ſame time confeſs that he could not clearly diſtinguiſh one from the other. So that if I did think you ſpake more conſiſtently to your *Hypotheſis*, than you ſay now that you did, I hope you will forgive me that Wrong, if at leaſt it be a *Wrong* to you; for after all, there are ſeveral Paſſages in your *Eſſay*, which ſuppoſe *clear Ideas* neceſſary to *Certainty*.

B. 4. ch. 18. Sect. 8. For in one place you ſay, *That the mind not being certain of the Truth of that it doth not evidently know.* What is this but to make clear Ideas neceſſary to Certainty?

B. 4. ch. 4. Sect. 8. In another, yet more plainly, *That which is requiſite to make our Knowledge certain is the Clearneſs of our Ideas.*

B. 4. ch. 12. Sect. 14. In a third place you ſay, *For it being evident that our Knowledge cannot exceed our Ideas; where they are either imperfect, confuſed or obſcure, we cannot expect to have certain, perfect or clear Knowledge.*

B. 4. ch. 2. Sect. 15. In a fourth; *But obſcure and confuſed Ideas can never produce any clear and certain Knowledge, becauſe as far as any Ideas are confuſed or obſcure, the mind can never perceive clearly whether they agree or diſagree.* What can be more expreſs? And yet you have complained of me in near twenty places of your *ſecond Letter* for charging this upon you. By this the World will judge of the Juſtice of your Complaints and the *Conſiſtency* of your Notion of *Ideas*.

Anſw. to Let. 1. p. 36. (2.) I anſwer'd, "That it is very poſſible the Author of *Chriſtianity not*
" *Myſterious*, might miſtake or miſapply your Notions, but there is too much
" reaſon to believe he thought them the ſame, and we have no reaſon to be
" ſorry that he hath given you this occaſion for the explaining your meaning,
" and for the Vindication of your ſelf in the matters you apprehend he had
" charged you with.

Let. 2. p. 36. Here you enter upon a freſh Complaint, and ſay, *This can be no Reaſon why you ſhould be joyned with a Man that had miſapplied your Notions; and that no Man hath ſo much miſtaken and miſapplied your Notions as my ſelf, and therefore you ought rather to be joyned with me.* But is this fair and ingenuous dealing, to repreſent this matter ſo, as if I had joined you together, *becauſe he had miſunderſtood and miſapplied your Notions?* Can you think me a Man of ſo little Senſe to make that the Reaſon of it? No, Sir, it was becauſe he aſſigned no other Grounds but yours, and that in *your own Words*, however now you would divert the meaning of them another way. And although I was willing to allow you all reaſonable Occaſions for your own *Vindication*, as appears by my Wotds; yet I was ſenſible enough, that you had given too juſt an Occaſion to apply them in that manner, as appears by the next Page. But becauſe theſe words follow ſome I had quoted out of your *Poſtſcript*, you fall into a nice piece of *Criticiſm* about *them*, which, you ſay, *in Grammatical Conſtruction, muſt refer to the Words of the Poſtſcript*; but any one that reads without a deſign to cavil, would eaſily interpret *them* of your *Words* and *Notions* about which the Debate was; and not of the *Poſtſcript*, which comes in but as a *Parentheſis*. This looks like *Chicaning* in Controverſie; which no Man, who knows his Cauſe is good, ever falls into.

Anſwer to Letter 1. p. 37. Letter 2. p. 45.

But if, you ſay, *by an unintelligible new way of Conſtruction the word* Them *be applied to any Paſſages in your Book:* What then? Why then, whoever they are, *you intend to complain of them too.* But the words juſt before tell you who they are, *viz. The Enemies of the Chriſtian Faith.* And is this all that you intend, only *to complain of them* for making you a *Party in the Controverſie againſt the Trinity?* But whether you have not made your ſelf too much a *Party in it*, will appear before we have done.

P. 46

I had with great Kindneſs, as I thought, taken notice of a Paſſage in your *Poſtſcript:* in which I was glad to find that in general, you owned *the Myſteries of the Chriſtian Faith, and the Scripture to be the Foundation and Rule of it:* From whence I inferr'd, that I could not believe you intended to give any Advantage to the Enemies of the Chriſtian Faith. *This Paſſage*, you ſay, *you were ſurprized to find in a Paragraph deſign'd to give you ſatisfaction.* There are ſome Perſons I find very hard to be *ſatisfied*. For I ſpeak of my *ſatisfaction* in this Paſſage, and that I was glad you agreed ſo far with me, although you could not come up in all things to what I could wiſh. But what Reaſon have you to expreſs ſo much diſſatisfaction at theſe Words? You call it *an entraordinary ſort of Complement*; and that they *ſeem to intimate as though I took you for a Heathen before.*

P. 41.

P. 43, 44.

How like a cavilling Exception is this? Do not we know that in the Debate about *the Myſteries of Faith* our Adverſaries are no *Heathens*; but they deny any *Myſteries:* I was glad to find that you owned them; and reſolved your Faith into the Scripture as the Foundation of it. Did not this look more like a good Opinion of you as to theſe matters, than any Inclination to ſuſpect you for a *Heathen?*

But you ſay, *It muſt not be taken for granted, that thoſe who do not write or appear in Print in Controverſies of Religion do not own the Chriſtian Faith, and the Scriptures as the Rule of it.* I was far enough from any ſuch Apprehenſion; but the caſe is quite otherwiſe, with thoſe who are not ſparing of writing about *Articles of Faith*, and among them take great care to avoid ſome which have been always eſteem'd fundamental Articles by the Chriſtian Church. And I think it was no want of *Humanity* or *Chriſtian Charity* in me, that I was ſo glad to find you own *the Myſteries of the Chriſtian Faith* in general: which ſhews at leaſt that you cannot object againſt any *Articles* of Faith, becauſe they contain ſomething *myſterious* in them.

P. 42.

But I ſaid, *That in all things your Anſwer doth not come fully up to what I could wiſh.* And I think I gave ſufficient Proof of it, as to your *Idea of Subſtance, the Nature of Ideas, the Materiality of the Soul, the diſparaging ſome Arguments to prove the Exiſtence of God, the Tendency of your Principles, and the Ground of Certainty*, &c. Which are put off to another Letter, except the laſt, which is therefore now to be examined.

Anſwer to Letter 1. *p.* 38. (3.) The third Anſwer I gave was, “ That your own Grounds of Certainty “ tend to Scepticiſm; and that in an Age wherein the Myſteries of Faith are too “ much expoſed by the Promoters of Scepticiſm and Infidelity, it is a thing of “ dangerous Conſequence to ſtart ſuch new Methods of Certainty, as are apt *Letter* 2. *p.* 46. “ to leave Mens minds more doubtful than before. *Theſe words*, you ſay, *contain a farther Accuſation of your Book, which ſhall be conſider'd in its due place.* But this is the proper place of conſidering it. For I ſaid, “ That hereby you “ have given too juſt occaſion to the Enemies of the Chriſtian Faith, to make “ uſe of your Words and Notions, as was evidently proved from your own Con- “ ceſſions. And if this be ſo, however I was willing to have had you explained your ſelf to the general Satisfaction; yet ſince you decline it, I do inſiſt upon it, that you cannot clear your ſelf from laying that Foundation, which the Author of *Chriſtianity not Myſterious* built upon. For your Ground of Certainty is *the Agreement or Diſagreement of the Ideas, as expreſſed in any Propoſition.* Which are your own Words. From hence I urg'd, “ That let the Propoſition “ come to us any way, either by Humane or Divine Authority, if our Certainty “ depend upon this, we can be no more certain, than we have clear Perception “ of the Agreement or Diſagreement of Ideas contained in it. And from hence “ the Author of *Chriſtianity not Myſterious* thought he had Reaſon to reject all “ Myſteries of Faith which are contained in Propoſitions, upon your Grounds “ of Certainty. By this it evidently appears, that although I was willing to allow you all fair ways of interpreting your own Senſe; yet I by no means thought that your Words were wholly *miſunderſtood* or *miſapply'd* by that Author: but rather that he ſaw into the true Conſequence of them, as they lie in your Book. And what Anſwer do you give to this? Not a word in the proper place for it. But afterwards (for I would omit nothing that may ſeem to help your Cauſe) you offer ſomething towards an Anſwer. For there you diſtin- *Letter* 2. *p.* 95. guiſh *the Certainty of Faith, and the Certainty of Knowledge, and you humbly conceive the Certainty of Faith,* if I think fit to call it ſo, *hath nothing to do with the Certainty of Knowledge; and to talk of the Certainty of Faith ſeems all one to you as to talk of the Knowledge of Believing, a way of ſpeaking not eaſie for you to underſtand. So that if I ſpake never ſo much the Certainty of Knowledge, it doth not at all concern the Aſſurance of Faith, that is quite diſtinct from it, neither ſtands nor falls with Knowledge. Faith ſtands by it ſelf, and upon Grounds of its own, nor can be removed from them and placed on thoſe of Knowledge. Their Grounds are ſo far from being the ſame, or having any thing common, that when it is brought to Certainty, Faith is deſtroy'd, 'tis Knowledge then and Faith no longer. So that, whether you are, or are not miſtaken in the placing Certainty in the Perception of the Agreement or Diſagreement of Ideas, Faith ſtill ſtands upon its own Baſis, which is not at all alter'd by it; and every Article of that hath juſt the ſame unmoved Foundation, and the very ſame Credibility that it had before.* This is the Subſtance of what you ſay about this Matter, and is the moſt conſiderable Paſſage in your Book towards clearing this Matter.

Anſwer to Letter 1. *p.* 83. But I was aware of this, as appears by theſe Words; “ Is Faith an unreaſonable “ Act? Is it not an Aſſent to a Propoſition? Then, If all Certainty in Acts of “ Reaſon be derived from the perceiving the Agreement or Diſagreement of “ the Ideas contained in it; either there can be no Certainty in the reaſonable “ Act of Faith, or the Grounds of Certainty muſt be laid ſome other way.

But this is a Matter of too great Weight and Conſequence to be eaſily paſt over, becauſe the main ſtrength of your Defence lies in it, and therefore I ſhall more ſtrictly examine what you ſay; and ſet this Point of *the Certainty of Faith* in as good a Light as I can, and ſhew the Inconſiſtency of your Notion of Ideas, with the Articles of the Chriſtian Faith. *To talk of the Certainty of Faith,* ſay you, *ſeems all one to you as to talk of the Kowledge of Believing; a way of ſpeaking not eaſie for you to underſtand.*

But how comes *the Certainty of Faith* to become ſo hard a Point with you? Have not all Mankind, who have talked of Matters of Faith, allow'd a *Certainty of Faith* as well as a *Certainty of Knowledge*, although upon different Grounds? In your former Letter you told us, *that if we knew the Original of Words, we ſhould be much helped to the Ideas they were firſt applied to and made to ſtand for.* Now what is there in the *Original* of the word *Certainty* which makes it uncapable of being applied to Faith? I had thought that our Word was taken from the Latin; and that among the Romans it was oppoſed to doubting, *Nil tam certum quam quod de dubio certum.*

And therefore where the Mind upon examination of the Grounds of Aſſent ſaw no Reaſon for doubting, it might properly be ſaid to be *certain*: If it ſees no Cauſe to doubt from the Evidence of the Thing it ſelf, or the clear Deduction of Conſequences, that is *Certainty of Knowledge*; but where it ſees no Reaſon to doubt from the Authority of him that ſpeaks, that is *Certainty of Believing*; and the greater the Authority of him that ſpeaks, the leſs Reaſon there is to doubt, and therefore the greater Certainty of Faith. And this I think is *very eaſie to be underſtood*, and ſo have the Generality of Mankind thought to this Day. But it ſeems our old Words muſt not now paſs in the current Senſe; but then it is fit they be *called in*, and *new ſtampt*, that we may have none but *New milled Words* to talk with; but in common Juſtice, a competent time ought to be allow'd for it, that none be ſurprized; and in the mean time they ought to paſs in their current Senſe; and that is all the Favour I deſire in this Matter. But I am utterly againſt any *Private Mint of Words*; and think thoſe Perſons aſſume too much Authority to themſelves, who will not ſuffer common Words to paſs in their general Acceptation; but will ſet ſuch Bounds and Limits to the Senſe of them, as ſuit beſt with their own Speculations.

But is not this all one as to talk of the Knowledge of Believing? For what Reaſon? *Knowledge* and *Faith* are too diſtinct things, the one relates to *Evidence*, and the other to *Teſtimony*; but Certainty is common to them both, unleſs you think it impoſſible to be certain upon any Teſtimony whatſoever. You tell us in your *Poſtſcript* (which I hope may be brought hither without Offence) *that it is a ſhame among Chriſtians to raiſe ſuch a Doubt of this, Whether an infinitely powerfull and wiſe Being be veracious or no.* Then I ſuppoſe the Veracity of God is a certain and undoubted Principle? and If there be ſufficient Means to aſſure us of Divine Revelation (as I doubt not but you yield there are) what ſhould hinder one, that believes upon ſuch Grounds as are ſufficient to convince him, from attaining to a *Certainty of Faith? But you take Certainty as belonging only to Knowledge.* So do the *Papiſts*, as belonging only to *Infallibility*, and ſay there can be no *Certainty of Faith*, where there is not an *Infallible Proponent*; but neither you nor they are to impoſe upon the Underſtandings of Mankind, who know how to diſtinguiſh the *Grounds of Certainty* both from *Knowledge* and *Infallibility*. You allow ſuch a thing as *Aſſurance of Faith*; and why not *Certainty* as well as *Aſſurance?* I know no reaſon, but that you have appropriated *Certainty to the Perception of the Agreement or Diſagreement of Ideas in any Propoſition*; and now you find this will not hold as to Articles of Faith; and therefore you will allow no *Certainty of Faith*; which I think is not for the Advantage of your Cauſe.

Poſtſcript p. 3.

P. 96.

But you go on and tell us, *That if this Way of Certainty by Ideas doth not hold, yet it cannot affect Matters of Faith which ſtand immoveable upon other Grounds*; Faith in your own words *ſtands ſtill upon its own Baſis; and every Article of it has juſt the ſame unmoved Foundation, and the very ſame Credibility that it had before.* This will appear to be an extraordinary Anſwer, when we have throughly examin'd it. Here we ſee Faith is taken not with reſpect to the *general Grounds of Certainty*, but to the *particular Articles of Faith*, i. e. the *Propoſitions* contained in that Revelation which we embrace on the Account of its Divine Authority; now theſe *Propoſitions* are of ſeveral Kinds.

1. Some that are more clearly expreſſed therein, but ſuch as might be attained to by the Light of Reaſon without Revelation. And ſuch are the fundamental Principles of natural Religion, *viz.* The Being of God and Providence, and the Rewards and Puniſhments of a future State. Theſe Mankind may attain to a *Certainty* in, without Revelation, or elſe there can be no ſuch thing as natural Religion in the World; but theſe things are more fully and plainly revealed in the Scriptures. Let us now ſuppoſe a Perſon by natural Reaſon to attain to a Certainty, *as to the Being of God and Immortality of the Soul*; and he proceeds upon your general Grounds of Certainty, *from the Agreement or Diſagreement of Ideas*; and ſo from the *Ideas of God and the Soul*, he is made certain of thoſe two Points before mention'd. But let us again ſuppoſe that ſuch a Perſon upon a farther Examination of your Method of Proceeding finds that the Way of *Ideas* in theſe Caſes will not do; for *no Idea proves the Exiſtence of the thing without it ſelf, no more than the Picture of a Man proves his Being, or the Viſions of a Dream make a true Hiſtory*, (which are your own Expreſſions.) And for the *Soul* he cannot be *certain, but that Matter may think*, (as you affirm) and then what becomes of the Soul's Immateriality (and conſequently Immortality) from its Operations? But for all this, ſay you, *his Aſſurance of Faith remains firm on its own Baſis.* Now I appeal to any Man of Senſe, whether the finding the Uncertainty of his own Principles which he went upon in Point of Reaſon, doth not weaken the Credibility of theſe fundamental Articles when they are conſider'd purely as *Matters of Faith?* For before, there was a natural Credibility in them on the Account of Reaſon; but by going on wrong Grounds of Certainty, all that is loſt; and inſtead of being certain he is more doubtfull than ever. And if the Evidence of Faith falls ſo much ſhort of that of Reaſon, it muſt needs have leſs Effect upon Mens Minds, when the ſubſerviency of Reaſon is taken away, as it muſt be when the Grounds of Certainty by Reaſon are vaniſhed. Is it at all probable, that he who finds his Reaſon deceive him in ſuch Fundamental Points ſhould have *his Faith ſtand firm and unmoveable* on the account of Revelation? For in Matters of Revelation, there muſt be ſome Antecedent Principles ſuppoſed before we can believe any thing on the Account of it. P. 131.

And the firſt is, *that there is a God*; but this was the very thing he found himſelf at a loſs in by his way of *Certainty by Ideas*; and how can his Faith ſtand firm as to Divine Revelation, when he is made Uncertain by his own Way, whether there be a God or no? Beſides, to ſuppoſe Divine Revelation we muſt be certain that there is a Principle above Matter and Motion in the World; but here we find, that upon the Principles of *Certainty by Ideas* he cannot be certain of this; becauſe he doth not know but Matter may think, and conſequently, all Revelation may be nothing but the Effects of an Exalted Fancy, or the Heats of a diſordered Imagination, as *Spinoza* affirmed. Again, before there can be any ſuch thing *as Aſſurance of Faith upon Divine Revelation*, there muſt be a Certainty as to *Senſe* and *Tradition*; for there can be no Revelation pretended now without immediate Inſpiration; and the Baſis of our Faith is a Revelation contained in an Ancient Book, whereof the Parts were delivered at diſtant Times, but conveyed down to us by an Univerſal Tradition. But now, what if your Grounds of Certainty can give us no Aſſurance as to theſe things? I do not mean, that they cannot demonſtrate Matters of Fact, which it were moſt unreaſonable to expect; but that theſe Grounds of Certainty make all things uncertain; for I think I have proved, that this way of Ideas cannot give a ſatisfactory account as to the Exiſtence of the plaineſt Objects of Senſe; *becauſe Reaſon cannot perceive the Connexion between the Objects and the Ideas.* How then can we arrive to any Certainty in perceiving thoſe Objects by their Ideas? And I was in the right, when I ſaid *this Way tended to Scepticiſm*; and I do not think that conſiſtent with *the Aſſurnce of Faith.* P. 131.

Letter 2. p. 170. *But this is an Imputation* you take very ill, and ſay, *that I have brought no Argument for it, but only that my great Prejudice againſt this way of Certainty is, that it leads to Scepticiſm.* (*Scepticiſm* is the *New Mill'd* Word.) This is very ſtrange, when that Expreſſion is only the Introduction to the Arguments from *p.* 125. to 132. to which no Anſwer is given. And ſo I leave it.

2. There are other *Propoſitions* or *Articles of Faith* which wholly depend on the Senſe of Words contain'd in the Scripture, and we are to enquire, whether *the Aſſurance of Faith*, as you call it, be conſiſtent with the overthrowing your Grounds of Certainty; *i e.* whether thoſe who embrace the Articles of Faith *in the Way of Ideas*, can retain their Certainty of thoſe Articles when theſe *Ideas* are quitted. And this alone will be a plain Demonſtration in the Caſe, that the Certainty of Faith cannot ſtand with ſuch Men, if this way of Certainty by Ideas be deſtroyed. And by this which I am now to make out, let any one judge how true your Words are like to prove, when you ſay, *Let the Grounds of Knowledge or Certainty be reſolved into what they pleaſe, it touches not your Faith; the Foundation of that ſtands as ſure as before, and cannot be at all ſhaken by it.* Of this we ſhall judge by ſome important Articles of *Chriſtian Faith* according to your *Ideas*.

The firſt ſhall be that *of the Reſurrection of the Dead.* The Reaſon of believing the Reſurrection of *the ſame Body* upon your Grounds is from *the Idea of Identity*; which I take to be this from your own words. Eſſay, B.2. ch.27 n 3. 1. *That the Identity of living Creatures depends not on a Maſs of the ſame Particles, but on ſomething elſe; for in them the variation of great Parcels of Matter alters not the Identity; for which you inſtance in the growth of an Oak and a Horſe.* n. 6. 2. *That the Identity of a Man conſiſts in nothing but a Participation of the ſame continued Life by conſtantly fleeting Particles of Matter, in Succeſſion vitally united to the ſame Organized Body.* n. 9. 3. *That Perſonal Identity,* i. e. *the ſameneſs of a Rational Being lies in Self-conſciouſneſs, and in that alone, whether it be annexed only to one Individual Subſtance, or can be continued in a Succeſſion of ſeveral Subſtances.* n. 11. 4. *That thoſe who place Thought in a purely material, animal Conſtitution, void of Spirit, do place Perſonal Identity in ſomething elſe than Identity of Subſtance, as Animal Identity is preſerved in Identity of Life and not of Subſtance.* n. 16. 5. *That it matters not to this point of being the ſame ſelf, whether this preſent ſelf be made up of the ſame or other Subſtances.* n 18. 6. *That in this Perſonal Identity of Self-conſciouſneſs is founded all the Right and Juſtice of Reward and Puniſhment, Happineſs and Miſery, being that for which every one is concerned for himſelf, not mattering what becomes of any Subſtance not joined to, or affected with that Conſciouſneſs.* n. 26. 7. *That the Sentence at the Day of Judgment will be juſtified by the Conſciouſneſs all Perſons ſhall have that they themſelves in what Bodies ſoever they appear, or what Subſtances ſoever that Conſciouſneſs adheres to, are the ſame that committed thoſe Actions and deſerve that Puniſhment for them.* This I ſuppoſe to be a true and juſt Account of your Senſe of this Matter; and ſo the Article of the *Reſurrection* is Reſolved into your *Idea* of *Perſonal Identity*. And the Queſtion between us now is, Whether your Certainty of this Matter from your *Idea* have no influence on the Belief of this Article of Faith? For the main of your Defence lies upon this Point, Whether *your Method of Certainty by Ideas, doth at all ſhake, or in the leaſt concern the Aſſurance of Faith?* which you abſolutely deny, and affirm, Letter 2. p. 96. *That Faith ſtands upon its own Baſis, and is not at all altered by your Method of Certainty; and every Article of that has juſt the ſame unmoved Foundation, and the very ſame Credibility that it had before.* Now I take this Article of *the Reſurrection of the Dead* to be *an Article of Faith,* and we are to conſider, whether if your Method of Certainty by Ideas do hold in this Matter, it continues *as firm, and in the ſame Credibility it had before?* I ſhall not urge you with the Senſe of our own or other Chriſtian Churches in this Point of the Sameneſs of the Body in the Reſurrection of the Dead, but I ſhall confine my ſelf to the Scripture as the

the Foundation and Rule of our Faith; and the main Point is, Whether according to that, it be not neceſſary for the ſame Subſtance which was united to the Body to be raiſed up at the laſt Day? I do not ſay the ſame individual Particles of Matter which were united at the Point of Death; for there muſt be a great Alteration in them in a lingring Diſeaſe, as if a Fat Man falls into a Conſumption: I do not ſay, the ſame Particles which the Sinner had at the very time of commiſſion of his Sins; for then a long Sinner muſt have a vaſt Body, conſidering the continual ſpending of Particles by Perſpiration; but that which I ſuppoſe is imply'd in it is, that it muſt be the ſame Material Subſtance which was vitally united to the Soul here. You mention the *Hypotheſis* of thoſe, who n. 25. place *Thought in a purely Material Animal Conſtitution void of Spirit*: but *you agree, that the more probable Opinion is, that this Conſciouſneſs is annexed to the Affection of one Individual Immaterial Subſtance.* It is very well that it is allowed to be the *more probable Opinion*; but it ſeems without any Certainty as to the Truth of it. For you have told us, what the Effect of *Probability* is, Eſſay, B 4. ch. 15. Sect. 1. *viz. That it is enough to induce the Mind to judge the Propoſition true or falſe rather than the contrary*; and that *it is converſant about things whereof we have no Certainty, but only ſome Inducements to receive it for true.* Thence I cannot but Sect. 4. obſerve, that we have no Certainty upon your Grounds, that *Self-conſciouſneſs* depends upon an individual immaterial Subſtance, and conſequently that a Material Subſtance may, according to your Principles, have Self-conſciouſneſs in it; at leaſt that you are not certain of the contrary. Now I pray conſider, whether this doth not a little affect the whole Article of the *Reſurrection*? For, if it may be only a Material Subſtance in us that thinks, then this Subſtance, which conſiſts in the Life of an Organiz'd Body, muſt ceaſe by Death; for how can that, which conſiſted in Life, be preſerved afterwards? And if the *Perſonal Indentity* conſiſts in a *Self-conſciouſneſs* depending on ſuch a Subſtance as cannot be preſerved without an Organiz'd Body, then there is no Subſiſtence of it ſeparate from the Body, and the Reſurrection muſt be giving a new Life. To whom? To a Material Subſtance which wholly loſt its Perſonal Identity by Death. So that here can be no *Perſonal Identity* at all; unleſs you ſay the very ſame Life which was long ſince at an end can be Reproduced. Which I ſuppoſe you will not aſſert.

But let us take *the more probable Opinion*; which I think *certain, viz.* That Self-conſciouſneſs depends upon an Immaterial Principle in us; and then the Queſtion is, How far the Scripture determines the ſameneſs of the Body at the Reſurrection, *i. e.* of that Material Subſtance, which was vitally united with that Immaterial Subſtance in this Life. The Doctrine deliver'd by our John 5. 28, 29. Saviour is, *that all that are in the Graves ſhall hear his voice; and ſhall come forth; they that have done good unto the Reſurrection of Life, and they that have done evil to the Reſurrection of Damnation.* What is the meaning of *all that are in their Graves*? Doth this relate to any other *Subſtance* than that which was united to the Soul in Life? Can a different Subſtance be ſaid to be *in the Graves and to come out of them*? Is it *not material*, as you ſay, *whether the preſent Self be made up of the ſame or other Subſtances*? If it be not ſo to your *Idea* of *Identity*, it is as to the Senſe of our Saviour's Words: unleſs you can make it out, that a Subſtance which never was *in the Grave* may *come out of it*. But it may be ſaid, *That if theſe Words be taken ſtrictly they confine the Reſurrection to thoſe Particles of Matter only which were in the Grave; if not, then they may extend to another Subſtance.* I anſwer, that by comparing this with other places we find that the Words are to be underſtood of the Subſtance of that Body to which 2 Cor. 5. 10. the Soul was united; and not to thoſe Individual Particles. So St. Paul, *For we muſt all appear before the Judgment-Seat of Chriſt, that every one may receive the things done in his body, according to that he hath done, whether it be good or bad.* Can theſe words be underſtood of any other Material Subſtance, but *that*

Body in which theſe things were done? How could it be ſaid, if any other Subſtance be joyned to the Soul at the Reſurrection, as its Body, that they were *the things done in or by the Body?* *Curcellæus* his Copy reads it, ἃ διὰ τοῦ σώματος ἔπραξεν; the *Complutenſian* τὰ ἴδια τοῦ σώματος, and ſeveral of the Fathers ſo took it; either way, it muſt relate to that which was the *real Body* in which the Perſon lived and acted, whether *Good or Evil.* And St. *Paul's* Diſpute about the manner of raiſing the Body might ſoon have been ended, if there were no neceſſity of the ſame Body. *If there be no Reſurrection of the Dead, then is not* 1 Cor. 15.
Chriſt raiſed. It ſeems then other Bodies are to be raiſed as his was; and can 16.
there be any doubt whether his Body were the ſame material Subſtance which was united to his Soul before? And the Apoſtle lays ſo much weight upon it, that he ſaith, *if Chriſt be not raiſed your Faith is vain*; doth he mean, if there 17.
were not the ſame *perſonal Identity*, as to the Soul of Chriſt and the Matter united to it after the Reſurrection? That cannot be his meaning, for then there would have been no neceſſity of Chriſts own Body being raiſed, which he aſſerts and proves by undoubted Witneſſes. Were they Witneſſes only of *ſome material Subſtance* then united to his Soul? He ſaith, *He was ſeen of five hundred* 6.
Brethren at once. What *He* was this? It was *Chriſt that died.* *Yes, the Perſon* 4.
of Chriſt; but perſonal Identity doth not require the ſame Subſtance, but the ſame Conſciouſneſs; and ſo if Chriſt were conſcious to himſelf in another Subſtance, there was no neceſſity of the ſame Body. And ſo truly from the ſeeing the Perſon of Chriſt they could not prove it was the ſame Individual Body. But *Thomas* ſaid, John 20.
Except I ſhall ſee in his hands the print of the Nails, and put my Finger into the 25.
print of the Nails, and thruſt my Hand into his ſide, I will not believe. The doing whereof convinced him it was the ſame Individual Body; but there will be no ſuch proof at the great Day. And there is no Reaſon there ſhould, ſince the Reſurrection of Chriſt was a ſufficient proof of God's Power to raiſe the Dead, and the Diſſimilitude of Circumſtances can be no Argument againſt it, ſince the Power and Wiſdom of God are concerned in it.

But the Apoſtle inſiſts upon the *Reſurrection of Chriſt*, not meerly as an Argument of the Poſſibility of ours, but of the Certainty of it; *becauſe he roſe as the firſt Fruits; Chriſt the firſt Fruits, afterwards they that are Chriſts at his coming.* 1 Cor. 15.
St. *Paul* was aware of the Objections in Mens Minds about the Reſurrection of 20, 23.
the ſame Body; and it is of great Conſequence as to this Article to ſhew upon what Grounds he proceeds. *But ſome Man will ſay, How are the Dead raiſed* 35.
up, and with what Body do they come? Firſt he ſhews, that the ſeminal parts of Plants are wonderfully improved by the ordinary Providence of God in the manner of their Vegetation. They *ſow bare Grain of Wheat, or of ſome other Grain,* 36, 37, 38
but God giveth it a Body, as it hath pleaſed him, and to every Seed his own Body. Here is an Identity of the Material Subſtance ſuppoſed; τὸ ἴδιον σῶμα, *that proper Body* which belongs to it; every Seed having that Body in little, which is afterwards ſo much inlarged; and in Grain the Seed is corrupted before its Germination; but it hath its proper *Organical Parts*, which make it the ſame Body with that which it grows up to. For although Grain be not divided into *Lobes* as other Seeds are, yet it hath been found, by the moſt Accurate Obſervations, that upon ſeparating the Membranes theſe Seminal Parts are diſcerned in them; which afterwards grow up to that Body which we call *Corn.* St. *Paul* indeed ſaith, *that we ſow not that Body that ſhall be*; but he ſpeaks not of the *Identity* but the *Perfection* of it. And although there be ſuch a difference from the Grain it ſelf, when it comes up to be perfect Corn, with Root, Stalk, Blade and Ear, that it may be ſaid to outward Appearance not to be the ſame Body, yet with regard to the Seminal and Organical Parts, it is as much the ſame as a Man grown up is the ſame with the *Embryo* in the Womb. And although many Arguments may be uſed to prove, that a Man is not the ſame, becauſe Life which depends upon the courſe of the Blood and the manner

of Reſpiration and Nutrition is ſo different in both ſtates, yet that Man would
be thought Ridiculous that ſhould ſeriouſly affirm, that it was not the ſame
Sect. 4. Man. And you grant, *that the variation of great parcels of Matter in Plants,*
alters not the Identity: and that the Organization of the Parts in one coherent Body
partaking of one common Life makes the Identity of a Plant; ſo that in things
capable of any ſort of Life, the *Identity* is conſiſtent with a continued ſucceſſion
of Parts; and ſo the Wheat grown up is the ſame Body with the Grain that was
ſown. And thus the Alteration of the Parts of the Body at the *Reſurrection* is
conſiſtent with its *Identity*, if its *Organization* and *Life* be the ſame; and this
is a *Real Identity* of the Body which depends not upon *Conſciouſneſs*. From
whence it follows, that to make the ſame Body, no more is required but reſtoring
Sect. 6. Life to the *Organized Parts* of it. And you grant likewiſe, *That the Identity of*
the ſame Man conſiſts in a Participation of the ſame continued Life by conſtantly
fleeting Particles of Matter in Succeſſion vitally united to the ſame Organized Body.
So that there is no difficulty as to the ſameneſs of the Body, if Life were continued;
and if by Divine Power Life be reſtored to that Material Subſtance
which was before united, by a Re-union of the Soul to it, there is no Reaſon
to deny the Identity of the Body. Not from the Conſciouſneſs of the Soul, but
from that Life which is the Reſult of the Union of Soul and Body. But St. *Paul*
ſtill ſuppoſes that it muſt be that Material Subſtance to which the Soul was
42. before united. For ſaith he, *It is ſown in Corruption, it is raiſed in Incorruption:*
43. *It is ſown in Diſhonour, it is raiſed in Glory*; *It is ſown in Weakneſs, it is*
44. *raiſed in Power*; *It is ſown a Natural Body, it is raiſed a Spiritual Body.* Can
ſuch a Material Subſtance which was never united to the Body be ſaid to be
ſown in *Corruption*, and *Weakneſs*, and *Diſhonour?* Either therefore he muſt ſpeak
of the ſame Body, or his meaning cannot be comprehended. For what doth
all this relate to a *Conſcious Principle*? The Apoſtle ſpeaks plainly of that Body
which was once quickened and afterwards falls to Corruption; and is to
53, 54. be reſtored with more noble Qualities. *For this Corruptible muſt put on Incorruption,*
and this Mortal muſt put on Immortality. I do not ſee how he could more
expreſly affirm the Identity of this Corruptible Body, with that after the Reſurrection,
and that without any Reſpect to the Principle of *Self-conſciouſneſs*;
and ſo if the Scripture be the ſole Foundation of our Faith, this is an Article of
it, and ſo it hath been always underſtood by the Chriſtian Church. And your
Idea of *Perſonal Identity* is inconſiſtent with it; for it makes the ſame Body
which was here united to the Soul not to be neceſſary to the Doctrine of the
Reſurrection, but any Material Subſtance being united to the ſame Principle of
Conſciouſneſs makes the ſame Body. The Diſpute is not, how far *Perſonal Identity*
in it ſelf may conſiſt in the very ſame Material Subſtance; for we allow
the Notion of *Perſonal Identity* to belong to the ſame Man under ſeveral changes
of Matter; but whether it doth not depend upon a *Vital Union* between
the Soul and Body and the Life which is conſequent upon it; and therefore in
the *Reſurrection* the ſame Material Subſtance muſt be reunited; or elſe it cannot
be called a *Reſurrection*, but a *Renovation*; i. e. it may be a *New Life*, but not a
raiſing the Body from the Dead.

2. The next Articles of Faith which your Notion of *Ideas* is inconſiſtent with, are no leſs than thoſe of the *Trinity* and of *the Incarnation of our Saviour.* The former by the firſt Article of our Church is expreſſed *by three Perſons in the Unity of the Divine Nature:* the latter is ſaid Art. 2. to be *by the Union of the Divine and Humane Nature in one Perſon.* Let us now ſee whether your *Ideas* of *Nature* and *Perſon* can conſiſt with theſe. But before I come to that I muſt endeavour to ſet this Matter right, as to the Diſpute about the Notion of *Nature* and *Perſon*, which you have endeavour'd with all your Art to perplex and confound, and have brought in ſeveral *Interlocoutrs* to make it look more like an Entertainment: Of which afterwards. The Original Queſtion was, Whe-

ther we could come to any Certainty about the Diſtinction of *Nature* and *Perſon* in the *Way of Ideas*; and my buſineſs was to prove that we could not, becauſe we had no *ſimple Ideas by Senſation or Reflection, without which you affirm that our Underſtanding ſeems to you not to have the leaſt Glimmering of Ideas: and that we have nothing in our Minds which did not come in one of theſe two Ways.*

Eſſay B. 2 c. 1 Sect. 5

Theſe are your own Words. And then I undertook to ſhew, that it was not poſſible for us to have any ſimple Ideas of *Nature* and *Perſon* by *Senſation* or *Reflection*: and that whether we conſider'd *Nature* as taken for Eſſential Properties, or for that Subſtance wherein that Property lies: whether we conſider it in diſtinct individuals, or abſtractly; ſtill my Deſign was to ſhew that in your Way of *Ideas*, you could come to no Certainty about them. And as to *Perſon* I ſhew'd, that the Diſtinction of Individuals is not founded meerly on what occurs to our Senſes, but upon a different manner of Subſiſtence, which is in one Individual, and is not communicable to Another. And as to this I ſaid, that we may find within our ſelves an intelligent Subſtance by inward Perception; but whether that make a Perſon or not, muſt be underſtood ſome other way; for if the meer intelligent Subſtance make a Perſon, then there cannot be the Union of two ſuch Natures, but there muſt be two Perſons. Which is repugnant to the Article of the Incarnation of our Saviour.

Vindication of the Trinity, p. 252, &c.

P. 260.

That this was the true State of the Queſtion will appear to any one that will vouchſafe to look into it. But what ſaid you in your firſt Letter in Anſwer to it?

As to *Nature* you ſay, *That it is a Collection of ſeveral Ideas combined into one complex, abſtract Idea, which when they are found united in any Individual exiſting, though joyned in that Exiſtence with ſeveral other Ideas, that individual or particular Being is truly ſaid to have the Nature of a Man, or the Nature of a Man to be in him; foraſmuch as theſe ſimple Ideas are found united in him, which anſwer the complex, abſtract Idea, to which the ſpecifick Name is given by any one: which abſtract ſpecifick Idea, he keeps the ſame when he applies the ſpecifick Name ſtanding for it to diſtinct Individuals.*

Letter 1. p. 165.

And as to *Perſon, in the way of Ideas,* you ſay *that the Word Perſon in it ſelf ſignifies nothing, and ſo no Idea belonging to it, nothing can be ſaid to be the true Idea of it. But as ſoon as the common Uſe of any Language has appropriated it to any Idea, then that is the true Idea of a Perſon, and ſo of Nature.*

P. 216.

Againſt this I objected in my Anſwer to that Letter, that if theſe Terms really ſignifie nothing in themſelves, but are only abſtract and complex Ideas, which the common Uſe of Language hath appropriated to be the ſigns of two Ideas; then it is plain that they are only Notions of the Mind, as all abſtracted and complex Ideas are; and ſo one Nature and Three Perſons can be no more.

Anſwer to Letter 1. p. 103.

To this you anſwer in your ſecond Letter, *That your Notion of the Terms Nature and Perſon is, that they are two ſounds that naturally ſignifie not one thing more than another, nor in themſelves ſignifie any thing at all, but have the ſignification which they have barely by Impoſition.* Whoever imagined that Words ſignifie any otherwiſe than by Impoſition?

Letter 2. p. 109.

But the Queſtion is, whether theſe be meer *Words* and *Names*, or not? Or whether there be not a real Foundation in things for ſuch a Diſtinction between *Nature* and *Perſon*? Of which I gave this evident Proof, that if it were not the ſame Nature in different Individuals, every Individual muſt make a different Kind.

And what Anſwer do you give to this plain Reaſon? Nothing particular that I can find. But in the general you ſay, *that all that you can find that I except againſt in your Notion of Nature and Perſon is nothing but this,* viz. *that theſe are two ſounds which in themſelves ſignifie nothing.* And is this all indeed? Did not I tell you in theſe Words, (which I am forced to repeat on this occaſion, although I am very unwilling to fill Pages with Repetitions.) "The Queſtion "now between us comes to this, whether the common Nature or Eſſence of

P. 100.

Anſwer to Letter 1. p. 107.

“ things lies only in an abſtract Idea, or a general Name, and the real Eſſence “ conſiſts only in particular Beings from which that Nature is abſtracted? The “ Queſtion is not whether in forming the Notion of common Nature, the Mind “ doth not abſtract from the Circumſtances of particular Beings; but it is whe-“ ther there be not an Antecedent foundation in the Nature of things, upon “ which we form this abſtract Idea? For if there be, then it cannot be “ called an Univerſal Name only; or a meer ſign of an Idea, which we have “ formed from putting many ſimple Ideas together, which Name belongs to “ all of ſuch a ſort, as have thoſe ſimple Ideas united together.

In theſe Words, which you cannot deny to be in the place mention'd, I thought I had ſtated the Caſe fairly between us. And why do you not return an Anſwer to them? But inſtead of that you only mention another Paſſage more liable to cavilling, where I ſay, “That upon your Notions of Nature and Perſon, I do not P. 103. “ ſee how it is poſſible to defend the Doctrine of the Trinity. For if theſe Terms “ really ſignifie nothing in themſelves, but are only abſtract and complex I-“ deas, which the common uſe of Language hath appropriated to be the ſign “ of two Ideas; then it is plain that they are only Notions of the Mind, as “ all abſtract and complex Ideas are; and ſo one Nature and three Perſons can “ be no more.

Upon this you charge me with affirming that of you which you never ſaid, *Letter* 2. *p.* 112. viz. *that theſe Terms are only abſtract or complex Ideas:* but your Words are, *Taking therefore Nature and Perſon for the ſign of two Ideas they are put to ſtand for:* *Letter* 1. *p.* 27. *and by enumerating all the ſimple Ideas, that are contained in the complex Idea, that each of them is made to ſtand for, we ſhall immediately ſee the whole difference that is between them.*

Theſe are your own Words. Now from thence it appears, that *Nature* and *Perſon* are Terms which are the ſigns of two Ideas by your own Confeſſion: *but you never made theſe, or any other Terms to be Ideas: and you ſhould be aſhamed of ſuch Jargon.*

Eſſay B. 4. c.6.Sect.1. But have not you ſaid in your Eſſay, *that it is a very common Practice for Names to be made uſe of inſtead of the Ideas themſelves, eſpecially if the Ideas be very complex.* *Nature* and *Perſon* you grant to be complex Ideas; and *theſe Terms* you confeſs *are appropriated to be the ſigns of two Ideas:* Therefore here is an Ambiguity in the Uſe of theſe Words, for they are *complex Ideas themſelves,* and they are made *the ſigns of them*; and ſo the Words of the Sentence are cable of both thoſe Senſes.

For it is true, according to you, that *theſe Terms, Nature* and *Perſon, really ſignifie nothing in themſelves, but are only complex and abſtract Ideas*; and *thoſe Terms are appropriated to be the ſigns of two Ideas.* So that *Nature* and *Perſon* are both Ideas themſelves, and thoſe *Terms* are *the Signs of two Ideas:* and the Senſe had not been liable to Exception, if *And* had been inſerted; “For if theſe “ Terms really ſignifie nothing in themſelves, but are only abſtract and com-“ plex Ideas; *And* which the common Uſe had appropriated to be the Signs of two Ideas, *&c.* But whether this be properly expreſſed or not, according to your Senſe of Ideas, the Weight of the Controverſie depends not at all upon it; but whether *Nature* and *Perſon* can be any other but *abſtract Ideas,* according to your own plain Expreſſions; and if they are ſo, they are no more than Notions of the Mind, and then the Conſequence muſt hold, that *One Nature* and *three Perſons* can be no more. Upon which I ſaid, I did not ſee how it was poſſible to defend the Doctrine of the Trinity, (and I now add of the *Incarnation*) which was the thing I undertook to make out.

Letter 2. *p.* 113. But you very freely ſay, *whether I rightly deduce from it this Conſequence,* viz. *And ſo one Nature and three Perſons can be no more; is what you neither know nor are concerned to examine.* Which I think is an Expreſſion could hardly drop from a Perſon, who did know how to declare his Belief of *three Perſons in the Unity* *of the Divine Nature*. But you pretend *theſe are none of your Notions of Nature and Perſon, nor indeed any thing you can underſtand*. But it is plain, that this Conſequence follows from your own Notions of *Nature* and *Perſon*; as they are ſet down expreſly by your ſelf in the former Letter.

You tell me, *I made this Inference a little in haſte!* Whether a Man write *in* P. 109.
haſte or not, the World will judge by what appears, and not by what he or any other ſaith. And I think it will appear, that I did not make this Inference *in haſte*, but from a deliberate Conſideration of your Notion of the Ideas of *Nature* and *Perſon*. But by *thoſe Terms ſignifying nothing in themſelves*, you ſay, *that you* P. 109.
meant, that they are two ſounds that naturally ſignifie not one thing more than another, nor in themſelves ſignifie any thing at all, but have the ſignification which they have barely by Impoſition. And was this truly all that you meant by it? And do you think that *Peter*, and *James*, and *John*, ſignifie any thing by *Nature*? Are not all Words made ſignificative by *Impoſition*? But is there no difference in the ſignification of Words as they ſtand for ſigns of Things? If they be Words for *particular Subſtances*, then you grant, that there is ſomething really exiſting which is meant by thoſe Words; but if they relate only to the Conceptions of the Mind, then they ſignifie them and no more. And the Queſtion is, which of theſe two you meant by thoſe Words *Nature* and *Perſon*? And you plainly affirm both of them to be *complex Ideas*, which are made only by an Act of the Mind, and therefore your meaning can be no otherwiſe underſtood.

You preſume, that upon more leiſurely thoughts, both my ſelf and the reſt of Mankind will concur with you. I never affected Singularity, and am ready to comply with the reſt of Mankind in any reaſonable thing. But you ſay, *that this* P. 110.
Notion of Nature and Perſon, That they are two Words that ſignifie only by Impoſition, is what will hold in the common Senſe of Mankind. No doubt of it: But I muſt again and again tell you, that is not the Point in Queſtion, but whether they are only *abſtract and complex Ideas*, which have no other Being but in the Mind? And to this you anſwer not a Word. I do not in the leaſt think as you ſuggeſt, P. 111.
that it is neceſſary to the Defence of the Trinity, that theſe two Articulate ſounds ſhould have Natural ſignifications, and that unleſs they are uſed in thoſe ſignifications, it were impoſſible to defend the Doctrine of the Trinity. But I do affirm that thoſe who make *Nature* and *Perſon* to be *only abſtract and complex Ideas*; can neither *defend* nor reaſonably *believe* it. And this is making *no extraordinary Suppoſi-* P. 112.
tion neceſſary to the Belief or Defence of it; but only that which in the common Senſe of Mankind is neceſſary to it. For, if you have expreſſed your own Mind in your former Letter; that muſt guide us in your Notion of *Nature* and *Perſon*, where you undertook to explain them. For if *Nature* and *Perſon* be *abſtract*, and *complex Ideas*, as you ſay, and ſuch are only Acts of the Mind, I do not ſee how it is poſſible for you to reconcile theſe Notions with the Articles of the *Trinity* and *Incarnation*.

I do not go about to accuſe you of *denying theſe Doctrines*; I hope you do not. But I impute all this Heſitancy and doubting only to your *Notions* of *Ideas*; which you had been ſo long forming in your Mind, that as it often happens in ſuch Caſes, one darling favourite Notion proves too hard for ſome Points of far greater Conſequence, when they are found inconſiſtent with it. And becauſe you had firſt fixed your Notion of *Ideas*, and taken much Pains about them, you thought all other thigns were to be entertained as they appear'd conſiſtent with them. But you could not but find, that the Articles of *three Perſons*, and *one Nature*; and two *Natures*, and one *Perſon*, were not reconcileable with your *Ideas* of *Nature* and *Perſon*; which is that they are *complex Ideas*, which depend upon the Act of the Mind; for this were to make the *two Natures in Chriſt* to be only two *complex Ideas*. For if *Nature*, as you ſay, *be a Collection of ſeveral Ideas combined into one complex abſtract Idea*; then two Natures can be nothing elſe but two ſuch *Collections*, or two *abſtracted* and *complex Ideas*.

It may be ſaid, *that when you make Nature an abſtracted and complex Idea, you ſpeak of a ſpecifick Idea,* but the Humane Nature in Chriſt was a particular Subſtance, and this *you aſſert to be a real thing, and not to depend on the Act of the Mind.*

Letter 1. p. 32. But this doth not clear the matter. For in your former Letter you ſaid, that *all the Ideas we have of particular diſtinct Subſtances, are nothing but ſeveral Combinations of ſimple Ideas:* which in Corporeal Subſtances are *ſenſible Qualities,* in Incorporeal are *Operations of the Mind.* The utmoſt then which the Idea of Humane Nature in Chriſt comes to is, that there were in him the *ſenſible Qualities* and *Intellectual Operations* of a Man, with an unknown Subſtance to ſupport them: which belongs not to the ſimple Ideas, but is ſuppoſed by them. This is all I can make of your way of Ideas: and ſo the Incarnation of Chriſt is the aſſuming the ſenſible Qualities, and intellectual Operations of a Man, to which a *Subſtratum* doth belong: but is no part of the ſimple Ideas. So that we can have no *Idea* at all of the *Humane Nature of Chriſt;* but only an Inference, that ſince thoſe are but Accidents, there muſt be a *Subſtratum* to ſupport them; and conſequently there was a *particular Subſtance* in him made up of Mind and Body. But if this had come in the way of Ideas, yet it cannot make out the *Humane Nature* of *Chriſt.* For if it were in him no otherwiſe than in other Men, then the *Myſtery of the Incarnation* is quite gone, and Chriſt is to be conſider'd but like other Men; which doth not anſwer to what the Scripture ſaith of the *Word's being made Fleſh,* and *that God was manifeſt in the Fleſh.* There muſt be therefore ſomething beyond the meer Humane Nature in him; and either it muſt be only ſome Divine Operation upon, and with it, and that is *no Subſtance;* or if it be a Subſtance, it muſt either co-habit with it, or elſe be united to it. If it only co-habits, then there are two Perſons dwelling together in one Body, and the Actions of one cannot be attributed to the other; if there be a real Union between them, ſo as the Acts belong to *one Perſon;* then there muſt be ſuch a Manner of Exiſtence in the Humane Nature of Chriſt, which is different from it in other Perſons. For in all others, the Acts belong to the Humane Perſon; but if it were ſo in Chriſt, then the Divine Acts of Chriſt muſt flow from the Humane Nature as the Principle of them; which is to confound the Divine and Humane Nature, and Operations together: If they come from the Divine Perſon, then the Humane Nature muſt have another kind of Subſiſtence than it hath in others, or elſe there muſt be two Perſons; and *Perſon* being as you *Eſſay* l. 2. ch. 27. Sect. 26. ſay, *a Forenſick Term,* there muſt be two different Capacities of Rewards and Puniſhments; which is ſo abſurd an Opinion as I think no one will aſſert.

If there be then but *one Perſon and two Natures,* how can you poſſibly re- *Letter* 1. p. 216. concile this to your way of Ideas? *Perſon,* ſay you, *in it ſelf ſignifies nothing; but as ſoon as the common uſe of any Language has appropriated it to any Idea, then that is the true Idea of a Perſon,* i. e. Men may call a *Perſon* what they pleaſe, for there is nothing but *common uſe* required to it. They may call *a Horſe,* or *a Tree,* or *a Stone a Perſon* if they think fit; but ſince the common uſe of Language hath appropriated it to an *Intelligent Being,* that is, *a Perſon.*

Eſſay, l. 2. ch. 27. Sect. 9. And ſo you tell us, *That Perſon ſtands for a Thinking Intelligent Being that hath Reaſon and Reflection, and can conſider it ſelf as it ſelf, the ſame thinking Being in different times and places.* How comes *Perſon to ſtand for this* and nothing elſe? From whence comes *Self-conſciouſneſs in different times and places* to make up this *Idea* of a Perſon? Whether it be true or falſe, I am not now to enquire, but how it comes into this *Idea* of a Perſon? Hath *the common uſe of our Language appropriated it to this Senſe?* If not, this ſeems to be a meer Arbitrary Idea; and may as well be denied as affirmed. And what a fine paſs are we come to in the *Way of Ideas,* if a meer *Arbitrary Idea* muſt be taken into the only true Method of *Certainty?* But of that afterwards. We now proceed in the *Way of Ideas* as you give it us. But if this be the true *Idea* of a *Perſon,* then there can be no Union of two Natures in one Perſon: For if an Intelligent Conſcious Being be the Idea of a Perſon; and the Divine and Humane Nature be Intelligent Conſcious Beings, then the Doctrine of the Union of *two Natures and one Perſon* is quite ſunk, for here muſt be two Perſons in this way of Ideas. Again, if this be the Idea of a Perſon, then where there are three Perſons, there muſt be three diſtinct Intelligent Beings; and ſo there cannot be three Perſons in the ſame individual Eſſence. And thus both theſe Doctrines of the *Trinity* and *Incarnation* are paſt recovery gone, if this Way of *Ideas* hold. So great a difference there is, between forming Ideas firſt, and then judging of Revelation by them; and the believing of Revelation on its proper Grounds, and interpreting the Senſe of it by the due Meaſures of Reaſon. You may pretend what you pleaſe, that you hold the *Aſſurance of Faith*, and the *Certainty by Ideas* to go upon very different Grounds; but when a Propoſition is offered you out of Scripture to be believed, and you doubt about the Senſe of it, is not Recourſe to be made to your *Ideas*? As, in the preſent Caſe, whether there can be *three Perſons in one Nature*, or *two Natures and one Perſon*; what Reſolution can you come to upon your Principles, but in the way of *Ideas*? You may poſſibly ſay, *That where Ideas are clear and diſtinct, there you are to judge of Revelation by them*; and this is what you aſſert in your *Eſſay*, *That in Propoſitions whoſe Certainty is built on clear and perfect Ideas and evident Deductions of Reaſon, there no Propoſition can be received for Divine Revelation which contradicts them; from hence you conclude it impoſſible for the ſame Body to be in two Places at once.* And yet there is a Perſon who hath lately told the World, that *there is one certain ſecret way how by Divine Power, the ſame Body, but not the ſame Perſon, may be in very diſtant places at once*; but he is adviſed to keep it up as a Secret; which was good friendly Advice: But till it be diſcovered there is no judging of it. Here I obſerve, that you require *clear and diſtinct Ideas*; and yet we find, if a Man's Word may be taken, theſe *clear and diſtinct Ideas* do not prove the thing impoſſible. But what is to be ſaid when *the Ideas are not clear and diſtinct*? You ſay, *Your Method of Certainty is by the Agreement or Diſagreement of Ideas, where they are not in all their Parts perfectly clear and diſtinct.* And this is your *Secret* about Certainty; which I think had been better kept up too: For I pray, in the Caſe now before us, Are your *Ideas* of *Nature* and *Perſon clear and diſtinct* or not? if they are, then it is plain from your own Doctrine, that if Revelation be pretended, you are to reject it. How then comes *the Certainty of Faith to be preſerved firm and immoveable, although the Grounds of Certainty be diſputed*? But ſuppoſe they are not *clear and diſtinct*? What is to be done in a Matter of Revelation contrary to your *Ideas*? Are you to ſubmit to the *Revelation* or not? *Whatever God hath Revealed is moſt certainly true, no doubt can be made of it. This is the proper Object of Faith; but whether it be a Divine Revelation or no*, you ſay, *Reaſon muſt judge.* Yes, Reaſon proceeding upon *clear* and *diſtinct Ideas*. But ſuppoſe you have Ideas ſufficient for Certainty in your Way, but not clear and diſtinct; what is to be done then? *In things that are above Reaſon*, you ſay, *when they are Revealed, they are proper Matters of Faith.* What is here being above Reaſon? Either above the Diſcovery of Reaſon, as *the Fall of Angels, the Reſurrection of the Body*, &c. *and about theſe*, you ſay, *Reaſon hath nothing to do.* (What not if there be *an Idea of Identity* as to the Body?) Or ſuch as are above the Comprehenſion of Reaſon when diſcovered. And they are either ſuch as we have no Natural Ideas of; and then you grant, *that they are pure Matters of Faith*; or they are ſuch, as you have *certain Ideas of*, but *not clear and diſtinct*. Now here lies the pinching Difficulty, as to your *Way of Ideas*. You ſay indeed, *That Revelation muſt carry it againſt meer Probabilities to the contrary; becauſe the Mind not being certain of the Truth of that it doth not evidently know, but is only probably convinced of, is bound to give up its Aſſent to ſuch a Teſtimony, which it is ſatisfied*

Eſſay, B. 4. ch. 18. Sect. 5.

Evangel. Medici Art. 14. p. 170.

Ch. 18. Sect. 10.

Sect. 8.

comes from one who cannot err and will not deceive. I pray obſerve your own Words, you here poſitively ſay, *That the Mind not being certain of the Truth of that it doth not evidently know:* So that it is plain here, that you place Certainty only in Evident Knowledge, or in *clear and diſtinct Ideas*; and yet your great Complaint of Me was, that I charged this upon you, and now I find it in your own Words (which I obſerved before.) But let us allow you all you deſire, *viz. That there may be Certainty by Ideas, where they are not clear and diſtinct*; and let us now ſuppoſe that you are to judge of a *Propoſition* delivered as a Matter of Faith, where you have a *Certainty by Reaſon* from your *Ideas*, ſuch as they are: Can you aſſent to this as a Matter of Faith, when you are already *certain* by your *Ideas* of the contrary? How is this poſſible? Can you believe that to be true, which you are certain is not true? Suppoſe it be that there are *two Natures in one Perſon*; the Queſtion is, Whether you can Aſſent to this as a Matter of Faith? If you had ſaid, there had been only *Probabilities* on the other ſide, I grant that you then ſay, *Revelation is to prevail*; but when you ſay you have *Certainty by Ideas* to the contrary, I do not ſee how it is poſſible for you to Aſſent to a Matter of Faith as true, when you are certain from your Ideas that it is not true: For how can you believe againſt Certainty? The *Evidence* is not ſo great as when the *Ideas* are *clear and diſtinct*, but the *Bar* againſt *Aſſent* is as ſtrong; becauſe the Mind is actually determined by *Certainty*. And ſo your Notion of *Certainty by Ideas* muſt overthrow the Credibility of a Matter of Faith in all ſuch Propoſitions which are offered to be believed on the account of Divine Revelation.

I ſhall now ſumm up the Force of what I have ſaid about this Matter.

Your Anſwer is, *That your Method of Certainty by Ideas, ſhakes not at all, nor in the leaſt concerns the Aſſurance of Faith.* Againſt this I have pleaded, (1.) That your Method of *Certainty* ſhakes the Belief of a Revelation in general. (2.) That it ſhakes the Belief of Particular Propoſitions or Articles of Faith, which depend upon the Senſe of Words contained in Scripture. Becauſe you do not ſay, that we are to believe all that we find there expreſſed; but in caſe we have any clear and diſtinct Ideas which limit the Senſe another way than the words ſeem to carry it, we are to judge that to be the true Senſe. But in caſe our Ideas are not clear and diſtinct, yet you affirm as your proper Doctrine, *That we may come to Certainty by Ideas, although not in all reſpects perfectly clear and diſtinct.* From whence I infer, That where you have attained to a Certainty by your imperfect Ideas, you muſt judge of a Matter of Faith, by thoſe *Ideas*, and conſequently, if the Union of *two Natures* and *one Perſon*, or *three Perſons in one Nature* be repugnant to your *Ideas* (as I have ſhewed that they are) you muſt by vertue of your own *Principles* reject theſe from being Matters of Faith. And thus I hope I have proved what I undertook, *viz.* That your Notion of *Certainty by Ideas* is inconſiſtent with theſe Articles of the Chriſtian Faith.

But you have this Comfort left, that you are not the firſt Perſon who hath run himſelf into inſuperable Difficulties as to *Matters of Faith*, by this *way of Ideas*. For *Des Cartes* himſelf did ſo in a remarkable manner: He was a Perſon of a great Reach and Capacity, and ſpent many Thoughts in laying the Foundations of Certainty from *Ideas*, both as to *Incorporeal* and *Corporeal Subſtances*; and yet was miſerably foiled as to both of them. His Demonſtrations from his *Ideas* in his *Metaphyſical Meditations*, did not meet with the Entertainment he promiſed himſelf from the Inquiſitive part of Mankind; for his *Objective Reality* from his *Idea* gave no Satisfaction; and his other Argument was thought to have no Force, unleſs it were taken off from the *Idea* and placed upon the Neceſſity of Exiſtence in the Nature of the Thing. As to *Corporeal Subſtances*, his fundamental miſtake was in a wrong *Idea* of *Matter*, which he made to be the ſame with *Extenſion*; and upon this he built his *Syſteme of Nature*. But againſt this firſt falſe ſtep many things were objected by his Adverſaries, as may be ſeen by the late Diſputes in *France* about his *Principles;* they objected, that his Notion or *Idea* of *Matter* made it *neceſſary*, and impoſſible for God to *Annihilate it;* and his Defenders are driven to ſuch ſhifts as to *God's Will and Power*, that an indifferent Perſon might thereby ſee how dangerous it is to take up with *Ideas* as to the Ground of Certainty, although neither himſelf nor his Followers pretend to place it in any thing but *clear and diſtinct Ideas.* But when they came to reconcile their *Ideas* with Matters of Faith, they were ſo plunged, that they could ſee no way to get through their Difficulties. For as Monſieur *Huet* obſerves, *Although* Des Cartes *profeſſes great ſubmiſſion to Divine Revelation, yet when it came to the Trial, he judged his Opinions could not be repugnant to it, becauſe he was certain of the Truth of them; which ſhews, that he judged of Revelation by his Rules of Certainty, and whatever he pretended, he did not take his Meaſures of Truth from Revelation.* Cenſur. Philoſ. Carteſ. c. 8. Sect. 3. n. 4. A late Defender of *Des Cartes* in anſwer to this, produces the Words uſed by him in his Principles, wherein he owns, *That in caſe of Divine Revelation if God declares any thing concerning himſelf or others which exceed our Capacity, as the Myſteries of the Trinity and Incarnation, he would not refuſe to believe them, although he could not clearly underſtand them.*

This Monſieur *Huet* denies not, *viz. That he made ſuch a general Profeſſion of Submiſſion to Revelation and owning the Myſteries of Faith; but*, ſaith he, *when it comes to particular Points, then Ideas are to be the Standard by which we are to judge of Revelation.* Monſieur *Regis* in his Reply ſaith, That *Matters of Faith and Philoſophical Truths are of different kinds; and that there can be no Contrariety but between things of the ſame kind.* Which makes him run into that great Abſurdity, that although in a *Philoſophical Senſe* God cannot do things repugnant to Reaſon, yet in the Way of Faith he may; and all this to preſerve the *Certainty by Ideas*, when nothing can be more repugnant to all kinds of Certainty than ſuch a Suppoſition. But another great Admirer of *Des Cartes* thinks this way unreaſonable; *But* Des Cartes, he ſaith, *hath ſhewn the right Method of Certainty by clear and diſtinct Ideas*, and therefore he calls it no leſs than a *Divine Certainty*; and he adds, *that Truth cannot be contrary to it ſelf*, and he laughs at the Diſtinction of *Philoſophical* and *Theological Truths;* or the two ways of Certainty by Knowledge and Faith: For, *Truth is always one and the ſame, and changes not its Countenance: and if Truth be an Agreement of Words with Things, how can the ſame Words agree in one Book and differ in another? for the ſame God is the Author of Truth where-ever it is:* and therefore he calls it, *A moſt abſurd Opinion of thoſe who ſay, that God who is immutable ſhould teach that as Truth in Philoſophy, which is falſe in Divinity.* But I return to you.

Philoſophia Scripturæ Interpres, c. 5. n. 56.

c. 8.

You ſeem to be not a little concerned that I ſay, "That as you have ſtated your Notion of Ideas it may be of dangerous Conſequence to that Article "of the Chriſtian Faith which I had endeavour'd to defend. *Such an Accuſation*, you ſay, *brought into any Court in* England, *would be thought to ſhew a great Inclination to have the Accuſed be ſuſpected rather than any Evidence of being guilty of any thing; and ſo would immediately be diſmiſſed without hearing any Plea to it.* But you muſt give me leave to ſay, that you have quite miſtaken my Deſign, which was not to accuſe you, but to ſhew my own Diſſatisfaction, as to the Way you had taken to clear your ſelf. I hoped you would have ſaid ſo much for your own Vindication, as would have ſatisfied the World, that your *Notion of Ideas* was far from any Tendency that way to which it was carried by him who made uſe of your Expreſſions: But, inſtead of that you explained it in ſuch a manner as made it far more ſuſpicious that he had not perverted your meaning. And that made me to ſay, That as you had ſtated it, *it may be* of dangerous Conſequence. *It may be*, ſay you, *this is no Evidence, but only an Inclination to accuſe you.* So far from it, that it ſhewed an Inclination to favour you, when I only ſaid *it may be;* for now you

p. 58.

ſee,

ſee, that I think it is of ſuch dangerous Conſequence, and I muſt think ſo till you have cleared it better.

But the Notion of Ideas as you have ſtated it, relates to your whole Book: Why ſhould you carry it farther than I intended it? *The ſtating* of it I mentioned was in *your firſt Letter;* where you told us what you meant by *Nature* and P. 60. *Perſon.* But you have found out *two Particulars wherein it may be of dangerous Conſequence, firſt in making ſo much uſe of the word Ideas, and your placing Certainty in Ideas.* As to the *Term of Ideas,* I have no Objection to the uſe of the word it ſelf; provided it be uſed in a common Senſe, and no Weight be laid upon it more than it can bear; for I am for no new affected *Terms* which are apt to carry mens Minds out of the way; they are like *Ignes fatui,* which ſeem to give Light, but lead thoſe that follow them into Bogs: Like *Fontanges,* which ſeem to ſet Peoples Heads that wear them higher, but their Underſtandings are juſt what they were before. I always diſlik'd the *Stoical* Improvements by *New Words,* or giving *New Senſes* to *Old ones.* But I told you, "I ſhould never have mention'd this Way of *Ideas,* but for the ill uſe I found made of them; and you might have enjoy'd the Satisfaction you had in them long P. 63. enough, unleſs I had found them imploy'd in doing Miſchief. *Which as you humbly conceive amounts to thus much and no more; that I fear Ideas;* i. e. *the Term Ideas may ſome time or other be of dangerous Conſequence.* Can you poſſibly think this was my Meaning? I know of no Antipathy I have to the Term *Ideas;* nor do I underſtand any *Miſchief* that lies in the bare uſe of the Term. If it gives you any Satisfaction I pray make what uſe you pleaſe of it, ſo you do not ſet it up in your Way of Ideas for a new Method of Certainty; nor weaken Mens Belief as to Matters of Faith by it. Theſe were my *Prejudices* againſt your *Ideas,* and they are increaſed by your Defences; for I can find nothing that hath any force to remove them.

You tell me, my Quarrel muſt be *with the Term Ideas as of dangerous Conſequence:* But why ſo? It was *the Way of Certainty by Ideas* which I inſiſted upon, and the *new Terms* as imploy'd to that purpoſe. I confeſs, I ſay, "The World had been ſtrangely amuzed with Ideas of late, and we have been told what ſtrange things might be done by the help of Ideas, *i. e.* as to Matter of Cer- P. 65, 79. tainty. But you tell me more than once, that I own, *That theſe come only to be common Notions of things,* which I have no Averſion from. This is a way of turning things upon Me, which I could not expect from You. For thoſe Words are brought in by me on this Occaſion. You had ſaid, *that you ſee no ſuch Oppoſition, but that Ideas and ſound Reaſon may ſtand together,* i. e. *Reaſon rightly managing thoſe Ideas, ſo as to produce Evidence by them.* Upon this, I uſed theſe Words. "But what need all this great Noiſe about Ideas and Certainty? true and real Certainty by Ideas, if after all it comes only to this, that our Ideas only repreſent ſuch things, from whence we bring Arguments to prove the Truth of things? But the World hath been ſtrangely amuſed, *&c.* Judge now how fair and ingenuous this Anſwer is. That which I bring in as a Conſequence of your Aſſertion, you make to be my own Senſe as to *your Notion of Ideas:* when I all along diſtinguiſh the *Way of Reaſon,* by deducing one thing from another, from your *Way of Certainty in the Agreement and Diſagreement of Ideas;* and I therefore mention it as an Argument of your own departing from your beloved Notion of Ideas. I never ſaid any thing againſt *Reaſon rightly managing Ideas, ſo as to produce Evidence by them.* I was glad you came ſo far towards my own Apprehenſion as to the Uſe of Ideas, and I declare ſoon after, "That if you mean no more by your Certainty from Ideas, but a Certainty from Reaſon, I was not ſo unreaſonable a Man to diſagree with From p. 63. to p. 73. you. And yet you ſpend many Pages to juſtifie your Uſe of the Term *Ideas:* which is all loſt upon me. For in ſhort, it is not your *Way of Ideas,* but your *Way of Certainty by Ideas,* which I was unſatisfied about, and am ſo much the more by the Method you have taken to defend your ſelf. And this was the thing I found fault with, as you could not but ſee; but you found it much eaſier to run into a long Diſcourſe, to no purpoſe, about the Uſe of the Word *Ideas*. How far your Uſe of the Term is new I will not diſpute with you; be it new or old the thing you do pretend to by your Ideas is that which I diſliked, and am forced to do ſo ſtill; for you give me no manner of ſatisfaction about it, as will appear by the Examination of what you ſay, about the p. 87. *new Method of Certainty*, which is the matter in Queſtion: You deſire to know *whether there be any other or older Method of Certainty?* That is not the Point, but whether yours be any at all? Which I deny. *If there be no Older, you ſay, the World is obliged to you for this New one:* Very true, if it were what it pretends. But you tell me, *I ought to ſet the World right in a thing of that great* P. 88. *Concernment, and to overthrow yours, and thereby prevent the dangerous Conſequence of your unſeaſonable ſtarting this new Method of Certainty.* I did never pretend to inform the World of *new Methods*, and therefore am not bound to go any farther than to that I found fault with, which was your *new Method*; and although I thought I had ſaid enough before, to ſhew how far it was from what it pretended; yet becauſe you call me to it in ſuch a manner, I ſhall endeavour more freely to repreſent to you the *Unſatisfactorineſs* and *Inconſiſtency* of it. For it is ſtill to me a ſtrange thing, that you ſhould talk ſo much of a *new Method of Certainty* by *Ideas*; and yet allow, as you do, ſuch a *Want of Ideas*, ſo much *Imperfection* in them, and ſuch *a want of Connexion between our Ideas, and the things themſelves*. One would think, that he that owned theſe things rather deſign'd to prove there could be no Certainty by Ideas. And when I had objected theſe things in the Concluſion of my former Anſwer, you do not deny them; and all the Return you make is, *that it is better to have ſome way* p. 171, 172. *of Certainty (though it will not lead us to it in every thing) than no way at all.* As though the Diſpute between us had been, Whether any Certainty be not better than none. No doubt any true Certainty is deſirable, but it is, as I have often ſaid, of ill Conſequence to ſet up ſuch a Method of Certainty, as if it hold, will overthrow our Faith, and if it doth not, muſt deceive all thoſe that follow it. And it is the Certainty of Faith which I defend againſt your pretended Certainty of Knowledge. But to let you ſee what Ground I had to be unſatiſfied with it, I ſhall now wave all the Inſtances of *Ideas* I inſiſted on before, as to *Subſtances* and *ſenſible Qualities*; and I ſhall ſingle out one remarkable *Idea*, by which the Uncertainty of your way of *Ideas* will be fully diſcover'd. And that is the *Idea* of *Space*; upon which a famous *Syſteme* of *Natural Philoſophy* hath been built, and as upon a clear and diſtinct Idea; and yet you will by no means allow it to be ſo; and think you have a clear Idea to the contrary; although thoſe who will not allow it to be true cannot deny it to be conſiſtent with it ſelf, and that the *Ideas* in it have *an Agreement with one another*.

As to ſpace, you ſay, *that we have it both by Sight and Touch, which inform us* Eſſay, B. 2. ch. 13. Sect. 2. *of the Diſtance between Bodies: which in ſeveral Reſpects may be called Diſtance, Capacity and Extenſion; and ſo Extenſion*, you ſay, *is an Idea belonging to Body only, but Space may, as is evident, be conſider'd without it.* But here now ariſes a great difficulty to me in the way of *Certanity by Ideas:* viz. that ſome very thinking Men in this way of Ideas, have look'd on the Idea of *Space* and *extended Matter* to be the ſame; for, ſay they, it appears to us from *clear Ideas*, that Body and Extenſion are the ſame thing, and therefore if there be Extenſion in Space there muſt be Body. But, you ſay, thoſe that do ſo, *either change* Sect. 12. *the ſignification of Words*, and ſo render it a doubtfull Idea; or *they confound very different Ideas with one another*, and ſo can never come to Certainty by the Agreement or Diſagreement of Ideas. But you conclude, *that the clear and di-* Sect. 14. *ſtinct Idea of ſimple Space diſtinguiſhes it plainly and ſufficiently from Body.* Here we ſee you pretend to a *clear and diſtinct Idea*. But it falls out very unluckily for *the Way of Ideas*, that the firſt ſtarter of this Way of Certainty is as poſi- Princip. p.11.n.16. tive, *that the Idea of Space and extended Body are the ſame.* So that here we have *clear and diſtinct Ideas* both ways. And is not this an admirable Method of Certainty, when in one of the plaineſt *Ideas* which depend upon our Senſes, the greateſt Defenders of *Ideas* differ ſo fundamentally? What can other Men hope for in *this Way of Ideas*, if ſuch Men can agree no better in one of the moſt evident to our Senſes? *But then we muſt conſider, who hath the better Reaſon?* This is not Certainty by *Ideas*, but by *Reaſon* upon them, which is another thing. Let us go to Reaſon. Is that Reaſon built only on ſome *intermediate Idea*, which makes it clear? I find *intermediate Ideas* on both ſides, and urged with equal Aſſurance. *Des Cartes* ſaith, *that from Extenſion we rightly conclude a Body to be a Subſtance; becauſe it is a Repugnancy that there ſhould be an Extenſion of Nothing; and therefore, if there be Extenſion in Space there muſt be Body. And he proves it from the Idea of Body; for, if we caſt off all ſuch things as are not neceſſary to Body, as Hardneſs, Colour, Gravity, Heat, and Cold, and all other Qualities, we ſhall find nothing to remain but Extenſion, and therefore nothing but Extenſion is in the Idea of Body, which being likewiſe in Space the Idea of Body* Eſſay, l. 2. ch. 13. Sect. 12. *and Space are the ſame.* But ſay you on the other ſide, *I appeal to every Man's own Thoughts, whether the Idea of Space be not as diſtinct from that of Solidity, as it is from the Idea of a Scarlet Colour. 'Tis true, That Solidity cannot exiſt without Extenſion; but this hinders not but they are diſtinct Ideas.* One appeals to *Thoughts*, and the other to *Reaſon:* Had *Des Cartes* no *Thoughts?* Yet his *Reaſon* convinced him, that whatever *Thoughts* he had, he muſt be perſwaded by Reaſon, which was the true *Idea.* You ſay, that is a *clear and diſtinct Idea that a Man's thoughts dictate to him to be ſo.* No, ſaith *Des Cartes*, that only is the *true Idea*, which a Man comes to by the Exerciſe of his Reaſon; and he look'd upon thoſe others as meer *Ideas* of *Imagination*, and not *Rational Ideas.* So that here we have another Work to do, and that no eaſie one, which is to diſtinguiſh the *Ideas* of *Imagination* from thoſe of *Reaſon:* and what way have you laid down to prevent ſo great a Miſtake? Or what Rules have you to judge, how far Imagination is to be allowed in the Matter of *Ideas?* For in all Objects of Senſe the Impreſſion is made upon the Imagination; which is the Seat of Ideas, that come in by Senſation: now here lies a very conſiderable Difficulty, how far Reaſon is to judge of theſe Ideas of Imagination? For if all our ſimple Ideas of things without us come in by Senſation, then one would think thoſe Ideas are to be allowed which come in that way; and ſo the Impreſſions of Fancy are to be the Standard and Rule of Certainty, which I think you will not affirm. But what Rule then have you when, and where, and how far, you are to correct the erroneous *Ideas* of *Imagination?*

I cannot deny but you were ſenſible of the Difficulty from the *Ideas* of *Ima-* B.4. ch.4. Sect. 1. *gination*, and thus you propoſe it. *To what purpoſe is all this ſtir? Knowledge*, ſay you, *is only the Perception of the Agreement or Diſagreement of our own Ideas, but who knows what thoſe Ideas may be? Is there any thing ſo extravagant as the Imagination of Men's Brains? Where is the Head that hath no Chimæra's in it? Or if there be a ſober and wiſe Man, what difference will there be by your Rules between his Knowledge, and that of the moſt extravagant Fancy in the World? They both have their Ideas, and perceive their Agreement and Diſagreement one with another.* Let us now conſider the Anſwer you give to it, and by that we ſhall better judge of your *Way of Certainty.*

Sect. 2. Your general Anſwer is, *That if our Knowledge of our Ideas terminate in our Fancies, our Aſſurance would go no farther than that of Dreams, or the Viſions of a heated Fancy. But our Knowledge is real, only ſo far, as there is a Conformity between our Ideas, and the Reality of Things.*

All this is undoubtedly true. But you ſay, *How ſhall the Mind, when it perceives nothing but its own Ideas, know that they agree with Things themſelves.*

There indeed lies the Difficulty, but how do you remove it?

There are two ſorts of Ideas, you ſay, *we may be ſure, agree with things.* And theſe are worth the knowing.

1. *The firſt are ſimple Ideas, which ſince the Mind can by no means make to it ſelf, muſt neceſſarily be the Product of Things operating on the Mind in a natural way, and producing therein thoſe Perceptions which by the Wiſdom and Will of our Maker they are adapted to. From whence it follows, that ſimple Ideas are not Fictions of our Minds.* Sect. 4.

All that can be proved from hence is no more, but that the Objects of our Senſes do make thoſe Impreſſions upon them, that from them we may be certain there are ſuch things without us, which produce thoſe Impreſſions. And this is all you mean when you ſay, that you are certain theſe Ideas are no Fictions of our Brains. But let us apply this to the preſent Caſe. Our Senſes truly inform us of a Diſtance between Bodies; and ſo far we are certain of an Idea of Space, but the Queſtion about the Idea of Space goes farther; *viz.* Whether the Idea of Space imply ſomething or nothing? How can nothing be extended? If it be ſomething extended it muſt be Body; and ſo Space and Body are the ſame.

And ſo your *ſimple Ideas* give no manner of ſatisfaction in this Matter.

2. *All our complex Ideas, except thoſe of Subſtances,* you ſay, *being Archetypes of the Mind's own making, not referr'd to the Exiſtence of any thing, cannot want any Conformity neceſſary to real Knowledge; for that which is not deſigned to repreſent any thing but it ſelf, can never be capable of a wrong Repreſentation, nor miſlead us from the true Apprehenſion of any thing by its diſlikeneſs to it.* Sect. 5.

Where are we now? What in the *Way to Certainty* ſtill? Methinks it ſeems to be too intricate and winding to be that plain Way. What is meant by theſe *Archetypes in the Mind which cannot deceive us?* I confeſs here are ſuch things ſaid in order to Certainty, which are above my Underſtanding, if taken with reſpect to Things; *as how we cannot but be infallibly certain, that all the Knowledge we attain concerning theſe Ideas is real, and reaches things themſelves, and yet they are Archetypes of the Mind's own making, not intended to be the Copies of any thing, nor referr'd to the Exiſtence of any thing.* How can the Certainty by theſe Ideas *reach the things themſelves*, if they *are Archetypes of the Mind, not referr'd to the Exiſtence of any thing?* But I ſuppoſe all this is meant of *Mathematical Truths*, and ſo reaches not the Caſe, which is concerning the *Certainty* of our Knowledge of things that really exiſt.

3. You ſay, *there is another ſort of complex Ideas, which being referr'd to Archetypes without us may differ from them, and ſo our Knowledge about them may come ſhort of being real.* Now theſe were the things we deſired to be made *certain* in; and to find out ſuch Rules as would make our *Knowledge real.* But for all that I can ſee, the hopes of any *Criterion* is quite loſt, as to the point in Queſtion: *How ſhall the Mind when it perceives nothing but its own Ideas, know that they agree with the things themſelves?* Sect. 11.

For upon theſe Grounds we can have no Certainty as to ſimple Ideas, but only as to the Power of making Impreſſions on our Senſes; but as to complex Ideas, as of Subſtances, our Knowledge about them may come ſhort of being real, *i.e.* we cannot arrive to Certainty about them in the way of Ideas; becauſe, *they may differ from the Archetypes without us.* And you confeſs, *that our Ideas are not very exact Copies, and yet are the Subjects of real,* (*as far as we have any*) *Knowledge of them; which will not be found to reach very far. But to make it real concerning Subſtances, the Ideas muſt be taken from the real Exiſtence of things.* And if our complex Ideas may deceive us as to the things from whence they are ſuppoſed to be taken, what an Account of *Certainty in the way of Ideas* is here? And yet you conclude this Chapter in that Triumphant manner; *I think I have ſhewn wherein it is that Certainty, real Certainty conſiſts, which whatever it was* Sect. 12.

to others was to me heretofore one of thoſe Deſiderata's, which I found great want of: And for all that I can ſee may do ſo ſtill. For here is nothing ſaid to diſtinguiſh the ſtrong Impreſſions of Fancy from the Appearances of things, from that Certainty of Knowledge which comes from the things themſelves. For, a confident Opiniator will talk with greater Aſſurance of the *Agreement* and *Diſagreement of things with his Ideas*, than a Man of far greater Judgment and more Modeſty. And you have given us no Rules to make a difference between *Opinion* and *rational Certainty*; eſpecially when the Ideas of Fancy are found to agree with one another.

But I ſhall go a ſtep farther to ſhew, that the *Agreement of Ideas is no Ground of Certainty*, and that from a Suppoſition relating to the preſent Caſe.

We have ſeen how poſſible it is for an ingenious Perſon skilled in the *Phænomena* of Nature to contrive ſuch an *Hypotheſis*, that one part may agree with another, ſo as that no diſcernible Inconſiſtency may be found in it, and yet all this may be built on ſuch a Foundation, as cannot be conſiſtent with your *Certainty by Ideas*; nay, ſuch as you are certain cannot be true.

The *Hypotheſis*, I mean, is that of *Des Cartes*; for allowing him his Laws of Motion, and his three Elements, the *Phænomena of Nature*, or the *Ideas* of it *agree with one another*, and yet all this is built upon *Space* being the ſame with *Body*; and conſequently, that there can be no *Vacuum:* upon which *his Laws of Motion*, and his Solution of the *Phænomena* is all built. And therefore, when a learned Man of our own objected that to him, and thought it of *no great Conſequence to his Philoſophy*; he replied with ſome ſmartneſs, that he was miſtaken, *for he took it for one of the moſt certain Principles of his Philoſophy.* What *Certainty* then can there be in *Ideas*, when ſo abſurd a Principle as that ſhall be look'd on by ſo great a Man, as ſo *certain* a thing in the *Way of Ideas*, as to build his whole Syſtem of Natural Philoſophy upon it? and his followers to this day ſtifly defend it, who are otherwiſe ingenious Men.

Des Cartes Epiſt. T. 1. Ep. 87, 88.

Nothing now remains to be anſwer'd in your *Second Letter*, but what relates to the Defence of what I had ſaid in my Book concerning *Nature* and *Perſon.* For I cannot but obſerve, that inſtead of clearing ſome preſſing Difficulties in my Anſwer to your former Letter, you run back to my Book, and begin a *new Critique* upon that part of it; and take in the help of ſome ingenious Perſons of your Acquaintance, to whom I muſt ſhew ſo much Civility as to take notice of their Objections. Which I ſhall the rather do, becauſe the Doctrine of the Trinity is expreſſed in the firſt Article of our Religion by *one Nature* and *three Perſons*, and ſo it hath been underſtood by the Chriſtian Church long before. And it is the Senſe of the Chriſtian Church which I am bound to defend, and no particular Opinions of my own.

P. 117. You tell me, *that there hath not been one of your Acquaintance who owned that he underſtood my Meaning; but confeſſed that the farther he look'd into what I had ſaid, the more he was at a loſs about Nature and Perſon.* But I hope I am not to anſwer for other Men's want of Underſtanding in theſe Matters: which requires greater Application of Mind, than moſt Men are willing to allow themſelves about them. But I am to judge no otherwiſe of their Senſe and Capacity, than as you have repreſented them.

P. 118. *One ſaid I began with giving two ſignifications of the word* Nature : *One of them, as it ſtood for Properties; and this he underſtood; but the other wherein* Nature *was taken for the thing it ſelf, wherein thoſe Properties were, he ſaid he did not underſtand. But he ſaid he was not very well acquainted with Greek, and* Ariſtotle *was brought to explain and ſettle the Senſe of Nature.*

But why did not this Gentleman in the firſt place conſider what it was I undertook to ſhew, which was, that we had an Idea of *Nature*, which came not in by our Senſes; and in the very next words I ſaid, "That Nature and Subſtance are of an equal Extent; and ſo, that which is the Subject of Powers and Proper-

“ ties is the Nature, whether it be meant of bodily or ſpiritual Subſtances. And “ although by Senſation and Reflection we know the Powers and Properties of “ things; yet it is by Reaſon we are ſatisfied there muſt be ſuch a Nature or “ Subſtance, becauſe it is impoſſible that they ſhould ſubſiſt by themſelves.

Methinks if the Gentleman were ſo much at a loſs as you repreſent him, you ſhould have helped him out by your *relative Ideas*: For hard things go down much better with ſome mens Minds in the Way of Ideas, (which is a ſort of gilding the Pills) and I doubt not but you could have ſatisfied him, that the Underſtanding may by virtue of a *relative Idea* be very well ſatisfied of the Being of *Nature*, as well as *Subſtance*, when I declared that I took them to be of equal Extent; as they were *the Subject of Powers and Properties*. But he ſaith, *that this he underſtood not, becauſe Nature extended to things that were not Subſtances*. P. 120. Did I not ſay, that *Nature* was ſometimes taken only for *Properties*, but that there muſt be another Senſe proved, becauſe there muſt be a Subject wherein theſe Properties are, and in that reſpect, I ſaid, *that Nature and Subſtance were of equal Extent*. But *he doth not underſtand the Deduction*; Ariſtotle *takes Nature for a corporeal Subſtance, and therefore Nature and Subſtance are of an equal Extent*. What a hard Fate doth that Man lie under, that falls into the hands of a ſevere Critick! He muſt have a care of his *But*, and *For*, and *Them*, and *It*; for the leaſt Ambiguity in any of theſe will fill up Pages in an Anſwer, and make a Book look conſiderable for the Bulk of it. And what muſt a Man do, who is to anſwer to all ſuch Objections about the Uſe of *Particles*? But let any indifferent Reader judge, how I am uſed in this place. My words are, “ Sometimes Nature is “ taken for the Thing it ſelf in which thoſe Properties are; and ſo *Ariſtotle* “ took Nature for a Corporeal Subſtance, which had the Principles of Motion “ in it ſelf; but Nature and Subſtance are of an equal Extent. Doth not any Man of Common Senſe ſee, that I oppoſe this to *Ariſtotle*'s Senſe of *Nature* for *a Corporeal Subſtance*? He confines it to that only; I ſay, *That it is of equal Extent with Subſtance whether Bodily or Spiritual*: and thoſe very words follow after. If you had really ſuch a Converſation with a *Gentleman*, I am ſorry for him; and I think you did not deal ſo like a Gentleman by him, to expoſe him thus to the World.

But I perceive he is a *Philoſopher* too; for he proves, *That* Ariſtotle's *Notion of Nature for a Corporeal Subſtance will not hold*. P. 119. Did I ever ſay that it would? I am far enough from thinking, *that a Corporeal Subſtance hath a Principle of Motion from it ſelf*; But might not I mention *Ariſtotle's* taking Nature for a *Subſtance*, although I preſently add, his Senſe was too ſhort and narrow, becauſe *Nature and Subſtance were of equal extent*? *But did not his Notion of Nature imply that it was a Principle of Motion in it ſelf?* Whatever *Ariſtotle* thought, the Notion of Nature doth not depend upon a *Principle of Motion from it ſelf*; but it was conſidered, not as *in it ſelf* as the Cauſe, but *in it ſelf* as the Subject. And that *Philoſophical Gentleman* might be pleaſed to conſider, that *Ariſtotle* did not make *Motion* to ariſe from Matter, but aſſerted it to come from a firſt Mover, and ſaid, *That thoſe Philoſophers talked like Men not well in their Wits, who attributed Motion to Matter of it ſelf*; as I could eaſily prove, if it were needful. And methinks you ſhould not have been ſuch a Stranger to *Ariſtotle*, to let your Acquaintance run into ſuch Blunders, and then to print them for him.

But the Gentleman is farther plunged and knows not how to get out. *He cannot for his Life underſtand Nature to be Subſtance, and Subſtance to be Nature*. P. 121. Where lies the Difficulty? Is the Repugnancy in the Words or in the Senſe? Not in the Words or Senſe either in *Greek* or *Latin*. For the *Greek*, (if I may have leave to mention that language in this Caſe) thoſe who have been very well acquainted with the force of Words therein, have made *Nature* of the ſame importance with *Subſtance*. So *Heſychius* renders it by ȣ̓σία, *Subſtance*; but I ſhall not bring the Teſtimony of *Criticks* but of *Philoſophers*. And *Ariſtotle*

may

Ariſt. Metaph. l. 5. c. 4. may be allowed to underſtand his own Language, he ſaith poſitively, πᾶσα οὐσία φύσις λέγεται; *every Subſtance is called Nature*, and the Reaſon he gives for it is, ὅτι καὶ ἡ φύσις οὐσία τίς ἐστιν, *becauſe Nature is a Subſtance*. It may be ſaid, *That* Ariſtotle *ſaid this, becauſe he took Nature for ſuch a Subſtance as had the Power of Motion in it ſelf*; I do not deny, but he look'd on that as the proper Acception of *Nature*; but from hence it follows, that whatever Subſtance had ſuch a Principle of Motion in it ſelf was truly and properly *Nature*; not as excluſive of a Superiour Principle of Motion, but as having an internal ſelf-moving Principle. And herein *Ariſtotle* differed from ſome modern Philoſophers, who make all Motion to come from the Impulſe of another Body, and to be a meer Mode of Matter continued from one Body to another. I confeſs *Ariſtotle* was of another Opinion from thoſe Gentlemen, and look'd on Motion as an Effect of an inward Principle; and not meerly of an External Impulſe: but whether *Ariſtotle* were miſtaken herein is not the Queſtion; and it is poſſible he was not; however, it plainly appears, that *Subſtance with a Power of Motion in it ſelf*, and *Nature*, had the ſame Senſe; and none of thoſe who have been the moſt ſevere *Criticks* upon *Ariſtotle* have diſputed, that I remember, againſt this Senſe of *Nature* in him. One of them finds this fault, that it was but a Repetition of what he had ſaid in his *Phyſicks*; where he doth likewiſe treat of the Senſe of *Nature*. And there he takes it for ſuch a *Subſtance which hath the Principle of Motion and Reſt within it ſelf and by it ſelf*; which he oppoſes *to artificial things, as a Bed or a Garment*. And as much as this Definition hath been run down by ſome Men, if we ſet aſide ſome affected Obſcurity in his Philoſophical Writings, there is no ſuch Abſurdity in it; when he explains himſelf not to underſtand it of meer *Local Motion*, or change of Place, but of *all Alterations* incident to Bodies. So that *Nature* in his Senſe, was *a Subſtance endued with a Principle of Life and Action*. And all thoſe things which did partake of *Nature* in this Senſe, he ſaid, were *Subſtances*; καὶ ἔστι ταῦτα πάντα οὐσία. For *Nature is always a Subject and in a Subject*; i. e. the Subſtance it ſelf is *Nature*, and that which is in it is *according to Nature*. And this Senſe of *Ariſtotle Plutarch* relies upon, as the *true Notion* of *Nature*, which he ſaith is *the Principle of Motion and Reſt*; *becauſe the beginning and ending of things depend upon it*: But *Plutarch* by no means approves of thoſe *Mens Opinion* who made *Nature* to be an Original Self-moving Principle; *For*, ſaith he, *Matter of it ſelf cannot move without an Efficient Cauſe, no more than any Metal can frame it ſelf into a particular Form without an Artificer*. From whence we ſee that *Ariſtotle*'s Notion of *Nature* was very conſiſtent with an Efficient Cauſe of Nature. But your Gentleman ſaith, *That to thoſe who admit not Matter and Motion to be Eternal, no Nature in that Senſe will be left, ſince Nature is ſaid to be a Corporeal Subſtance which hath the Principles of Motion in it ſelf, and ſuch a ſort of Corporeal Subſtance thoſe Men have no Notion of at all, and conſequently none of Nature, which is ſuch a Corporeal Subſtance*. But if *Ariſtotle* did not ſuppoſe Matter to move it ſelf, without an Efficient Cauſe, (as certainly he did not) then all this falls to the Ground, and his Notion of *Nature* for a *Subſtantial Principle of Life and Action* may remain good.

P. Rami Schol. Metaph. l. 5. c. 4.

Phyſic. Auſc. l. 2. c. 1.

Plut. de Plac. Phil. l. 1. c. 1.

c. 3.

Letter II. p. 119.

But it may be ſaid, *That this was one of his ſingular Notions, and that no other Philoſophers took it ſo*. Which is ſo far from being true, that a great Enemy of *Ariſtotle*'s confeſſes, *That the Name of Nature among the Writers before him extended to all kinds of Beings, and not only to individual but to Specifick Natures*. *Ariſtotle*'s fault lay in applying *Nature* only to *Corporeal Subſtances*; and whatever was above them he look'd on as above *Nature*; but the *Pythagoreans* and *Platoniſts* took *Nature* to extend to *Spiritual* as well as *Bodily Subſtances*. Which appears by *Timæus Locrus* his Book of *Nature*; in the beginning whereof he divides Things into two kinds, *Intellectual* and *Corporeal*; and *the former, whoſe Nature was more excellent, he derives immediately from the beſt Principle, viz. God himſelf*.

Fr. Patrit. Diſcuſſ. Peripat. T. II. l. 2. p. 207.

But to make this plainer, we are to conſider, that there were four Opinions among the *Old Philoſophers* about *Nature.* Some held *Nature* to be the ſame with *Matter*, and attributed the Beginning of all things to that alone; ſuch were the followers of *Anaximander* and *Democritus.* Others rejected this Doctrine as abſurd and impious, and held a Divine Being above Matter, which gave the beginning to Motion and framed the World, and they aſſerted *Spiritual* as well as *Corporeal Natures*, and theſe were the followers of *Pythagoras* and *Anaxagoras.* Others aſſerted the Beginning of Motion and of the World from a firſt Cauſe; but confined the Senſe of *Nature* to the Courſe of things eſtabliſhed in this Viſible World by an Univerſal Providence at firſt. And this was the Notion of *Ariſtotle* and his followers to the time of *Strato* who attributed all to meer *Nature.* Laſtly, there were ſome who made *Nature* to be the firſt Principle which formed all things; which ſometimes they called *God*, and ſometimes *Nature*, as is obvious in all the Writings of the *Stoicks*; *Vis illum Naturam vocare? non peccabis*; ſaith *Seneca:* and in another place, *Quid aliud eſt Natura, quam Deus & divina Ratio?* and again, *Nec Deus ſine Naturâ eſt, nec Natura ſine Deo, ſed idem eſt utrumque*, which he elſewhere calls, *Incorporalis Ratio ingentium operum Artifex.* With which *Balbus* in *Cicero* agrees, when he defines *Nature* from *Zeno*, to be an *Intelligent Fire that produces all things.* For what he calls *Ignem artificioſum ad gignendum*, &c. *Laertius* calls πνεῦμα πυροειδὲς ϗ τεχνοειδὲς; and it is called in *Cicero, Natura Artifex, Conſultrix & Provida*, &c. which can agree to nothing but a *Spiritual Subſtance*; and when he explains what *Nature* is, he ſaith, *That* Epicurus *called all by the Name of Nature; and divided it into Matter and Vacuity* and *the Accidents of both: but we* (ſaith he of the *Stoicks*) *by Nature underſtand no Inanimate Things which have no Principle within to unite them, as Earth and Stones; but a living Subſtance, as an Animal, in which is no Chance, but Order and Contrivance.* And ſo *Plato* ſaid, *That Nature ordered all things with Reaſon and Underſtanding.* By which he underſtood the Divine being. If we come lower down among the *Philoſophers*, we ſhall find *Nature* taken for *a Principle of Life.* So *Sextus Empiricus* diſtinguiſhes the Union of Matter in Stones and Wood from that which is in Plants, and this he calls *Nature*, which is the loweſt degree of it; for afterwards, he ſpeaks of *Rational* and *Intellectual Natures*, and places God in the head of them. *Antoninus* diſtinguiſhes *Nature* in *Plants* from a heap of the Particles of Matter in Wood and Stone. But in another place he diſtinguiſhes that which is *meer Nature in Man*, viz. what he hath in common with Plants, from the *Nature of an Animal* in him; and that again from the *Nature* of a *Rational Creature* in him. Here indeed he ſpeaks of the Properties of thoſe Natures; but he ſtill ſuppoſes, that where they are ſeparate, they are founded in diſtinct Subſtances.

Nat.Quæſt. l. 2. c. 45.
De benef. l. 4. c. 7, 8.
De Conſ. ad Helv. c. 8.
Cic. de Nat. l. 2.
Plato in Phileb.
Sext. Empir. l. 8. c. 2. P. 324.
Anton. l. 6. Sect. 14. L. 10. Sect. 2.

So that I hope, if the *Philoſophers* of old, of all kinds did underſtand the Senſe of *Nature* and *Subſtance*, the Gentleman may not continue in ſuch a peremptory Humour of ſaying, *That for his Life he cannot underſtand Nature to be Subſtance, nor Subſtance to be Nature.* For they all agreed in this, however they differed in their Opinions of *Nature.*

But I have ſomething farther to add concerning the Senſe of the *Chriſtian Church* in this Matter; which I think is by no means to be deſpiſed.

It is obſerved by *Damaſcen*, that *ſome of the Philoſophers made this difference between* οὐσία and φύσις; *that the former was taken for ſimple Eſſence, but the latter for Eſſence with a Specifical Difference; but that the Chriſtian Writers took both of them for that which was common to more than one; as an Angel, a Man, a Horſe*, &c. So St. *Chryſoſtom* calls *Angels* ἀσωμάτους οὐσίας, and ἀσωμάτους φύσεις, and *Theodoret* ἀοράτους φύσεις, St. *Baſil* λογικὰς ϗ ἀοράτους φύσεις, but they all agree, that *Incorporeal* and *Inviſible Subſtances* are

Damaſc. Dial. c. 32.
Chryſoſt. Hom. 22. in Gen.
Theod. in Gen. Qu. 2.
Baſil. in Hex. Or. 1.

are *real Natures.* And the Reaſon *Damaſcen* gives is, *That they have both the ſame Original* (and you know that it is a good way to find out the *true Idea*) for as ȣ̓σία is from εἶ, ſo φύσις is from πεφυκέναι, *both which are the ſame.* So that if *Real Exiſtence* belong to Subſtance, and Nature hath its Name from thence too, then *Subſtance* and *Nature* muſt be of the ſame Importance. And this Notion of Nature they do not take up meerly from the Etymology of the Word, but from the Senſe of it in Scripture; as when St. *Paul* ſaith, Gal. 4. 8. *They worſhipped thoſe which by Nature are no Gods*; τοῖς φύσει μὴ ȣ̓σι θεοῖς, as the *Alexandrian Copy* hath it more clearly; *i. e.* which are not really and ſubſtantially Gods. They had the Names of Gods, and the Divine Properties were attributed to them; but becauſe they had not the Divine Eſſence, they are ſaid not to be *Gods by Nature.* And what Senſe would this Gentleman make of the Apoſtle's words, *who cannot for his Life underſtand that Nature is the ſame with Subſtance?* He muſt underſtand this only of the Properties which belong to God. But theſe Properties muſt be ſomewhere, and ſo a Subſtance muſt be ſuppoſed as the Subject of them; and what Reaſon can there be to exclude that which is the Subject of thoſe Properties? For there muſt be a *Divine Being* as well as Properties; and that Being muſt have Eſſential Properties belonging to it; and what imaginable Reaſon can there be, why that ſhould not be called the *Divine Nature?* And if it be, then *Subſtance* and *Nature* are the ſame. I might eaſily purſue this farther, but I deſign to bring things into as litttle a compaſs as I can.

But it may be there is ſomething in our own Language which hinders *Nature from being taken for a Subſtance*; and for this I appeal to a late Ingenious and Honourable Perſon and Philoſopher of our own; I mean Mr. *Boyle*, who hath written a Philoſophical Enquiry into *the Notion of Nature*; and he tells us of the various Acceptations of it. (1.) For the Author of Nature. (2.) For the Eſſence of a Thing. (3.) For what comes to Men by Birth; as a Man is Noble by Nature. (4.) For an Internal Principle of Motion; as that a Stone is carried downwards by Nature. (5.) For the eſtabliſhed courſe of things; as that Nature makes the Night to ſucceed the Day. (6.) For an Aggregate of Powers belonging to a Living Body; as that Nature is ſtrong or weak. (7.) For the Syſtem of the Univerſe; as when we ſay of a Chimæra, there is no ſuch thing in Nature. (8.) For a Semi-Deity; which is the Notion he oppoſes. But we may obſerve, that he allows *God and all the real Beings of the Univerſe* to have *Nature* belonging to them; and he ſaith, *The Word* Eſſence *is of great Affinity to it, if not of an adequate Import.* But the Real Eſſence of a thing is a Subſtance; and therefore Nature and Subſtance are of the like Importance.

Mr. *Boyle* of the Notion of Nature, p. 27.

P. 35.

The next thing fit to be conſidered is, How far your *Certainty by Ideas* and *the Certainty by Reaſon* differ from each other.

The occaſion of this Debate ſtands thus.

Diſcourſe of the Trinity, p. 25.

I had ſaid in my Book, "That I granted, that by Senſation and Reflection we come to know the Powers and Properties of things; but our Reaſon is ſatisfied, that there muſt be ſomething beyond theſe, becauſe it is impoſſible that they ſhould ſubſiſt by themſelves. So that the Nature of things properly belongs to our Reaſon and not to meer Ideas.

In anſwer to this you ſaid, *That you can find no Oppoſition between Ideas and Reaſon; but Ideas are the Objects of the Underſtanding, and Underſtanding is one of the Faculties imployed about them.*

To which I replied, "No doubt of it. But you might eaſily ſee, that by Reaſon I underſtood Principles of Reaſon, allow'd by Mankind; which I think are very different from Ideas. But I perceive Reaſon in this Senſe is a thing you have no Idea of, or one as obſcure as that of Subſtance.

If there be any thing which ſeems too ſharp and reflecting in the Manner of Expreſſion, I do not go about to defend it; but the worſt of it is, That your Idea of Reaſon is as obſcure as that of Subſtance. And whether there were not a juſt Occaſion for it, the Reader muſt judge when the *Faculty* was put for the *Principles of Reaſon*. Could any Man judge otherwiſe, but that you had *a very obſcure Idea of Reaſon*, who could miſtake *the Vnderſtanding* for it?

P. 114. *But Reaſon*, you ſay, *taken for the Faculty is as different from Ideas in your Apprehenſion.* But what is that to the Point in Diſpute, whether the Notion of *Nature* be to be taken from *Ideas* or from *Reaſon*? You ſay, *the Vnderſtanding is imploy'd about them.* And what then? I ſhewed that the Nature of things belongs to *Reaſon* and not to *bare Ideas*; becauſe *Ideas* come in by Senſation and Reflection; by which we come to know the Powers and Properties of things; but we cannot come to know the Notion of *Nature* as the Subject of them, but by this Reaſon that we are convinced they cannot ſubſiſt of themſelves. And is this no more than to ſay, *the Vnderſtanding is imployed about Ideas*? But now you anſwer farther, *That if Reaſon be taken for the Faculty or the Principles of Reaſon allowed by Mankind, Reaſon and Ideas may conſiſt together.* This leads me to the Examination of that which may be of ſome uſe, *viz.* To ſhew the Difference of your Method of *Certainty by Ideas*, and the Method of *Certainty by Reaſon*.

And the Way of *Certainty by Reaſon* lies in two things;

1. The *Certainty of Principles.*
2. The *Certainty of Deductions.*

Ibid. As to the former, the Gentleman your Defender in your Book ſaith, *That in your Eſſay, in more places than one, you have ſpoken, and that pretty largely, of Self-evident Propoſitions and Maxims; ſo that if I have ever read them, I cannot doubt, but you have Ideas of thoſe common Principles of Reaſon.*

Book 4. ch. 7. Sect. 20. What *Ideas* you have of them muſt appear from your Book. And I do there find a Chapter of *Self-evident Propoſitions* and *Maxims*; which I cannot but think extraordnary for the Deſign of it; which is thus ſummed up in the Concluſion, *viz.* That it was to ſhew, *That theſe Maxims, as they are of little uſe where we have clear and diſtinct Ideas, ſo they are of dangerous uſe, where our Ideas are not clear and diſtinct.* And is not this a fair way to convince me that your *Way of Ideas* is very conſiſtent with the *Certainty of Reaſon*; when the Way of Reaſon hath been always ſuppoſed to proceed upon *General Principles*; and you aſſert them to be *Vſeleſs* and *Dangerous*?

Sect. 4. Your firſt Deſign you ſay is *to prove, that the Conſideration of theſe General Maxims can add nothing to the Evidence or Certainty of Knowledge*; which overthrows all that which hath been accounted *Science* and *Demonſtration*, and muſt lay the Foundation of *Scepticiſm*. Becauſe our true Grounds of Certainty depend upon ſome *general Principle of Reaſon*. To make this plain, I ſhall put a Caſe grounded upon your Words, which are, *that you have diſcourſed with very rational Men, who have actually denied that they are Men.* Book 4. ch. 7. Sect. 17. Theſe Word, *J. S.* underſtands as ſpoken of *themſelves*, and charges them with very ill Conſequences; but I think they are capable of another meaning: Solid Philoſ. aſſerted Preface, Sect. Reflex. 19. P. 378. However, let us put the Caſe that Men did in earneſt queſtion, whether they were Men or not? and then I do not ſee, if you ſet aſide general Maxims, how you can convince them that they are Men. For, the way I look on as moſt apt to prevail upon ſuch extraordinary Sceptical Men, is by general *Maxims* and *Principles of Reaſon*. As in the firſt place, that *Nothing can have no Properties*; which I take to be the Fundamental Principle of Certainty, as to real Beings. For, all our inward Perceptions are only of ſome Acts or Properties, as of *Thinking*, *Doubting*, *Reaſoning*, &c. and if a Man proceeds ſo far as to queſtion every thing, in order to the diſcovering the true Ground of Certainty, he cannot be ſatisfied with finding out only ſome Modes of Being; but that which he aims at is, ſatisfaction as to his real Exiſtence.

But this wholly depends upon the Truth and Certainty of this *Fundamental Maxim; That Nothing can have no Operations*; and therefore, whatever thinks, or doubts, or reaſons, muſt certainly be. And ſince by another Fundamental Maxim, *it is impoſſible for the ſame Thing to be and not to be*; he cannot entertain any poſſible doubt of his own Exiſtence.

It may be ſaid, *that this reaches only to bare Exiſtence, and not to the being Men.* I anſwer, that for the Certainty as to that, there are other general Maxims of neceſſary Uſe; as, *That all different ſorts of Beings are diſtinguiſhed by Eſſential Properties; That the Eſſential Properties of a Man are to Reaſon, Diſcourſe,* &c. *That theſe Properties cannot ſubſiſt by themſelves without a real Subſtance:* And therefore, where theſe Properties are found, thoſe who have them muſt be real and ſubſtantial Men.

Book 4. ch. 9. Sect. 3. You may poſſibly ſay, *That theſe Maxims are uſeleſs, becauſe you affirm that nothing can be more evident to us, than our own Exiſtence; and that we have an internal infallible Perception that we are.*

But I anſwer, that theſe Maxims do not at all appear to be uſeleſs, becauſe the Certainty we enquire after is a Certainty of Reaſon, and not of bare Perception. And if it be a Certainty of Reaſon, ſome Ground of Reaſon muſt be aſſigned for it: but all that the Perception reaches to, are thoſe Acts mentioned by you. *I think, I reaſon, I feel pleaſure and pain:* but the Queſtion goes farther as to the Subject of thoſe Acts, and the Nature of that Subject, whether it be a Man or not.

Now here lies the main Difficulty, whether without the help of theſe Principles you can prove to any that doubt, that they are Men? And I ſhall now ſhew, that in your Way of *Ideas* you cannot. For,

(1.) You ſuppoſe that we muſt have a clear and diſtinct Idea of that which we are certain of in the Way of Ideas.

(2.) You deny that we have any ſuch clear and diſtinct Idea of Man.

1. You ſuppoſe, that we muſt have a clear and diſtinct Idea of that we are certain of. Book 4. ch. 7. Sect. 4. For in your Chapter of *Maxims*, you ſay, *that every one knows the Ideas that he has, and that diſtinctly and unconfuſedly one from another. Which always being ſo* (I pray mark that, and judge whether you do not make clear and diſtinct Ideas neceſſary to Certainty) *he can never be in doubt when any Idea is in his Mind, that it is there, and is that Idea it is, and that two diſtinct Ideas when they are in his Mind are there, and are not one and the ſame Idea:* From whence you infer *the Neceſſity of Certainty, when the Ideas are clear and diſtinct.* This is ſo plain and clear, that I wonder how you came to forget it, and to think that I did you wrong when I charged you with holding *clear and diſtinct Ideas* neceſſary to Certainty. But of that in the Beginning of this Diſcourſe.

2. But let us now examine your *Idea of Man*, whether that be clear and diſtinct or not; and if not, then according to your Principles *very rational Men* cannot be certain that they are Men. For if they have no Way of Certainty but by *Ideas*, and you allow no *clear and diſtinct Idea of Man*, then they can come to no Certainty; and I hope you will not deny them to be *very rational Men*, if they follow *the Way of Ideas.*

Book 4. ch. 7. Sect. 16. Firſt, you ſhew, *that there can be no Demonſtration in the Way of Principles what Man is.*

Sect. 17. Secondly, *that there are very different Ideas of Man, ſome,* you ſay, *make the Idea of a Man without a Soul; as Children do. Others add Laughter and rational Diſcourſe, and theſe may demonſtrate by general Principles that Ideots and Infants* *are no Men by this Maxim, that it is impoſſible for the ſame thing to be, and not to be; and you have diſcourſed with very rational Men, who have actually denied that they are Men.*

Others take in the Idea of Body in general, and the Powers of Language and Reaſon, and leave out ſhape; and ſo a Man may be a Four-footed Creature, or in whatever Body or Shape he found Speech and Reaſon joined, that was a Man.

Sect. 18.

But where is the *clear and diſtinct Idea of a Man* all this while? We can have *no Certainty by Principles*, you ſay, and you offer none in *the Way of Ideas*; for the *Ideas* are very confuſed, imperfect and repugnant to each other; and ſo in this new Method of Certainty by *Ideas*, we cannot be ſo much as certain *that we are Men*.

But is it poſſible to ſuppoſe, that a *rational Man* ſhould talk of Certainty by *Ideas*, and not be able to fix the *Idea* of a *Man*? One would have thought this had been only an Omiſſion in this place out of pure Zeal *againſt Principles*: but certainly in other places *this Idea* of a Man muſt be made *clear and diſtinct*. So far from it, that in other places, you induſtriouſly ſet your ſelf to diſprove the *common Idea* of a Man. *It could not poſſibly be*, ſay you, *that the abſtract Idea to which the Name Man is given, ſhould be different in ſeveral Men, if it were of Natures making; and that to one it ſhould be* animal rationale; *to another* animal implume bipes latis unguibus. From whence it is plain, that you allow no clear and diſtinct Idea of Man; and you endeavour to expoſe *the ſacred Definition*, as you call it, of *animal rationale*; which was never expoſed by any Man without Cauſe. But you conclude, *That we are far from knowing certainly what Man is, though perhaps it will be judged great Ignorance to doubt about it. And yet you think you may ſay, That the certain Boundaries of that Species are ſo far from being determined, and the preciſe Number of ſimple Ideas, which make that nominal Eſſence ſo far from being ſettled and perfectly known, that very material Doubts may ſtill ariſe about it.* So that I begin to think *J. S.* was in the right, when he made you ſay, *That you had diſcourſed with very rational Men who denied themſelves to be Men.* But this is a little too hard *to deny themſelves to be Men.* If it had been only, *who doubted whether they were Men or not*; you could not deny them to be *very rational Men*, becauſe they went upon your Grounds, that we can have no Certainty either by *Principles*, or by any *clear and diſtinct Ideas*, what a *Man is*.

Book 3. ch. 6.
Sect. 26.

Sect. 17.

Thus I have ſhew'd how inconſiſtent your way of *Ideas* is with true *Certainty*; and of what Uſe and Neceſſity theſe *general Principles of Reaſon* are.

I now come to the *Certainty of Reaſon in making Deductions.* And here I ſhall briefly lay down the *Grounds* of *Certainty*, which the Ancient Philoſophers went upon, and then compare your way of *Ideas* with them.

Ariſtotle obſerves, *that* Socrates *firſt brought in Definitions* and *Inductions* in order to *Certainty*; and went no farther. *Plato* allowed no *Certainty*, but only *Opinion*, as to External Objects; but he ſaid, that Certainty depended upon abſtract and ſeparate Ideas, which were always the ſame. This he took, (as I obſerved in my former Letter) from the *Pythagoreans*, only changing *Numbers* into *Ideas*. For by *Numbers*, they underſtood *firſt Principles*, not groſs and material; but *immaterial* and *eternal*, as *Jamblichus* ſaith; and thereſore *Moderatus Gaditanus*, one of the moſt underſtanding Men among them ſaith, *the* Pythagoreans *brought in Numbers.* 'Ευσήμου διδασκαλίας χάριν, *for a more decent Way of Inſtruction, following the Practice of Geometricians, who make uſe of Figures to repreſent things to the Mind*; and therefore their *Doctrine of Numbers* was the *Philoſophy of Principles*, or the general Grounds of Certainty; but this was ſo abſtruſe and ſo little underſtood, that it ſoon loſt its Reputation, as *Porphyry* obſerves, or was mixed with *Platoniſm*; and therefore *Photinus* joins the *Pythagorean* and *Platonick Principles* together. But *Ariſtotle* was a great

Ariſtot. Metaph. l. 5.
Anſwer to the firſt Letter. *p.* 32.
Jambl. in Nicom. p. 5.
Porph. vit. Pythag.

Metaphyſ. l. 7. c. 15, 16. l. 12. c. 4, 5.

great Enemy to theſe abſtracted Speculations, and therefore ſet himſelf ſo much on all occaſions againſt *Ideas* and *Numbers*, eſpecially in his *Metaphyſicks*. But inſtead thereof, he endeavour'd to bring down Certainty to material Things, and to real Beings. In order to this, he ſaw it neceſſary to avoid Confuſion, by explaining doubtfull Terms, and by ranking things under ſeveral Heads, which he called *Categories*; wherein all things are reduced to *Subſtance*, and *Accidents* belonging to them; to which he joins ſome general Diſcourſes about *the right Apprehenſion* of things *ſimply conſider'd*. But it is obſervable, that in all the *Categories* from *Archytas the Pythagorean* downwards, (who firſt placed them in that Order,) *Subſtance* was firſt ranked, as the moſt proper *Idea* of the Mind, and all Accidents or Modes were conſider'd with reſpect to that. And the French *Carteſians* in their *Logick*, place *Subſtance* as the *firſt Object of their Ideas:* and do not leave us a *relative Idea*, to be ſuppoſed only, becauſe Accidents cannot ſubſiſt without a Subject. Then follows the Way of underſtanding *the Truth and Falſhood of Propoſitions*; after which, he purſues the Way of *Reaſoning*, or inferring one thing from another, which he calls *Syllogizing*, wherein he profeſſes to go upon this *common Principle* of *Reaſon*, *That what things do agree in a third muſt agree among themſelves*. But being not content with the ordinary *Dialectical Way*, which proceeded upon the Conceſſions of the Party, he attempted to bring in *true Demonſtration*. To which he ſuppoſes *general Axioms* neceſſary, and *Definitions*, and *Poſtulata:* and he diſtinguiſhes between a *neceſſary Concluſion*, and a *Demonſtration*; for the former may ariſe from the manner of reaſoning; but a *Demonſtration* ſuppoſes a *neceſſary Cauſe*, and that the Propoſitions are ſuch as that the Concluſion neceſſarily follows from them. So that *Demonſtration* according to him muſt be of an inſeparable Property, and by the moſt immediate and neceſſary Cauſe. How far *Ariſtotle*'s Notion of *Demonſtration* can be applied to Phyſical matters is not my buſineſs to enquire; it being only to ſhew what his Method of Certainty was.

But beſides *Ariſtotle*, the *Stoicks* took upon them to lay down the true Method of Certainty; and they went another Way to work about it, *viz.* (1.) By finding out the *Criterion* of Truth and Falſhood. (2.) By examining the Conſequences and Deductions of Reaſon.

As to things which had ſome Degree of Evidence to Senſe or Reaſon, they made the *Criterion* neceſſary, but for thoſe which had not, but muſt be proved, the Examination of that Proof was neceſſary in order to Certainty.

The *Criterion* was agreed to be μέτρον καταλήψεως, the Meaſure whereby we are to judge of things. But as in the Uſe of Balances for Weight, there muſt be one to hold them and the Balances themſelves, and the Poſition of them; and as in the judging of a Line, whether ſtreight or crooked, there muſt be the Artificer, the Rule and the Application of it; ſo in judging of Truth and Falſhood, there muſt be the Faculty of Underſtanding as the Artificer, Senſe and Reaſon as the Rule; and the inward Ideas of the Mind, which anſwer'd to the Poſition of the Balances, or the Application of the Rule. Now that which they placed their Notion of *Certainty* in, was that *inward and comprehenſive Idea*, which was called by them ἡ καταληπτικὴ φαντασία. If it were a weak Aſſent, they called it *Opinion*; for they made the Aſſent voluntary, notwithſtanding the *Criterion*; but if it were a *firm and immoveable Aſſent*, that they called *Knowledge* and *Certainty*.

Arrian. l. 1. c. 22. l. 3. c. 26. Simplic. in Epict. c. 33.

But beſides theſe *comprehenſive Ideas* they did allow of *common Notions*, which they called προλήψεις, or *Anticipations:* of which *Arrian* ſpeaks; and *Simplicius* ſaith, they *are thoſe wherein all are agreed, and are planted in us by right Reaſon, and confirmed by Time aud Obſervation.*

As to the other Part, they took great pains about the true ſignification of Words, the rank and order of Things, the nature and kind of Propoſitions, and the difference of Signs, whereof ſome were *Monitory*, and others *Demonſtrative*. And the proving a thing uncertain, by ſomething granted to be certain, was that which they called *Demonſtration*. According to the Principles of the *Eleatick School*, the moſt ſimple and natural way of reaſoning was ſuppoſed to be by drawing *Conſequences* upon *Suppoſitions*, and the way the *Stoicks* took to judge of reaſoning, was by judging what approached neareſt to the *firſt Principles* of reaſoning; ſuch as that every thing we talk about either muſt be or not be; and in ſuch disjunct Propoſitions, one Part or other muſt be taken, and then a Train of Conſequences follows.

And *Plutarch*, no friend to the *Stoicks*, thinks this faculty of drawing Conſequences, lays the beſt Foundation for *Demonſtration*. For the Principle of it, he ſaith is the τὸ συνημμένον, *the connex way of reaſoning*; that is, as *Simplicius* explains it, *when two things are ſo joyned together as antecedent and conſequent, that by Poſition of the Antecedent, the Conſequent follows, and by taking away the Conſequent the Antecedent is removed.* Thus I have, in as few Words, as I could, laid together thoſe old Methods of Certainty, which have obtained greateſt Reputation in the World.

Plut. de Ei Delph. Simplic. Epict. c. in 58.

But your way of *Certainty by Ideas* is ſo wholly New, that here we have no *general Principles*; no *Criterion*, no *Antecedents and Conſequents*; no *Syllogiſtical Methods* of *Demonſtration*; and yet we are told of a better way of Certainty to be attained, meerly by the help of *Ideas*. But how comes there to be ſuch a *way of Certainty by Ideas*, and yet the *Ideas* themſelves are ſo *uncertain* and *obſcure*? I confeſs, that the more I look into it, the farther it appears to be from *a way of Certainty* to me. For in your Chapter *of the Improvement of Knowledge*, you have theſe Words; *for it being evident that our Knowledge cannot exceed our Ideas, where they are imperfect, confuſed or obſcure, we cannot expect to have certain, perfect, or clear Knowledge.* And yet how often do you confeſs, that our Ideas are *imperfect*, *confuſed*, and *obſcure*? How then is it poſſible to attain to any *Certainty* by them? And notwithſtanding theſe plain Words, you aſſert it over and over in your ſecond Letter, as appears in the Beginning, *that you do do not place Certainty in clear and diſtinct Ideas*, (as I obſerved in the Beginning.) How can theſe things conſiſt? Can *Certainty* be had with *imperfect* and *obſcure Ideas*, and yet *no Certainty be had by them*? I cannot blame you for finding fault with *common Principles of Reaſon*, if both Parts of a *Contradiction* may be true: But I forbear. However I cannot but join other Words of yours to ſhew how reſolved you were to be inconſiſtent with your ſelf: *But obſcure and confuſed Ideas can never produce any clear or diſtinct Knowledge; becauſe as far as any Ideas are confuſed or obſcure, ſo far the Mind can never perceive clearly, whether they agree or diſagree.*

Eſſay, B. 4. ch. 12. Sect. 14.

Book 4. ch. 2. Sect. 15.

And yet in the ſame Place, you ſay, *that our Knowledge conſiſting in the Perception of the Agreement or Diſagreement of any two Ideas, its Clearneſs or Obſcurity conſiſts in the Clearneſs or Obſcurity of that Perception, and not in the Clearneſs or Obſcurity of the Ideas themſelves.* How is it poſſible for us to have a *clear Perception of the Agreement of Ideas*, if the Ideas themſelves be not clear and diſtinct?

If the Mind can never *perceive clearly the Agreement or Diſagreement of obſcure and confuſed Ideas*, how can its Knowledge lie in *the Perception of that which is not to be perceived?*

This is a thing which I cannot make conſiſtent.

But beſides, I have another Charge upon your way of Certainty, *viz.* that you have no *Criterion* to diſtinguiſh *falſe* and *doubtfull Ideas* from *true* and *certain*; how then can any Man be ſecure that he is not impoſed upon in this way of *Ideas*?

The *Academicks* went too far in the way to *Scepticiſm*, but they differ'd from the *Scepticks* in two Things. 1. They aſſerted, that there was no abſolute Certainty to be had, which the *Scepticks would not*. 2. They held a far greater Probability in ſome things than others, and that Men were bound to follow the greateſt Probability in what concern'd their own Welfare: but the *Scepticks* ſaid, that they would do as others did, or follow Inclination, and the Laws of their Country, but they held no *Opinion* in their Minds, as they ſaid.

The *Academicks* went much upon *Ideas*, or Repreſentations of things to their Minds, but they did not proceed upon every *Idea*, but they examin'd and weighed all the Circumſtances belonging to it, before they allow'd it to prevail upon them to give an Aſſent as to a greater Probability. *Carneades*, one of the ſubtileſt of them, as appears by *Sextus Empiricus*, diſtinguiſhed a three-fold *Idea*.

Sext. Empiric. adverſ. Mathem. l. 7.

1. Πιθανὴ φαντασία, *a probable Idea*; which the *Academicks* called Ἔμφασις. For, ſaid he, neither that which appears falſe of it ſelf; nor that which is true, but doth not appear ſo, can perſwade a Man's Mind. And of thoſe things which do appear to be true, ſome have a very ſlender Appearance, others have a mighty ſtrong one, and therein he placed his *Criterion*.

2. Ἀπερίσπαστος φαντασία, *an undiſtracted Idea*; i. e. when no Circumſtances diſturb or ſhake the firſt Impreſſion, ſo as to make us queſtion the Truth of it; which *Sextus Empiricus* calls συνδρομὴ φαντασιῶν, *a Concurrence of Ideas* and none diſagreeing, and yet he would not allow this to be a ground of certainty but only of *Probability*.

3. Διεξοδευομένη φαντασία, *a well examin'd Idea*, by the beſt Reaſon a Man hath and the greateſt Application of Mind. And this was the Foundation of the higheſt *Probability* a Man's Mind could reach to. Now to apply this to your Caſe; You tell us of a way of *Certainty by Ideas*, and never offer any ſuch Method for Examining them, as the *Academicks* required for their *Probability*. As for inſtance, Your firſt Idea which you go upon, is that of *Solidity, which* you ſay, *of all others ſeems the moſt intimately connected with and eſſential to Body:* And therefore muſt be of great Moment. *Solidity*, you ſay, *conſiſts in Repletion and Reſiſteuce; and by this Idea of Solidity the Extenſion of Body*, you ſay, *is diſtinguiſhed from that of Space; ſo that of pure Space and Solidity you have clear and diſtinct Ideas.* Now here in the way of Certainty I have two Queſtions to ask. 1. How this *Idea* comes to be *clear and diſtinct* to you, when others who go in the ſame way of *Ideas* have quite another *Idea* of it, and think they have as *plain* and *diſtinct* an *Idea* that the Extenſion of Space and Body are the ſame? Now what *Criterion* is there to come to any Certainty in this Matter? I ſee none ſo much as offer'd, but only that they ſeem to you to be *clear and diſtinct*, but to others the contrary. So that here we are at a loſs as to any Certainty in the way of *Ideas*. And *the blind Man who fanſied the Idea of Scarlet to be like the ſound of a Trumpet*, could hardly be convinced of his Error in the way of *Ideas*. This you mention to ſhew the *different Ideas* men may fall into; which I think is enough to ſhew that they have no way of Certainty in themſelves, if it be poſſible for Men, even for Philoſophical and Rational Men, to fall into ſuch contrary *Ideas* about the ſame thing; and both ſides think their *Ideas clear and diſtinct*. 2. But I have another Queſtion to propoſe; *viz.* Whether by this *Idea* of *Solidity* we may come to know *what it is?* This is a very reaſonable Queſtion in the *way of Certainty*, which is to lead us to the certain knowledge of Things. I pray therefore tell me from your *Idea, what it is, and wherein it conſiſts?* The Queſtion you ſuppoſe might be very well asked; and you give a moſt ſatisfactory Anſwer to it. *If any ask me what this Solidity is, I ſend him to his Senſes to inform him.* I had thought by the Deſign of your Book you would have ſent him to his *Ideas* for *Certainty*; and are we ſent back again from our *Ideas* to our *Senſes?* What do theſe *Ideas* ſignifie then? But you ſay farther; *That if this be not a ſufficient Explication of Solidity, you promiſe to tell him*

Eſſay, B. 2. ch. 4. Sect. 5.

Sect. 6.

him what it is, when he tells you, what Thinking is, or explains to you what Extenſion and Motion are. Are we not now in the true way to Certainty, when ſuch things as theſe are given over, of which we have the cleareſt Evidence by *Senſation* and *Reflection*? For here you make it as impoſſible to come to certain, clear and diſtinct Notions of theſe things, *as to diſcourſe into a blind Man the Ideas of Light and Colours.* Is not this a rare way of Certainty?

Thus I have ſhewed that you have no Security againſt *falſe* and *uncertain Ideas*, no *Criterion* to judge them by; no Light into the Nature of Things by them, as will farther appear by what you ſay of the *Ideas* of *ſenſible Qualities. To diſcover*, ſay you, *the Nature of our Ideas the better, and to diſcourſe of them intelligibly, it will be convenient to diſtinguiſh them, as they are Ideas or Perceptions in our Minds; and as they are Modifications of Matter in the Bodies that cauſe ſuch Perceptions in us: that ſo we may not think (as perhaps is uſually done) that they are exactly the Images and Reſemblances of ſomething inherent in the Subject: moſt of thoſe of Senſation being in the Mind no more the likeneſs of ſomething exiſting without us, than the Names that ſtand for them are the likeneſs of our Ideas, which yet upon hearing they are apt to excite in us.* Now here again our *Ideas* deceive us, *in the way of Certainty*. We deſire to know ſomething of the *Nature of thoſe Objects* of which we have the *Ideas* in our Minds, becauſe theſe we are told, will bring us to *a Certainty of Knowledge*. Of what? Of what we feel? No certainly, but of that which cauſes theſe inward Perceptions. Can we then by theſe *Ideas* know the *Nature of things without us*? No, you ſay we cannot; for *moſt of thoſe of Senſation are no more the likeneſs of ſomething without us, than Names are for things which they ſtand for.* So that theſe *Ideas* are really nothing but Names, if they be not *Repreſentations* of *Things*; and if they be not, how can we underſtand Things by them; and if we cannot, what *Certainty* is attainable by them?

Book II. ch. 8. Sect. 7.

But I will do you no wrong; and therefore I muſt conſider what you ſay about *Demonſtration*: For it cannot be denied that you own the thing, although you deny it to be *ex præcognitis & præconceſſis*, and ſay, *it is a miſtake that they are ſuppoſed to be the Foundations of all our Knowlege and Reaſonings.* We muſt therefore examine your way of *Demonſtration* without *Principles*.

B. IV. ch. 2. Sect. 8.

Sect. 12.

Certainty, you ſay, *depends ſo wholly on Intuition, that in Demonſtrative Knowledge, this Intuition is neceſſary in all the Connexion of the Intermediate Ideas, without which we cannot attain Knowledge or Certainty.* By *Intuition* you mean *Self-Evidence*. For you ſay, *in this the Mind is at no pains of proving or examining, but perceives the Truth as the Eye doth Light only by being directed towards it.* For hence you muſt ſuppoſe *Self-Evidence* to be in the *Ideas* of your Mind; and that every *Intermediate Idea* which you take to demonſtrate any thing by, muſt have a Self-Evident Connexion with the other *Idea*: which is ſuch a way of Demonſtration, as the old Philoſophers never thought of. For upon this Ground every Demonſtration carries its own Light with it; and can no more be queſtioned, than whether two and two make four; and I would be glad to ſee any *Demonſtration* (not about Figures and Numbers) of this kind, which I think is not to be expected in the way of Ideas. But becauſe in this lies the chief Point as to a *way of Certainty by Ideas*, I ſhall more carefully examine the Grounds you proceed upon, and ſhew them to be very Inſufficient for the purpoſe you intend them.

Your principal Ground is from *Mathematical Demonſtrations*, and your Examples are brought from them. But his is quite a different Caſe from yours. For you grant, that thoſe *Ideas* on which *Mathematical Demonſtrations* proceed, are wholly in the Mind, and do not relate to the Exiſtence of Things; but our Debate goes upon a *Certainty* of the *Knowledge of Things* as really exiſting; ſo that, although we ſhould grant all that you ſay, about the *Intuition of Ideas in Mathematical Demonſtrations*, yet it comes not at all to your Buſineſs, unleſs you can prove that we have as *clear and diſtinct Ideas* of *Beings*, as we have of *Numbers* and *Figures*. And yet herein you are not conſiſtent with you ſelf; for your deſign to prove *Demonſtrations* without *General Principles*; and yet every one knows, that *General Principles* are ſuppoſed in *Mathematicks*, and that Perſon would be thought Ridiculons, who ſhould go about to prove, that *General Principles are of little, or of dangerous uſe* in Mathematical Demonſtrations. And ſo in *Morality*, which you place *among the Sciences* B. IV. ch. 3. Sect. 18. *capable of Demonſtration*; you confeſs, *That the way of Demonſtration therein is from Principles, as thoſe of the Mathematicks, by neceſſary Conſequences.* This is a very intelligible way of *Demonſtration*: But how Ch. 7. Sect. 10. then comes it to paſs, that in the *way of Certainty by Ideas* as to other Points of Knowledge, you *deny general Maxims to be the Foundation we* Sect. 9. *are to proceed upon?* And the Method you lay down, is this, *that Ideas of particular things are firſt in the Mind, which are firſt received and di-* Sect. 10. *ſtinguiſhed, and ſo Knowledge got by them; but general Ideas are Fictions and Contrivances of the Mind, which carry Difficulty with them; but that it is true of our particular diſtinct Ideas, that they are all known by their Native evidence, are wholly independent, receive no Light, nor are capable of Proof one from another; much leſs the more particular from the more general, or the more ſimple from the more compounded, the more ſimple and leſs Abſtract being the moſt familiar, and the eaſier and earlier apprehended. But which ever be the cleareſt Ideas, the Evidence and Certainty of all ſuch Propoſitions is in this, that a Man ſees the ſame Idea to be the ſame Idea, and infallibly perceives two different Ideas to be two different Ideas. For when a Man has in his Underſtanding the Ideas of One and of Two, the Idea of Yellow and of Blue, he cannot but certainly know, that this Idea of One is the Idea of One, and not the Idea of Two; and that the Idea of Yellow is the Idea of Yellow, and not of Blue. For a Man cannot confound the Ideas in his Mind, which he has diſtinct; that would be to have them confuſed and diſtinct at the ſame time, which is a Contradiction: and to have none diſtinct is to have no uſe of our Faculties, to have no knowledge at all. And therefore what Idea ſoever is affirmed of it ſelf, or whatſoever two entire diſtinct Ideas are denied one of another, the Mind cannot but aſſent to ſuch a Propoſition, as infallibly true, aſſoon as it underſtands the Terms without Heſitation, or need of Proof, or regarding thoſe made in more gegeneral Terms, and called Maxims.* Theſe are your own Words, which I have ſet down at large, that you may not complain that I miſrepreſent your Senſe. And if I underſtand the force of them, you take off the way of *Demonſtration* from *general Principles* and *Conſequences* deduced from them, and place it in *the Self-Evidence of Ideas*.

But that it is impoſſible to come to a *Demonſtration* about real Beings, in this way of *Intuition of Ideas*, I ſhall now make appear from your ſelf, which will farther diſcover the Inconſiſtency of your *Notion of Ideas*.

And the Reaſons I go upon are theſe;

1. That you confeſs, that ſome of the moſt obvious Ideas are far from being *Self-evident*.

2. That there may be contradictory Opinions about ſome Ideas, which you account moſt *clear and diſtinct*.

3. That granting the *Ideas* to be *true*, there is no *Self-evidence* of the *Connexion* of them, which is neceſſary to make a *Demonſtration*.

1. That ſome of the moſt *obvious Ideas*, are far from being *Self-evident* by your own Confeſſion. Among theſe you cannot deny thoſe of *Matter* and *Motion*, of *Time* and *Duration*, and of *Light*, to be very conſiderable. But I ſhall prove from your ſelf, that we can have no *Intuition* of theſe things, which are ſo obvious to us; and conſequently can have no *Self-evident Ideas* of them.

As to the *Idea* of *Matter*: That you tell us, *conſiſts in a ſolid Subſtance every where the ſame; and a Body is a ſolid extended figured Subſtance.* Book 3. ch. 10. Sect. 15.

Now there are two things concerning *Matter*, which I would be glad to come to a certain Knowledge of. And thoſe are,

1. The Manner of Coheſion of the Parts of Matter, concerning which you have theſe words. *For ſince no Body is no farther, nor otherwiſe extended, than by the Union and Coheſion of its ſolid Parts, we ſhall very ill comprehend the Extenſion of Body, without underſtanding, wherein conſiſts the Union and Coheſion of its Parts, which ſeems to me as incomprehenſible as the Manner of Thinking, and how it is performed.* Book 2. ch. 23. Sect. 24. *I would have any one intelligibly explain to me, how the Parts of Gold or Braſs (that but now in fuſion were as looſe from one another, as the Particles of Water, or the Sands of an Hour-glaſs) come in a few Moments to be ſo united, and adhere ſo ſtrongly one to another, that the utmoſt force of Men's Arms cannot ſeparate them. A conſidering Man will I ſuppoſe be here at a loſs, to ſatisfie his own or another Man's Underſtanding.* Sect. 25. And can you then imagine that we have *Intuition* into the *Idea* of *Matter*? Or that it is poſſible to come to a *Demonſtration* about it by the help of any *intervening Idea*? The *Idea* of *Solidity*, or firm Coheſion of Parts cannot be ſaid to come from the *Idea* of *Matter* it ſelf, for then there could be no ſuch thing as *fluid Matter*. Whence then comes the diſtinction between theſe *Ideas* of ſolid and fluid Matter? That there is ſuch a Coheſion of the ſolid Parts of Matter is evident: now what other *Ideas* do you compare and connect with this to make it evident, how this *Solidity* and Matter came to have this Agreement with each other?

Is it by the *Denſity* or Compactedneſs of the Matter in a little Compaſs? But that is as hard to give an account of; *viz.* how ſome Parts of Matter come to take up ſo much leſs Room, and to ſtick cloſer than others. Is it by bare *Reſt* of the Parts? But how comes the *Reſiſtance* of ſolid Bodies to come only from *Reſt*? Is it from *the Preſſure of the Ambient Air*? No, you ſay, *that in Truth the Preſſure of an ambient Fluid how great ſoever, can be no intelligible Cauſe of the Coheſion of the ſolid Parts of Matter.* Book 2. ch. 23. Sect. 24. So that we are not to look for any thing like a Demonſtration of the Coheſion of the Parts of Matter.

2. And as little are we to expect it, as to the *Diviſibility* of it; which was the other thing I hoped to find demonſtrated in the way of *Ideas*. For you tell us, *that the Notion of Body is cumbred with ſome Difficulties which are very hard, and perhaps impoſſible to be explained, or underſtood by us.* Ch. 23. Sect. 31. And among theſe you particularly inſtance in the *Diviſibility of*

Matter; which you ſay, *whether we grant or deny it to be* in infinitum, *it involves us in Conſequences impoſſible to be explicated or made conſiſtent. Conſequences that carry greater Difficulty, and more apparent Abſurdity than any thing can ſollow from the Notion of an immaterial knowing Subſtance.* So that I think it is vain to expect a *Demonſtration* in the *way of Ideas* as to this Matter.

Book 3. ch. 4. Sect. 8. ·The next is that of *Motion*. Concerning which you tell us, *that the Definition of the Schools is exquiſite Jargon: That of the Atomiſts is but putting* Sect. 9. *one Synonimous Word for another*; viz. *that Motion is a Paſſage from one Place to another: for Paſſage may as well be defined a Motion from one Place to another. And the Carteſian Definition, that it is the ſucceſſive Application of the Parts of the Superficies of one Body to thoſe of another, will not prove a much better Definition of Motion when well examin'd.* And what is there ſo evident as *Motion?* So that if our *Ideas* fail us in ſo plain a Caſe, what help can we hope from them in things more abſtruſe and remote from our Senſes?

Book 2. ch. 14. Sect. 2. As to *Time* and *Duration*, you ſay, *that the Anſwer of a great Man (to one who asked what Time* was, Si non rogas, intelligo, *which amounts to this, the more I ſet my ſelf to conſider it, the leſs I underſtand it) might perhaps perſwade one, that Time, which reveals all other things, is it ſelf not to be diſcover'd.* This ſhews, that there is no *Self-evident Idea* of *Time*. But here you offer to furniſh us with as *clear and diſtinct Ideas*, as of many other which are thought much leſs obſcure. However, then it is plain, that we have not the Knowledge by *Intuition*, but by rational Sect. 32. Deduction. For you proceed from *the Idea of Succeſſion to that of Duration, by obſerving a Diſtance in the Parts of Succeſſion; and then from obſerving Periodical Motions, we get Ideas of the Meaſures of Duration; as Minutes, Hours, Days, Years,* &c. *From hence we proceed to imagine Duration not yet come; and ſuch to which we can always add; from which comes the Idea of Eternity: and by conſidering any Part of Duration with Periodical Meaſures, we come to the Idea of what we call Time in general.* So that *the Idea of Time in general* is ſo far from being known by *Intuition*, that many Steps are to be taken in order to it; and ſome ſuch as Sect. 4. one would hardly have thought of. As how *the Idea of Succeſſion* ſhould ariſe from *a Train of Ideas in our Minds:* You ſay it is, *becauſe we have no Perception of Duration, but by conſidering the Train of Ideas, that take their Turns in our Underſtandings.*

What think you of thoſe People that fail'd not in reckoning the Succeſſion of Time right for many Years together by Knots, and Notches on Sticks, and Figures, without ever ſo much as thinking of *Ideas*, or any thing like them? But beſides, ſuch Arbitrary Meaſures of Time, what need any Recourſe to *Ideas*, when the Returns of Days, and Months, and Years by the *Planetary Motions*, are ſo eaſie and ſo univerſal? If a Man hath no Perception of Duration when he *ſleeps*, yet the Time runs on, and Nights have as much their ſhare in Succeſſion as Days have. And although you ſay, *it ſeems very clear to you, that Men derive their Ideas of Duration from their Reflection on the Train of the Ideas they obſerve to ſucceed one another*, yet I think the contrary ſo clear, that Men may have a *clear Idea* of *Succeſſion* without it, that I rather wonder how you came to think of this Way. But it is ſufficient to my purpoſe, that you could never know this *Idea* of Time by *Self-evidence*.

The laſt I ſhall mention is *Light*, and one would think, if any Idea be *Self-evident*, it ſhould be that. But let us ſee what you ſay about it; you explode *the Peripatetick Definition of it as unintelligible*; *and the Carteſian you allow to be but little better. For when they make it to be a Number of little Globules ſtriking briskly on the bottom of the Eye,* you ſay, *to a Man that underſtands it not before, theſe Words would make the Idea of Light no more known to him, than if one ſhould tell him, that Light was nothing but a Company of little Tennis-balls, which Fairies all day long ſtrook with Rackets againſt ſome Men's Foreheads while they paſs by others.* And is this a *Self-evident Idea* of *Light*? Thus we have ſeen what Account your ſelf have given of theſe *Self-evident Ideas*, which are the ground-work of *Demonſtration*.

Book 3. ch. 4. Sect. 10.

2. But ſuppoſe an *Idea* happen to be thought by ſome to be *clear and diſtinct*, and others ſhould think the contrary to be ſo, what hopes of *Demonſtration* by *clear* and *diſtinct Ideas* then? As ſuppoſe a Man entertain *Des Cartes* his *Idea* of *Space*, as the ſame with Body, or extended Matter, which he affirms to be *clear and diſtinct*; the Conſequence from hence is, as your ſelf confeſs, *that he may from thence demonſtrate that there can be no Vacuum*: but again, let us ſuppoſe another to have a clear and diſtinct Idea of Space from Body, *this Man*, you ſay, *may demonſtrate as eaſily that there may be a Vacuum, or Space, without a Body, as* Des Cartes *demonſtrated the contrary.* Say you ſo? What *Demonſtrations* on both ſides, and in the *way of Ideas* too? This is extraordinary indeed. But if we may be allowed the Uſe of common Principles, we may be ſure, that both Parts of a Contradiction cannot be true, and therefore there muſt be a fundamental Miſtake ſomewhere. You ſay, *it is in wrong Application of that general Maxim, What is, is.* But there is no fault in the Principle, which is the true meaning of the other; that *it is impoſſible for the ſame thing to be and not to be*, which undoubtedly holds true; but it is in ſuppoſing the Reality of the thing to be according to what you call a *clear and diſtinct Idea.* So that the general Principles of Reaſon ſtand firm and good; but your *Self-evidence* of *clear and diſtinct Ideas* is ſuch a Principle, we ſee, as ſerves for *Demonſtrations* of both Parts of a Contradiction.

Book 4. ch. 7. Sect. 12.

3. But granting the *Ideas* to be true, yet when their *Connexion* is not *Self-evident*, then an *intermediate Idea* muſt complete the Demonſtration. But how doth it appear that this *middle Idea* is *Self-evidently connected* with them? For, you ſay, *if that intermediate Idea be not known by Intuition, that muſt need a Proof*; and ſo there can be no *Demonſtration.* Which I am very apt to believe in this way of *Ideas*; unleſs theſe *Ideas* get more Light by being put between two others. This will beſt appear by a remarkable Inſtance already mentioned, *viz.* in the *Ideas of Space and Body*; the Queſtion ſuppoſed is, whether they be the ſame or not? ſome we ſee affirm it, and others deny it. So that here we muſt uſe an *intermediate Idea*, and that is of *Motion*, and we are to conſider whether this hath a Self-evident Connexion with the other Ideas? *The Motion of Bodies*, you ſay, *that are in our view and neighbourhood, ſeems to you plainly to evince a Vacuum.* But how? Is it by *Intuition* or *Self-evidence*? No, you do not pretend to it. But by Reaſon: *Becauſe there muſt be a void Space equal to the Bulk of that Body, which moves within the Bounds of ſuch a Superficies. And if there be a Space without Body there muſt be a Vacuum.* But *Gaſſendus* attempted to prove Motion impoſſible, if there were no *Vacuum*: For every

Book 4. ch. 2. Sect. 7.

Eſſay, B. 2. ch. 13. Sect. 22.

Body muſt go into the place of another, and ſo *in infinitum*; which he ſaid was ridiculous and impoſſible.

The *Carteſians* anſwer'd, *that the Motion was Circular*, *Gaſſendus* urged, that ſtill it was impoſſible: For ſuppoſe *A* the firſt Body, and *X* the laſt; *A* cannot move, unleſs *X* can be moved: but *X* cannot move, becauſe the Place is filled with *A*.

Joh. Bapt. Morini Diſſert. de Atomis & vacuo, p. 14.

The *Carteſians* ſay, this proves nothing, becauſe in the ſame inſtant, that *X* goes into the place of *A*, that gives way. *Joh. Bapt. Morinus* (Profeſſor of the *Mathematicks* at *Paris*, at the ſame time with *Gaſſendus*) anſwers to *Gaſſendus* his Argument, *that the Separation of two Bodies and Succeſſion are at the ſame time; and ſo there can be no Vacuum.*

Bernier Favilla Ridiculi Muris, p. 99.

Bernier defends *Gaſſendus* his Argument, and ſaith, *that no Motion can begin without a Vacuum*; but other Philoſophers and Mathematicians as ſtifly deny it. And is it poſſible to imagine, that there ſhould be a Self-evident Connexion of *Ideas* in this Caſe?

Sect. 2. Ch. 17. Sect. 1. Sect. 2.

But what hath *Reaſon* now to do in this *way of Intuition*? Yes, ſay you, *Reaſon is to diſcover the Agreement or Diſagreement of Ideas.* But this is nothing but an imploying the Faculty of Reaſon in ſuch a manner: And ſo in the beginning of your *Chapter of Reaſon*, you tell us, *that it is ſometimes taken for true and clear Principles, and ſometimes for clear and fair Deductions from thoſe Principles; but you take it for a faculty in Man.* But why, in a Chapter of *Reaſon*, are the other two Senſes neglected? We might have expected here full Satiſfaction as to the *Principles of Reaſon* as diſtinct from the faculty, but you wholly avoid it; and only ſhew how *it is uſed in finding out the certain Connexion of Ideas in Demonſtration; and the probable Connexion in other things.* So that the Difference lies between us, as to this Matter of *Reaſon*, in theſe two things.

(1.) You affirm, *that general Principles and Maxims of Reaſon are of little or no uſe*; I ſay that they are of very great uſe, and the only proper Foundations of Certainty.

(2.) You ſay, *That Demonſtration is by way of Intuition of Ideas, and that Reaſon is only the Faculty imploy'd in diſcovering and comparing Ideas with themſelves, or with others intervening; and that this is the only way of Certainty.*

I affirm, and have proved, that there can be no Demonſtration by *Intuition of Ideas*; but that all the Certainty we can attain to, is from *general Principles* of *Reaſon*, and *neceſſary Deductions* made from them.

Eſſay, B. 4. ch. 2. Sect. 3. Sect. 7, 8. Ariſtot. Metaph. l. 4. c. 4.

But before I conclude this Diſcourſe, I muſt obſerve that you prove that *Demonſtration* muſt be by *Intuition*, in an extraordinary manner, from the ſenſe of the Word. For you ſay, *it is called Demonſtration, it being ſhewn to the Underſtanding, and the Mind made ſee, that it is ſo.* I have told you formerly, how very uncertain a way of Arguing it is, which is taken from the original ſignification of Words; and if it would hold in this Caſe, it would be moſt proper for *Ocular Demonſtrations*, or by the Finger. But in the Philoſophical Senſe of the Word, *Demonſtration* was never taken for *Intuition*, or the knowing of a thing by its Self-evidence. But you aſſert *the Neceſſity of intuitive Knowledge,* [illegible] *every Step of a Demonſtration.* Whereas, *Ariſtotle* ſaith, *things that are Self-evident cannot be demonſtrated; and that it is Weakneſs and Folly not to know what things are capable of Demonſtration, and what not.*

It ſeems there were ſome Philoſophers, who would have firſt Principles demonſtrated; *This*, ſaith *Ariſtotle*, *cannot be done without running* in infinitum, *which is abſurd*. Whence it is plain, that *Demonſtration* was ſuppoſed to lie in ſome antecedent Proof; and where any thing was *Self-evident* it was abſurd to look for it: So that the way of *Intuition* and *Demonſtration* were thought inconſiſtent. For what a Man ſees by its own Light, he needs no Proof of. But you ſay, *that in a Demonſtration the intervenient Ideas are called Proofs*; *and where by the help of theſe the Agreement or Diſagreement is plainly perceived, that is Demonſtration*: And *that in every ſtep there is an intuitive Knowledge of the Agreement or Diſagreement it ſeeks with the next intermediate Idea, which it uſes as a Proof*; *for, if it were not ſo, that would need a Proof*. So that according to your Method of *Demonſtration*, that which is uſed as a *Proof* muſt *need no Proof*, but muſt be known by *immediate Intuition*. Of which kind of Demonſtration, I would fain ſee any one inſtance in the Knowledge of Things, and not in abſtracted and mathematical Demonſtrations. For it may be, it hath been the occaſion of ſome great Miſtakes in the Philoſophy of this Age, that ingenious and mathematical Men have labour'd ſo much to accommodate the Principles of that Science to the Nature of material Things; of which we have a remarkable Inſtance in the Syſtem of *Des Cartes*. And ſuppoſing we could come to a Certainty about the Nature and Tendency of Bodies here within our Reach, (I mean with reſpect to the Earth) I do not know how far the greateſt Mathematician can proceed in making Demonſtrations as to the Nature and Tendency of thoſe Bodies which are ſo much out of our Reach, as the Heavenly Bodies are, both in themſelves and with reſpect to one another. For, if the *Phænomena* depend upon a force given them by the Great and Wiſe Creator, how can we know in what Manner or Degree that force is given to Bodies at ſuch a wonderful Diſtance from us, as the fixed Stars are? For, if God can alter the Laws of Motion in *another Syſtem*, as it is not denied; how can we be mathematically certain, that the Laws of Motion in Bodies, ſo much above us, are the very ſame that we find them here; I do not by any means take off from the laudable Endeavours of thoſe who have gone about to reduce natural Speculations to mathematical Certainty: but I mention it to ſhew, that it is a very eaſie way for Thinking Men to deceive themſelves, in talking ſo much of *demonſtrative Certainty* about natural Things, when all their Inſtances are brought from *Mathematical Demonſtrations*. *Ariſtotle*, whom I cannot deſpiſe ſo much as ſome do (I do not ſay for want of reading him) hath a Diſcourſe on purpoſe in the Beginning of his *Books of Animals*, *in what way natural Things are to be handled*; and he ſaith, *there are two ways*. 1. *By way of Science*. 2. *By way of Inſtruction, which muſt be ſuitable to the Nature of the things*. So that in natural Hiſtory he ſaith, *there muſt be certain bounds ſet for Enquiry, without proceeding to ſtrict Demonſtration*. *And*, ſaith he, *the Manner of Demonſtration as to natural Things is different from what it is in ſpeculative or mathematical Things*. In another place he laments the want of *Experiments* as to *natural Hiſtory*, (although he made far more than any before him, and was better able to do it by the plentifull Aſſiſtance of *Phili*[illegible]d *Alexander*, while he lived at Court) and he looks on that *as the* [illegible]*ſt way of ſatisfying our Reaſon about ſuch things*; *and our Reaſons*, ſaith he, *are then good, when they agree with the Phænomena*.

Sect. 3.

Sect. 7.

Ariſt. de Part. Anim. *l.* 1. *c.* 1.

De Gen. Anim. *l.* 3. *c.* 10.

And

De Meteor. *l.*1.*c.*7.

And he was ſo far from thinking he had made *Demonſtrations in Phyſicks*, that in one place he ſaith, *that in things not evident to Senſe, he thought it ſufficient to ſhew the Poſſibility of it*; and therefore he ought not to be run down for his Modeſty; however his phyſical Notions fall far ſhort of *Demonſtrations*.

Moral. Magn. *l.*1. c. 1.

In his *Morals*, he ſaith, *all Principles muſt be ſuitable to the Nature of the Science; for it would be abſurd for a Man to go about to prove the three Angles of a Triangle equal to two right Angles; and take this for his Principle, that the Soul is immortal. For the Proof muſt be proper and connected with it.* And from hence he excludes *Plato's Idea* from being a *Principle* in *Morals*.

Eudem. *l.* 1. *c.* 6.

In his *Eudemia*, *the way of Proceeding in Morals*, he ſaith, *is by Reaſons, Teſtimonies, and Examples*; and he looks on it *as great want of Judgment for Men not to conſider what Reaſons are proper for every Science.* So that according to him, *Morality* is not uncapable of Demonſtration; ſo it be upon *Moral Principles*: For that he lays down in the Beginning of his *Ethicks*, and afterwards, *that the ſame Exactneſs is not to be required in all ſorts of Reaſoning: but that it ought to be ſuitable to the Matter it is about.* Οἱ κατα τὴν ὕλην οἱ λόγοι ἀπαιτητέοι.

Ethic. ad Nicom. *l.* 1. c. 1, 7. *l.* 2. *c.* 2.

If therefore the *Principles* in *Morality* be clear and proper, and the *Deductions* be plain and natural, I do not ſee, but that it is as capable of *Demonſtration* as any other Science; if Men were as willing to be convinced in *Morals*, as they are in *Mathematicks*. And therein I fully agree with you: But the way of *Demonſtration by Ideas* will not do, either there or any where elſe. I mean by this *intuitive Knowledge in every Step of the Demonſtration*: when the *intervening Ideas* are far from being capable of this *intuitive Certainty*.

And as to your Argument from the Notation of the Word, it is certain that after the Philoſophical Uſe of it, it ſignified no more among ſome Philoſophers than *the Concluſion of an Argument*; *whereby we are brought from ſomething we did perceive, to ſomething we did not.*

Itaque Argumenti Concluſio quæ eſt Græcè Ἀπόδειξις ità definitur; Ratio quæ ex rebus perceptis ad id quod non percipiebatur adducit. Cicero in Lucullo, c. 8.

Not by way of *Intuition*, but by a *Deduction of Reaſon*. And *Plato* makes uſe of the Word *Demonſtration* in his *Phædrus*, for *ſuch a Reaſon which wiſe Men would believe, and others would not*. But there could be no intuitive Certainty in ſuch a Demonſtration.

Ἡ δὲ δὴ Ἀπόδειξις ἔσται δεινοῖς μὲν ἄπιστος, σοφοῖς δὲ πιστή, Plato in Phædro. V. Dialect. Ciceron. Adam Burſii, l. 6. c. 10.

I have been longer a clearing this Matter than I thought I ſhould have been; but it is the main Point as to *Certainty by Ideas*, and what remains will admit of an eaſier Diſpatch. I now return to the Difference between *Nature* and *Perſon*; and I ſhall only ſingle out what is material and pertinent; and now leave the interlocutory Gentlemen to maintain their Converſation by themſelves.

I had ſaid in my Vindication, "That Nature may be conſider'd two
" Ways. (1.) As it is in diſtinct Individuals. (2.) Abſtractly with-
" out reſpect to individual Perſons.

(1.) " As it is in diſtinct Individuals, as the Nature of a Man is
" equally in *Peter*, *James*, and *John*, and this is the common Nature
" with a particular Subſiſtence belonging to each of them. For the

" Nature of Man, as in *Peter*, is diſtinct from the ſame Nature, as it " is in *James* and *John*; otherwiſe they would be but one Perſon, as " well as have the ſame Nature. Which to my underſtanding is plain and clear Reaſon. And if ſo, then here we have an *Identity* of *Nature*, and a *Diſtinction* of *Perſons* in the ſame Nature.

But to this you object theſe three Things:

(1.) *That you cannot put together one and the ſame, and diſtinct; and conſequently there is no Foundation for the Diſtinction of Nature and Perſon.* P. 127.

(2.) *That what I ſay about common Nature, and particular Subſiſtence and Individuals, is wholly unintelligible to you and your Friends.* P. 131, 132, 134, 138, &c.

(3.) *That to ſpeak truly and preciſely of this Matter, as in reality it is, there is no ſuch thing as one common Nature in ſeveral Individuals; for all that is Truth in them is particular, and can be nothing but particular. But the meaning is, that every particular individual Man or Horſe,* &c. *has ſuch a Nature or Conſtitution as agrees, and is conformable to that Idea which that general Name ſtands for.* P. 154.

This is the Subſtance of what I can gather out of your Diſcourſe in ſeveral Pages, but as to the general Reflections I paſs them over, having no other Deſign but to ſet Truth in as good a Light as I can. And if I have the Misfortune not to be underſtood, I cannot help it; I wiſh it were in my Power to help other Men's Capacities as well as to help my own.

But you ſay, the *Notioniſts and Ideiſts*, (as they are called) ſeem to *have their apprehenſive Faculties very differently turned.* I do not think, that there is any *different Turn in their Faculties*; but there may be a very wrong *Turn* in the Method of Reaſoning in thoſe, who go in this *way of Ideas*, from what there is in thoſe who purſue the general *Principles of Reaſon*, and from thence draw particular Concluſions. P. 144.

If any Man takes it for granted, that your *way of Ideas is the only way to Certainty* (and he muſt take it for granted, if he will believe it) then I cannot ſee how he can apprehend *one and the ſame common Nature* in different Perſons or Individuals, becauſe all his *Ideas* are taken from *Particulars*; and therefore a common Nature is no more but *one common Name*; and every Individual is conſider'd as ranked under thoſe Names. But herein lies the fundamental Miſtake, that you preſume that we are not to judge of things by the *general Principles* of *Reaſon*, but by *particular Ideas*. For if Men ſet aſide this new way of Judging only by theſe *Ideas*, things would appear in another Light to them; But I find it is to very little purpoſe to argue with ſuch Men, who are reſolved to *ſtick to this way of Ideas*; for they can apprehend nothing but juſt in their own way: And let us ſay what we will, it is *jargon*, and *unintelligible* to them; although *very rational Men* have ſaid the ſame things that we do, and have been thought by the reſt of Mankind to have ſpoken *intelligibly*. But now it ſeems nothing is *intelligible*, but what ſuits with this *new way of Ideas*, however repugnant it be to the common Principles of Reaſon; which muſt be the Standard to Mankind, whatever becomes of this way of Ideas.

And therefore in this Debate I ſhall proceed upon theſe *Principles of Reaſon*, which have been receiv'd among Mankind; and from them I hope to make it appear, that the Difference of *Nature* and *Perſon* is not imaginary and fictitious, but grounded upon the real Nature of things.

The *Principles of Reaſon* which I go upon are theſe;

1. That Nothing hath no Properties.

2. That all Properties being only Modes or Accidents muſt have a real Subject to ſubſiſt in.

3. That Properties eſſentially different, muſt ſubſiſt in different Eſſences.

4. That where there is an Agreement in Eſſential Properties and a Difference in Individual, there muſt be both an Identity and Diverſity in ſeveral Reſpects.

Now upon theſe *Principles* I build my Aſſertion, that there is one real and common Nature or Eſſence in Mankind, and a Difference of Perſons in the ſeveral Individuals. For, that there are ſuch Eſſential Properties in Mankind which are not in Brutes, I ſuppoſe you will not deny. Now theſe Eſſential Properties muſt ſubſiſt ſomewhere; for Nothing can have no Properties, and theſe Properties cannot ſubſiſt (where Individuals are multiplied) in any one Individual: For that is to exclude all the reſt from the Eſſential Properties which belong to them; and if they have them in common, there muſt be ſome common Subject wherein they ſubſiſt, and that can be nothing but the common Eſſence of Mankind. For the Eſſence of Brutes or Plants have them not; and therefore theſe Eſſences muſt be really different from one another.

But becauſe Individuals of the ſame kind, have ſomething to diſtinguiſh, as well as to unite them, therefore there muſt be a different Subſiſtence in every Individual: and ſo *one and the ſame*, and *yet diſtinct*, may very eaſily and intelligibly conſiſt together.

P. 131. But you ſay, *I have not told you what Nature is*; I think my Diſcourſe ſufficiently ſhew'd it, if you had a mind to underſtand it; for you could not but ſee that I meant the Subject of the Eſſential Properties, whether you call it *Nature*, *Subſtance*, or *Eſſence*. Your Objection *about Nature and Subſtance being of equal Extent*, I hope I have ſufficiently removed in the foregoing Diſcourſe.

P. 132. You tell me, *that it is more than you know*, *that the Nature of a Man is equal in* Peter, James *and* John. I am ſorry for it. For I thought you had *Ideas of particular Subſtances*. But *they may be Drills or Horſes for any thing you know*. I am again ſorry that you know particular Men no better; but that for ought you know, they may be *Drills or Horſes*.

P. 133. *But you know a Horſe that was called* Peter, *and you do not know but the Maſter of the ſame Team might call other of his Horſes*, James *and* John. Suppoſe all this. And could you not in the *Way of Ideas* diſtinguiſh them from thoſe of your Acquaintance who had the ſame Names? I confeſs, this tempts me to think that *Ideiſts* (as you call them) have a particular *Turn of their Underſtandings* about theſe Matters. For I cannot but think, that thoſe who were not *very rational Men*, might underſtand the Difference between *Men* and *Horſes*; without being told, that although Horſes might be called by their *Names*; yet that th[illegible] were real Men, and *their Conſtitution and Nature was conformable to that Idea, which the general Name Man ſtands for. But this is no more than to ſay, that he that has the Nature of a Man is a Man, or what has the Nature of a Drill is a Drill; and* *what has the Nature of a Horſe is a Horſe; whether he be called* Peter, *or not called* Peter. If this were really the Diſcourſe of your Friends in private Converſation, you have been very obliging to them to publiſh it to the World: For Mankind are not ſo ſtupid, as not to know a *Man* from a *Horſe* or a *Drill*, but only by the *Specifick Name of Man*. You may have a *Horſe* called *Peter* if you pleaſe, and another *James*, and a third *John*; but for all that, there is no one that hath the Underſtanding of a Man, but will be able without your *Specifick Names* to tell the Difference of your *Horſe Peter* from your *Man Peter*; and call them by what Names you pleaſe the Difference will not depend upon them, but upon the Eſſential Properties which belong to them; and ſo it will be owned by all that have not this *New turn of their Underſtandings*. But I plainly ſee, that a new Notion when it hath got deep into a Man's Head doth give a ſtrange *Turn* to his Underſtanding; ſo that he cannot ſee that which every one elſe can, that hath not the ſame Tincture upon his Mind. And I remember an Obſervation of yours, *How dangerous it is to a Man's* Book 2. *Reaſon to fix his Fancy long upon one ſort of Thoughts.* ch. 11. Sect. 13. Theſe *Ideas* are a very odd ſort of *Spectacles* to our Underſtandings, if they make them ſee and underſtand leſs, than People of very ordinary Capacities do. For even the Man *who had the Horſe with the Name* Peter, and *might have others by the Names of* James *and* John, would not a little wonder at a grave Philoſopher that ſhould ſeriouſly ſay to him; You ſee, Friend, that your Horſes have the Names of *Men*, how do you know but that they are Men? *Know*, ſaith the Country-man, I hope you are wiſer than to ask me ſuch a Queſtion? Or what do you take me for, if I cannot tell the Difference of Men from Horſes whatever Names they have. Do not tell me of your *Specifick Names, and Conformity to your Ideas*, I know well enough the Difference between my *Horſe Peter* and my *Man Peter* without ſuch Gibberiſh. My Man *Peter* and I can ſit and chop Logick together about our Country Affairs, and he can Write and Read, and he is a very ſharp Fellow at a Bargain; but my *Horſe Peter* can do none of theſe things, and I never could find any thing like *Reaſon* in him, and do you think I do not know the Difference between *a Man* and a *Beaſt*? I purſue this no farther leſt the Country-man ſhould be too rude to the Gentlemen, with whom you had this *Learned Converſation*, about the Difference of *Men*, and *Horſes*, and *Drills*.

But you or your Friend, or both, are very hard ſet again *about a* P. 124. *Common Nature with a particular Subſtance proper to each Perſon. For ſuch is your Misfortune*, you ſay, *that for your Life you cannot find it* P. 125. *out*. This is a hard Caſe; before, *for your Life you could not underſtand Nature and Subſtance to be the ſame*; and now again, *for your Life you cannot find out this.* Where lies the monſtrous Difficulty of it? You ſay, *You repeated, and this twenty times to your ſelf; and your weak Underſtanding always Rejolts.* At what? My Words are, "Nature may be conſidered, as it is in diſtinct Individuals, as the "Nature of Man is equally in *Peter*, *James* and *John*. And this is "the common Nature with a particular Subſiſtence proper to each "of them.

You ſay, *That the Nature of Man in* Peter *is the Nature of a Man*, P. 135. *if* Peter *be ſuppoſed to be a Man; but if it be the Name of a Horſe, your Knowledge vaniſhes.* Cannot you, *for your Life*, know the Difference between a *Man* and a *Horſe*, by their Eſſential Properties, whatever their *Names* be? If ſo, there is a greater *turn of Mens Underſtandings*, than I imagined. But again, ſay you, *Let it be impoſſible to give that Name to a Horſe* (whoever had ſaid or thought ſo) *yet you cannot underſtand theſe Words, the common Nature of a Man is in* Peter; *for whatſoever is in* Peter *exiſts in* Peter; *and whatever exiſts in* Peter *is particular; but the common Nature of Man is the general Nature of Man, or elſe you underſtand not what is meant by Common Nature; and it confounds your Underſtanding to make a General a Particular.*

To this I anſwer, That the Common Nature of Man may be taken two ways. *In the way of Ideas, and in the way of Reaſon. In your way of Ideas* it is not at all to be wondered at, that you cannot underſtand ſuch *a Common Nature*, as I ſpake of, which ſubſiſts in ſeveral Perſons, becauſe you ſay, *You can have no Ideas of Real Subſtances but ſuch as are Particular*; all others are only *Abſtract Ideas*, and made only by the Act of the Mind. But I ſay, That in the *Way of Reaſon* you may come to a better underſtanding of this Matter. Which is by conſidering the Nature of Beings, and the Cauſes of the Differences Anſw. to Letter I. p. 110. amongſt the ſeveral kinds of them. I had told you before, in my Anſwer to your firſt Letter, that we are to conſider Beings as God hath ordered them in their ſeveral Sorts and Ranks, and that he hath diſtinguiſhed them by Eſſential Properties from each other, as appears by Mankind, and Brutes, and Plants: And that although the Individuals of the ſeveral kinds agree in Eſſential Properties, yet there is a real Difference between them in ſeveral Accidents that belong to them, as to Time, Place, Qualities, Relations, *&c.* Now that wherein they agree *is the Common Nature*; and that wherein thy differ, is the *Particular Subſiſtence*. And if this be ſo hard to be underſtood, why was it not anſwered here in the proper place for it? Is not that a Real Nature that is the Subject of Real Properties? Is not that Nature really in all thoſe who have the ſame Eſſential Properties? And therefore the *Common Nature* of Man muſt *exiſt in Peter*, becauſe he is a Man, and ſo in *James* and *John*: and yet every one of theſe is ſo diſtinguiſhed from the other, that we may juſtly ſay he hath a *Particular Subſiſtence* with that *Common Nature*. And this is *no making a General a Particular*, but diſtinguiſhing one from the other; which is a Diſtinction ſo eaſie and neceſſary, that I cannot but wonder at thoſe who ſay, that *for their Lives* they cannot find it out.

I had ſaid, “For the Nature of Man as in *Peter*, is diſtinct from that “ſame Nature, as it is in *James* and *John*, otherwiſe they would be “but One Perſon as well as One Nature. And what Reply is made P. 137. to this? *You cannot underſtand what this is a Proof of.* It is plain that I meant it of a *Particular Subſiſtence*; and if you cannot for *your Life* underſtand ſuch eaſie things, how can I *for my Life* help it? Read the Words over again which are before them, and joyn them together. “And this is the Common Nature with a Particular Subſiſtence pro“per to each of them; for the Nature of Man as in *Peter* is diſtinct “from that ſame Nature as it is in *James* and *John*. But I am really aſhamed to be put to explain ſuch things; I hope *Ideas* do not give P. 138. another Turn to Common Senſe. But you ſay, *That otherwiſe they could not be three Perſons, is to prove it by a Propoſition unintelligible to you, becauſe you do not yet apprehend what a Perſon is.* Of that in its proper place. Theſe Words of mine follow, " And this Diſtinction of Perſons in them, is diſcerned both by our Senſes as to their different Accidents, and by our Reaſon becauſe they have a ſeparate Exiſtence, not coming into it at once and in the ſame manner. And is this *unintelligible* too? You ſay, *It will hold as well for three Phyſical* P. 140. *Atoms, which are three diſtinct Individuals, and have three diſtinct Natures in them, as certainly as three diſtinct Men.* But are *three Atoms* as much *three Perſons* as *three Men? But you cannot diſcern the diſtinction by our Senſes as to their Accidents, nor by your Reaſon as to ſeparate Exiſtence, becauſe God might create them at once.* Therefore we cannot diſtinguiſh *three Humane Perſons* that way? Is this Reaſoning in the *way of Ideas?* Or in any way?

P. 141. *Suppoſe we put the Common Nature of an Animal for the Common Nature of Man.* What follows? *Therefore three Animals are three diſtinct Perſons, as well as three Men?* I thought there was ſome cauſe for your diſliking *the Common Principles* and *Methods of Reaſoning.* I am forced to give but ſhort touches at ſuch things, which I cannot anſwer more largely, without being thought *to make Marks of Diſtinction.*

Come we now therefore to the Second Senſe of Nature, " as it is taken abſtractly without Reſpect to Individual Perſons; and then I ſaid, it makes an entire Notion of it ſelf. For however the ſame Nature may be in different Individuals, yet the Nature in it ſelf remains one and the ſame; which appears from this evident Reaſon, that otherwiſe every Individual muſt make a different kind.

Is this to be underſtood any better? No. *An entire Notion of it ſelf is an Expreſſion never met with before. An entire Idea of it ſelf* P. 144. had been very plain and eaſie; but this is not to talk with Men in their own Dialect. *But if we put it ſo, the Difficulty remains.* What Difficulty? *It then makes no more an entire Notion than the Nature of* Peter. Is it not the ſame Nature conſidered as *common* to all Individuals, diſtinct from that *Nature as in* Peter? I wiſh among all the ways of inlarging Knowledge, you could think of ſome new way of conveying Notions into Mens Minds, for I find your *Way of Ideas* will never do it. For you cannot be brought one ſtep beyond the firſt Caſt of *Ideas.* And you will not allow, that which I give for an Evident Reaſon, *to prove* P 146. *any thing towards clear Apprehenſions of one Common Nature.* But if *Nature* be one and the ſame in different Individuals, then there muſt be one Common Nature, which makes an entire Notion of it ſelf: If it be not one and the ſame, then every Individual muſt make a Diſtinct Kind? P. 147. Can any thing be more evident? But you give one common Anſwer; *I underſtand not any thing that is meant in this whole Paragraph, as to the right Apprehenſion of one Common Nature.* And ſo I am very well content to leave it to the Reader's Underſtanding.

And now I come at laſt to the *Idea of a Perſon.* And here I am glad to find *ſomething you do underſtand:* Which is great News. *This,* ſay P. 149. you, *I underſtand very well, that ſuppoſing* Peter, James *and* John *to be all three Men, and Man being a Name for one Kind of Animals, they are all of the ſame Kind.* Do you mean that they have the ſame common Eſſence, or have only the ſame common Name? If you mean the former, there muſt be a common Nature; if only the latter, that cannot make them of the *ſame Kind.* For *Kind* ſignifies nothing but a meer Name without it. If it be asked you, whether *Men* and *Drills* be of the ſame Kind or not? Could you give no other Anſwer, but that the *Specifick Name Man* ſtands for one ſort, and the *Specifick Name Drill* for the other; and therefore they are not of the ſame Kind? Are thoſe Names arbitrary, or are they founded on real and diſtinct Properties? If they be arbitrary, they have no other Difference, but what a Dictionary gives them. If they are founded on real and diſtinct Properties, then there muſt be a real Difference of Kinds founded in Nature; which is as much as I deſire. But to go on. *You underſtand too very well, that* Peter *is not* James, *and* James *is not* John, *but that there is a Difference in theſe Individuals. You underſtand alſo, that they may be diſtinguiſhed from each other by our Senſes, as to different Features and Diſtance of Place,* &c. *But what follows,* you ſay, *You do not underſtand,* viz. *that ſuppoſing there were no ſuch external Difference, yet there is a Difference between them as Individuals of the ſame Nature. For all that this comes to, as far as you can underſtand, is that the Ground of the Diſtinction between ſeveral Individuals in the ſame common Nature is* P. 152. *that they are ſeveral Individuals in the ſame common Nature.* You underſtand, it ſeems, that they are *ſeveral Individuals, that* Peter *is not* James, *and* James *is not* John; and the Queſtion is, what this Diſtinction is founded upon? Whether upon our obſerving the Difference of Features, Diſtance of Place, &c. or on ſome antecedent Ground? I affirm, that there is a Ground of the Diſtinction of Individuals antecedent to ſuch accidental Differences as are liable to our Obſervation by our Senſes.

And the Ground I go upon is this, that the true Reaſon of Identity in Man is the vital Union of Soul and Body: And ſince every Man hath a different Soul united to different Particles of Matter, there muſt be a real Diſtinction between them, without any reſpect to what is accidental to them. For, if *Peter* have a Soul and Body different from *James,* and *James* from *John,* they muſt have different *Principles* of *Individuation,* without any reſpect to Features or Place, &c.

P. 149. You ſay, *You cannot ſuppoſe a Contradiction,* viz. *that there is no difference of Place between them.* But that is not the Point, whether when we conſider them with reſpect to Place, there can be ſuch a thing as Identity of Place to two different Bodies; But whether we cannot conſider two ſeveral Individuals of Mankind without particular regard to Place? Which I ſay, we may, and for this Reaſon; becauſe Relation to Place, is an external Difference, but the real Diſtinction of Individuals doth not relate to any Accident of the Body; becauſe the Individual conſiſts of the Union of Soul and Body; and you cannot judge of Eſſay, B. 2. ch. 27. Sect. 1. the Exiſtence of the Soul by the Place of the Body. You ſay, *that when we ſee any thing to be in any place in any inſtant of Time, we are ſure (be it what it will) that it is that very thing, and not another which at that Time exiſts in another Place, how like and undiſtinguiſhing ſoever it may be in all other Reſpects. And in this conſiſts Identity.* But I think the Identity of Man depends neither upon the Notion of Place for his Body, nor upon the Soul conſider'd by it ſelf, but upon both theſe, as actually united and making one Perſon. Which to me ſeems ſo clear and intelligible, that I can imagine no Objection againſt it. I am certain you produce none.

My next Words are, " And here lies the true Idea of a Perſon, which " ariſes from that manner of Subſiſtence, which is in one Individual, and " is not communicable to another.

P. 155. In your Anſwer to this, I paſs over the trifling Exceptions, about *the Diſſyllable Perſon*, and *the true Idea and Signification* of the *articulate Sound*; and about *here* and *herein*, &c. being reſolved to keep to what appears material. P. 156. And the only thing of that kind is, *that according to my Senſe of Perſon, it will as well agree to* Bucephalus *as to* Alexander; *and the difference will be as great between* Bucephalus *and* Podargus, *as between* Alexander *and* Hector, *all being ſeveral Individuals in the ſame common Nature:* but *for your part you cannot underſtand that* Bucephalus *and* Podargus *are Perſons in the true ſignification of the Word Perſon in the Engliſh Tongue.* And whoever deſired you ſhould? For I expreſly ſay, *that a Perſon is a compleat intelligent Subſtance, with a peculiar manner of Subſiſtence.* And again, *For a Perſon relates to ſomething which doth diſtinguiſh it from another intelligent Subſtance in the ſame Nature.* So that it is impoſſible to apply my Notion of Perſon to any irrational Creatures, although they be *Bucephalus* and *Podargus:* And I think a Man muſt ſtrain hard to make ſuch Objections, ſo directly againſt that Idea of a Perſon which I ſet down. And it is very eaſie to underſtand the Difference between a Diſtinction of *Individuals* as ſuch, and of *intelligent Individuals*, and that manner of Subſiſtence in them, which makes them diſtinct Perſons.

P. 159. But you ſay, that I affirm, *that an individual intelligent Subſtance is rather ſuppoſed to the making of a Perſon, than the proper Definition of it: and yet afterwards I make it to be the Definition of a Perſon, that it is a compleat intelligent Subſtance.*

To this I anſwer, That in the former place I give an Account of the *Reaſon of Perſonality*, which I ſay lies in the Manner of Subſiſtence, and not in the intelligent individual Subſtance; which is rather ſuppoſed to the making of a Perſon: For that which critically diſtinguiſhes the Perſon is the Reaſon of Perſonality; but when we come to give a common Definition of it, there is no ſuch neceſſity of inſiſting upon the Reaſon of the Difference, but upon the common Acception of it *Perſon.* And upon that account I call it a *complete intelligent Subſtance*, becauſe, although the *Soul* be ſo in it ſelf; yet we take *Perſon* with Relation to *Soul* and *Body* united together. And ſo the *Identity* of *Perſon* muſt take in both, not only here, but at the Reſurrection.

And thus I have gone through all that I could find, that ſeem'd material in the *Dialogue* between you and your Friends as to this Subject, and I aſſure you, I have omitted nothing which I apprehended had any Appearance of Difficulty in it. And I find not the leaſt Reaſon to be unſatisfied in the Account I had given of the Difference of *Nature* and *Perſon:* but I ſtill think that it doth tend very much to the right Apprehenſion of the Doctrine of the Trinity; as I hope doth farther appear by the foregoing Diſcourſe.

And now to come to a Concluſion of this whole Debate. (For I intend not to draw this Saw any longer, having done as much as I think fitting for my ſelf to do.)

I ſaw no Neceſſity of writing again for my own Vindication as to your firſt Charge, which I was contented to leave to the Reader's Judgment. But in the Concluſion of my former Anſwer, I had ſaid, " That " as you had ſtated your Notion of Ideas, it may be of dangerous Con-

“ ſequence to that Article of the Chriſtian Faith, which I endeavoured
P. 57. “ to defend. This you call *a new Charge againſt your Book*; and you
59. complain, *that I do not ſpecifie the Particulars, wherein I apprehend it*
84. *may be of ſuch dangerous Conſequence*; and you blame me for this *ſaying,*
85. *without ſhewing that it is ſo:* and that *all the Reaſon I give is, that it is*
57. *made uſe of by ill Men to do miſchief:* that when I ſay, *it may be, it*
84. *ſhews only an Inclination to accuſe, and proves nothing*; *that Danger may be*
85. *apprehended where no Danger is*; *that if any thing muſt be laid aſide,*
becauſe it may be ill uſed, you do not know what will be innocent enough to
170. *be kept*; and laſtly, *that the Imputation of a Tendency to Scepticiſm, and*
to the overthrowing any Article of the Chriſtian Faith are no ſmall Charge;
171. and *that you cannot ſee any Argument I have brought, that your Notion of*
Ideas tends to Scepticiſm. Theſe things laid together, made me think it neceſſary to do that which I was unwilling to do, till you had driven me to it; which was to ſhew the Reaſons I had, why I look'd on your *Notion of Ideas*, and of *Certainty* by them, as inconſiſtent with it ſelf, and with ſome important Articles of the Chriſtian Faith.

What I have now done, I thought it my Duty to do, not with reſpect to my ſelf, but to ſome of the Myſteries of our Faith; which I do not charge you with *oppoſing*, but with laying ſuch Foundations as do tend to the Overthrow of them; of which we have had too much Experience already; and may have more, if your Way of *Certainty by Ideas* ſhould obtain. Which I cannot think it will among ſuch as are capable, and willing, to judge impartially. I have now done with this Matter: And as ſome may think it the firſt part of Wiſdom not to begin in ſuch Diſputes (and I am of their Mind if they did not touch the Chriſtian Faith) ſo they cannot but judge it the next (as I do) to know when to make an End.

I am, Sir,

Your faithful Friend,

Sept. 22.
1697.

and Servant,

Ed. Wigorn.

ECCLESIASTICAL CASES
Relating to the
DUTIES and RIGHTS
OF THE
Parochial Clergy,
Stated and Reſolved according to the PRINCIPLES of
CONSCIENCE and LAW.

155:2:B.
102:1:W.

To the Reverend
CLERGY
OF THE
DIOCESE of *WORCESTER*.

My Brethren,

THE following Diſcourſes do of Right belong to You; the Subſtance of them being contained in what I delivered to You in ſeveral Times and Places, in the Courſe of my Viſitations: *In which I endeavoured to lay open the* Nature *and* Dignity *of your Function, the Rules you are to obſerve in the Diſcharge of it, and to ſtate and reſolve the moſt important Caſes, which relate to your* Duties *and* Rights, *according to the Principles both of* Law *and* Conſcience. *For I obſerved, that ſome had ſpoken very well of the General Nature of the Eccleſiaſtical Function, without a particular regard to the Limitations of the Exerciſe of it by our Laws. Others had endeavoured to give Advice and Counſel in Point of Law, who meddle not with the Obligation of Conſcience. And therefore I thought it neceſſary to joyn both theſe together, that you might have a clear and diſtinct View of your Duties in both Reſpects. For in a matter of poſitive Inſtitution, where only the General Duties are preſcribed in Scripture, and the Bounds of the Exerciſe of them depend upon the Laws of the Land, I could not ſee how any Perſon could ſatisfie himſelf in the Diſcharge of his Duty, without a regard to both. For the Care of Souls in General, is a matter of wonderful Weight and Importance, and can never be ſufficiently conſidered by thoſe who are concerned in it. But no Man among us takes upon him an indefinite Care of Souls, without regard to Perſons or Places; for that would produce Confuſion and endleſs Scruples, and Per-*

Perplexities of Conſcience about the Nature and Obligation to particular Duties.

Which cannot be prevented or removed without a right underſtanding the different Reſpect all that have taken our Holy Function upon them, do ſtand in both to the Church in General, and to that particular Cure of Souls which they are admitted to. The beſt way I know to repreſent them, is to conſider the Caſe of Dominion and Property; and how far the Univerſal Obligation of Mankind to promote each others Good, is conſiſtent with the Care of their own and Families Welfare. Adam *had in himſelf the Entire and Original Dominion over all thoſe Things, which after became the Subject of particular Property; when his Poſterity found it neceſſary to make and allow ſeveral Shares and Allotments to diſtinct Families, ſo as they were not to incroach, or break in upon one another. But the Law of Nature did not preſcribe the Way and Method of Partition, but left that to* Occupancy *or* Compact: *And ſo the Heads of Families upon their Settlement in any Countrey, had a twofold Obligation upon them; the firſt was to preſerve the Intereſt of the whole Body, to which they ſtill were bound, and were to ſhew it upon ſuch Occaſions as required it. The next was to take particular Care of thoſe Shares which belonged to themſelves, ſo as to improve them for their Service, and to protect them from the Invaſion of others. And although this Diviſion of Property was not made by any Antecedent Law, yet being once made, and ſo uſeful to Mankind, the Violation of it, by taking that which is anothers Right, is a manifeſt Violation of the Law of Nature.*

I do not think, that the Diſtribution of Eccleſiaſtical Cures, for the greater Benefit of the People, is of ſo ſtrict a Nature; becauſe the Matter of Property doth not extend to this Caſe in ſuch a manner. But ſince an Univerſal Good is carried on by ſuch a Diviſion far better than it could be without it, there is an Obligation lying on all Perſons who regard it, to preſerve that Order which conduces to ſo good an End. And I cannot ſee how any Perſons can better juſtifie the Breach of Parochial Communion as ſuch, than others can juſtifie the altering the Bounds of Mens Rights and Properties, becauſe they apprehend that the common Good may be beſt promoted by returning to the firſt Community of all things.

If our Bleſſed Saviour, *or his* Holy Apoſtles *in the firſt founding of Churches, had determined the Number of Perſons, or fixed the Bounds of Places within which thoſe who were ordained to ſo holy a Function, were to take care of the Souls committed to them, there could have been no Diſpute about it among thoſe who owned their Authority. But their Buſineſs was to lay down the Qualifications of ſuch as were fit to be imployed in it; to ſet before them the Nature of their Duties, and the Account they muſt give of the Diſcharge of them; and to Exhort all ſuch as undertook it to a Watchfulneſs, and Diligence in their Places; but they never go about to limit the Precincts, within which they were to Exerciſe the Duties incumbent upon them.*

When Churches were firſt planted in ſeveral Countries, there could be no ſuch things expected as Parochial Diviſions; *for theſe were the Conſequents of the General ſpreading of* Chriſtianity *among the People. As is evident in the beſt Account we have of the Settlement of the* Parochial Clergy *among us, after* Chriſtianity *was received by the* Saxons. *Which was not done all at once, but by ſeveral Steps and Degrees. It cannot be denied by any, that are converſant in our Hiſtories, that the Nation was gradually converted from* Paganiſm *by the ſucceſsful Endeavours of ſome Biſhops and their Clergy in the ſeveral Parts of* England.

Not by Commiſſion from one Perſon (*as is commonly ſuppoſed*) *but ſeveral Biſhops came from ſeveral Places, and applied themſelves to this Excellent Work, and God gave them conſiderable Succeſs in it. Thus* Birinus *did great Service among the* Weſt-Saxons; *and* Felix *the* Burgundian *among the* Eaſt-Saxons; *and the* Northern *Biſhops in the* Midland-Parts, *as well as* Auguſtin *and his Companions in the Kingdom of* Kent. *And in theſe* Midland-Parts, *as* Chriſtianity *increaſed, ſo the* Biſhop's Sees *were multiplied (Five out of One) and placed in the moſt convenient Diſtances for the farther inlarging and eſtabliſhing* Chriſtianity *among the People. The Biſhops were Reſident in their own Sees, and had their Clergy then about them, whom they ſent abroad, as they ſaw cauſe, to thoſe Places where they had the faireſt Hopes of Succeſs. And according thereto they either continued or removed them, having yet no fixed* Cures *or* Titles. *All the firſt* Titles *were no other than being entred in the Biſhop's Regiſter, as of his Clergy, from which Relation none could diſcharge himſelf, without the Biſhop's Conſent. But as yet the Clergy had no Titles to any particular Places, there being no fixed Bounds of Pariſhes, wherein any Perſons were obliged to be Reſident for the better Diſcharge of their Duties. This State of an unfixed and itinerant Clergy was ſoon found to be very inconvenient; and therefore all Incouragement was given, where* Chriſtianity *moſt prevailed, for the building Churches at a convenient Diſtance from the Cathedral, and ſetling a Number of Preſbyters together there, which were after called* Collegiate Churches; *and the Great and Devout Men of that Time gave them Liberal Endowments that they might the better attend the Service of God there, and in the Countrey about them.*

But after that the ſeveral Parts grew to be more populous, and Lords of Mannors, for the Conveniency of themſelves and their Tenants, were willing to erect Churches within their Precincts; Laws were then made that they might detain one Share of the Tythes for the Supply of this New Church; the other two remaining due to the Mother-Church. *And I can find nothing like any Allowance for the Lords of Mannors to appropriate the other Two Parts as they thought fit. For thoſe Mannors themſelves were but Parcels of larger Pariſhes; and the Tythes were due from thoſe Eſtates, which were no part of their Mannors, and therefore they had nothing to do with them.*

But after the Norman *Invaſion, the poor* Parochial Clergy *being* Saxons, *and the Nobility and Biſhops* Normans, *they regarded not how much they reduced the Inferiour Clergy, to enrich the Monaſteries belonging to the* Normans, *either at home or abroad. And this I take to be the true Reaſon of the Multitude of* Appropriations *of Two* Thirds of the Tythes *in the* Norman Times, *and too often with the Conſent of the Biſhops, who ought to have ſhewed more Regard to the Intereſt of the* Parochial Clergy *than they generally did.*

But of this I have diſcourſed more at large in one of the following Caſes. P. 277, &c.

In the latter end of the Saxon Times, *if we believe thoſe called the* Confeſſor's Law, *after all the* Daniſh *Devaſtations,* there were Three or Four Churches where there had been but One before. *By which it appears that the* Parochial Clergy *were Numerous before the Conqueſt. And within this* Dioceſs, *in Two* Deanaries *of it, there are to be found in* Doomſday-Book *above Twenty Pariſh-Churches: In the Deanary of* Warwick, *Ten; and in the Deanary of* Kington, *Fifteen: But of the former* Seven *were Appropriated in the* Norman Times; *and of the latter*

Ten; *by which we may ſee to how low a Condition they then brought the* Parochial Clergy. *One Church in the former Deanary I find built in that time, and that was at* Exhal; *which was before a* Chapel *to* Salford, *but was Erected in the time of* H. 1. *by the Lord of the Mannor and Freeholders, who gave the Glebe and Tythes, as appears by the Confirmation of* Simon, *Biſhop of* Worceſter. *Many other* Parochial Churches, *I doubt not, were built and endowed after the ſame manner, although the Records of them are loſt. And as Churches were new Erected, the* Parochial Bounds *were fixed, that the People might certainly know whither they were to reſort for Divine Worſhip, who were bound to attend them as part of their Charge, from whoſe Hands they were to receive the Holy Sacraments; and whoſe Advice and Counſel they were to take in Matters which related to the Salvation of their Souls. Now here lies the main Difficulty with ſome* People; *they cannot think that* Parochial Bounds *are to determine them in what concerns the Good of their Souls; but if they can edifie more by the Parts and Gifts of another, they conclude, that it is their Duty to forſake their own Miniſter, and go to ſuch a one as they like. I meddle not with extraordinary Occaſions of Abſence, nor with the Caſe of* Scandalous Incumbents, *becauſe it is the Peoples Fault if they be not proſecuted, and the Place ſupplied by better Men. But the Caſe, as it ought to be put, is, how far a Regard is to be ſhewed to a Conſtitution ſo much for the General Good, as that of* Parochial Communion *is. We do not ſay, That Mens Conſciences are bound by* Perambulations, *or that it is a Sin at any time to go to another Pariſh; but we ſay, That a conſtant fixed* Parochial Communion, *tends more to preſerve the Honour of God, and the Religion Eſtabliſhed among us, to promote Peace and Unity among Neighbours, and to prevent the Miſchief of Separation. And what advances ſo good Ends, is certainly the beſt Means of Edification: Which lies not in moving the Fanſie, or warming the Paſſions, but in what brings Men to a due Temper of Mind, and a holy, peaceable, and unblameable Converſation. And as to theſe Excellent Ends, it is not only your Duty with great Zeal and Diligence to perſwade your People to them; but to go before them your ſelves in the Practice of them. For they will never have any hearty Regard or Eſteem for what any one ſays, if they find him to contradict it in the Courſe of his Life. Suppoſe it be the Peoples Fault to ſhew ſo little Regard to your Profeſſion; yet you are bound to conſider how far you may have given too much Occaſion for it, and their Fault can be no Excuſe for you, if any of your own were the true Occaſion of theirs.*

We live in an Age wherein the Converſations of the Clergy are more obſerved than their Doctrines. Too many are buſie in finding out the Faults of the Clergy, the better to cover their own; and among ſuch Prieſt-craft *is become the moſt popular Argument for their Infidelity. If they could once make it appear, that all Religion were nothing but a Cheat and Impoſture of ſome cunning Men for their own Advantage, who believed nothing of it themſelves; and that all the buſineſs of our Profeſſion was to ſupport ſuch a Fraud in the World for our own Intereſt, they were very excuſable in their moſt bitter Invectives againſt ſuch* Prieſt-craft. *For nothing is more to be abhorred by Men of Ingenuous Minds, and Natural Probity, than to be the Inſtruments of Deceiving Mankind in ſo groſs a manner. But, thanks be to God, this is very far from being the Caſe among us; for our Profeſſion is built upon the Belief of God and Providence, the Differences of Good and Evil, and the Rewards and Puniſhments of another Life. If theſe Things have no Foundations, we are certain that the beſt, and wiſeſt, and moſt diſintereſted Men in all Ages have been in* *the ſame fundamental Miſtakes. And it is now ſomewhat too late for any Perſons to ſet up for Sagacity and true Judgment in theſe Matters above all thoſe of foregoing Ages. There is a mighty Difference between ſlight and ſuperficial Reaſonings,* (*although ſome may be vain enough to cry them up for* Oracles) *and thoſe which are built on the Nature of Things, and have born the Teſt of ſo many Ages, and remain ſtill in the ſame Degree of Firmneſs and Strength, notwithſtanding all the Batteries of Profane and Atheiſtical Wits. For it cannot be denied, that ſuch there have been in former times as well as now; but that makes more for the Advantage of Religion, that our modern Pretenders are fain to borrow from the old Stock; and ſcarce any thing worth anſwering hath been ſaid by them, but hath been often ſaid and with more Force by their Maſters. And the beſt Philoſophers of this Age have given up the Cauſe of Atheiſm as indefenſible: So that the Being of God and Providence ſeems to be eſtabliſhed by a General Conſent; and if any ſecretly be of another Mind, they think it not for their Reputation to own it.*

The main Pretence *now is againſt* Revealed Religion; *but without offering to ſhew how ſo great and conſiderable a part of* Mankind *as the* Chriſtian Church *hath been made up of came to be ſo impoſed upon, as to a Doctrine which advances Morality to the greateſt Height, and gives Mankind the moſt aſſured Hopes of a Bleſſed Immortality, when nothing like Intereſt and Deſign as to this World, could be carried on by the firſt and greateſt Promoters of it. But we are told in a late Complaint made abroad by a Friend of our* Deiſts, (*wherein I am particularly concerned*) That we make Objections for them which are moſt eaſy to anſwer, and paſs over their moſt conſiderable Difficulties. *Which is a very unjuſt Charge, and cannot be made good but by producing thoſe* conſiderable Difficulties *which we have taken no notice of. For my part, I know of none ſuch, and* we make no Objections for them, *however we may think it our Duty to lay open the Weakneſs of them, when we are importuned to do it; which was my Caſe in the Treatiſe I ſuppoſe he refers to. If they keep their* conſiderable Difficulties *to themſelves, I know not how we ſhould be able to anſwer them. But it is the common way in a baffled Cauſe ſtill to pretend that the* main Difficulties *were not produced.*

Hiſtoire desDuvrages des Scavans, Dout, 1697. *p.* 551.

But this is not a proper Occaſion to inſiſt longer on theſe Matters; my preſent Buſineſs is to anſwer the Objection which immediately regards the Clergy; and the Sum of it is, That our Profeſſion rather hinders than confirms the belief of Religion, becauſe they would plead for what makes for their Intereſt, are always ſuſpected to be ſwayed more by Intereſt than by Reaſon. *To give a full and clear Anſwer to this, we muſt conſider, That however Mankind are apt to be ſwayed by Intereſt, yet the Truth and Reaſon of Things do not at all depend upon them; for a Thing is not true or falſe in it ſelf, becauſe it makes for or againſt a Man; and the Meaſures of judging Truth and Falſhood, are quite of another Nature, and ſo Mens Intereſts come not into Conſideration. So that in this Caſe they are not to examine whoſe Turn is ſerved, whether ſuch a thing be true or falſe; but whether there be ſufficient Evidence to convince an impartial Mind of the Truth of it; for let the Reaſons be produced by whom they pleaſe, the grounds of Conviction are the ſame. If a Man in a Diſpute about Surveying a piece of Land, which he claimed a Right to, ſhould appeal to the Elements of Geometry in his Caſe, would the Evidence be leſs becauſe he was concerned in the Land?*

But we proceed farther: Suppoſe it be for the Intereſt of Religion in a Nation, for an Order of Men to be ſet apart on purpoſe to attend the Services of it; and that there ſhould be great Encouragements for their Education, and a Maintenance ſet apart for their Subſiſtence afterwards, that they may not live in dependance on the Humours and uncertain Fancies of the People; how can ſuch a Conſtitution take off from the Credibility of that Religion which they are to ſupport? Was it any leſſening to the Authority of the Law of Moſes, *that the* Tribe of Levi *was ſo plentifully provided for by God's own Appointment? They were* to teach the Law to the People *in the Places where they were diſperſed among the ſeveral Tribes: And ſuppoſe it had been then ſaid, Why ſhould we believe what you ſay, when you live by it? You have Cities, and Lands, and Tythes, and Oblations, and Dignities among you, no wonder you ſet up this Law as Divine and Holy; but we get nothing by it, but part with a ſhare of our Profits to maintain you. What then? Was the Law therefore falſe, and* Moſes *an Impoſtor? Theſe are hard Conſequences, but they naturally follow from ſuch a Suppoſition. And if ſuch an Inference were not reaſonable then, neither will it appear to be ſo now.*

But we do not pretend, that the Parochial Settlement of our Clergy is by ſuch a Divine Law as the Levitical Prieſthood was; but this we do inſiſt upon, That the Chriſtian Religion being owned and eſtabliſhed in the Nation, there was a neceſſary Reaſon from the Nature of it, and the Obligation to preſerve and ſupport it, that there ſhould be an Order of Men ſet apart for that End, that they ſhould inſtruct the People in it, and perform the ſeveral Offices belonging to it; and that a ſufficient Maintenance be allowed them by the Law of the Land to ſupport them in doing their Duties. And I appeal to any Men of Senſe or of common Underſtanding, whether on Suppoſition that our Religion is true, theſe be not very juſt and reaſonable Things? How then can that make a Religion ſuſpected to be falſe, which are very reaſonable, ſuppoſing it to be true? If it be true, as moſt certainly it is, are not they bound to maintain it to be true? And can it be the leſs ſo, becauſe their Subſiſtence depends upon it? Therefore all the impertinent Talk of our Profeſſion being a Trade, *can ſignify nothing to any Men that underſtand the Difference between* Scarron *and* Euclid, *or the way of* Burleſquing *and of* Demonſtration.

There is ſtill one common Prejudice to be removed, and that is, That too many of thoſe who preach up our Religion as true, do not live as if they believed it to be ſo. *We are very ſorry there ſhould be any Occaſion given for ſuch a Reproach as this; and we hope there are not ſo many Inſtances of it as ſome would have it believed.* Woe be to thoſe by whom ſuch Offences come. *But ſuppoſing the Inſtances true, is there any Religion in the World, conſidering the Follies and Infirmities of Mankind, which can ſecure all the Profeſſors of it from acting againſt the Rules of it? But if ſuch Inſtances are ſufficiently proved, there ought to be the greater Severity uſed in ſuch Caſes, becauſe Religion it ſelf, as well as the Honour of our Church, ſuffers ſo much by them.*

But it will ſtill be ſaid, That theſe Perſons are ſecret Infidels, and believe nothing of what they profeſs.

This is another Point, how far bad Lives are conſiſtent with ſound Opinions: Some that think that Men act conſiſtently, will not allow that bad Men can be any other than meer Infidels; but others, who conſider the Prevalency of Mens Luſts and Paſſions over their Reaſons, are apt to think, that they may retain their good Opinions, even when they act contrary to *them: But then their Conſciences fly in their Faces, and they condemn themſelves for their evil Actions. And then theſe very Inſtances are an Argument againſt Infidelity; for we may juſtly preſume, that they would ſhake off their Fears of another World, if they could. But why ſhould ſome Inſtances of this Nature ſignify more againſt Religion, than the many remarkable Examples of a* Godly, Righteous and Sober Life *among the Clergy, to a ſtronger Confirmation of it? For they have had greater Occaſion of ſearching into all the* conſiderable Difficulties *about Religion, than others can pretend to; and I do not know any that have imployed moſt Time and Pains about it, but have had greater Satisfaction as to the* Truth *and* Excellency *of it.*

Thus I have endeavoured to remove the moſt common Prejudices of our Times againſt our Profeſſion. It would now be proper for me to give ſome particular Directions to you, but that is ſo much the Buſineſs of the following Diſcourſes, that I ſhall refer you to them; and commend you to the Grace and Bleſſing of Almighty God, that you may ſo carefully diſcharge your Duties in this World, that it may advance your Happineſs in another. I am

Your Affectionate Friend

and Brother,

Hartlebury C.
Apr. 23. 1698.

EDW. WIGORN.

THE

THE
BISHOP of *WORCESTER*'s
CHARGE
TO THE
CLERGY of his DIOCESE;

In his *Primary Viſitation*, begun at *Worceſter*, *September* 11th, 1690.

My Brethren,

THIS being my *Primary Viſitation*, I thought it fitting to acquaint my ſelf with the ancient, as well as modern Practice of *Epiſcopal Viſitations*; and, as near as I could, to obſerve the Rules preſcribed therein, with reſpect to the Clergy who are now ſummoned to appear. And I find there were two principal Parts in them, a *Charge* and an *Enquiry*.

Regino *l.* 2. *p.* 205. Hiſpan. Concil. *p.* 29. Regino Collect. Canon. *l.* 2. *p.* 204. Burchard. *l.* 1. *c.* 91, 92. Gratian 35. *q.* 5. *c.* 7.

The *Charge* was given by the *Biſhop* himſelf, and was called *Admonitio Epiſcopi*, or *Allocutio*: wherein he informed them of their Duty, and exhorted them to perform it.

The *Enquiry* was made according to certain Articles drawn out of the *Canons*, which were generally the ſame; according to which the *Juratores Synodi* (as the ancient *Canoniſts* call them, or *Teſtes Synodales*) were to give in their *Anſwers* upon Oath; which was therefore called *Juramentum Synodale*; for the *Biſhop's Viſitation* was accounted an *Epiſcopal Synod*.

The former of theſe is my preſent buſineſs; and I ſhall take leave to ſpeak my Mind freely to you this firſt time, concerning ſeveral things which I think moſt uſeful, and fit to be conſidered and practiſed by the Clergy of this *Dioceſe*.

For ſince it hath pleaſed God, by his wiſe and over-ruling Providence, (without my ſeeking) to bring me into this Station in his Church, I ſhall eſteem it the beſt Circumſtance of my preſent Condition, if he pleaſe to make me an Inſtrument of *doing good* among you. To this end, I thought it neceſſary *in the firſt place*, moſt humbly to implore his Divine Aſſiſtance, that I might both rightly underſtand, and conſcientiouſly perform that great Duty which is incumbent upon me; for without his help, all our Thoughts are vain, and our beſt Purpoſes will be ineffectual. But God is not wanting to thoſe who ſincerely endeavour to know and to do their Duty; and therefore in the *next place* I ſet my ſelf (as far as my Health and other Occaſions would permit) to conſider the *Nature* and *Extent* of my Duty, with a Reſolution not to be diſcouraged, although I met with Difficulties in the performance of it. For ſuch is the State and Condition of the World, that no Man can deſign to do good in it, but when that croſſes the particular *Intereſts* and *Inclinations* of others, he muſt expect to meet with as much Trouble as their unquiet Paſſions can give him.

If we therefore conſulted nothing but our own Eaſe, the only way were to let People follow their Humours and Inclinations, and to be as little concerned as might be, at what they either ſay or do. For if we go about to rouze and awaken them, and much more to reprove and reform them, we ſhall ſoon find them uneaſy and impatient; for few love to hear of their Faults, and fewer to amend them.

But it is the peculiar Honour of *the Chriſtian Religion*, to have an Order of Men ſet apart, not meerly as *Prieſts* to offer *Sacrifices*, (for that all Religions have had) but as *Preachers of Righteouſneſs*, to ſet Good and Evil before the People committed to their Charge; to inform them of their Duties, to reprove them for their Miſcarriages, and that not in order to their Shame, but their Reformation; which requires not only *Zeal*, but *Diſcretion*, and a great Mixture of *Courage* and *Prudence*, that we may neither fail in doing our Duty, nor in the beſt means of attaining the end of it.

If we could reaſonably ſuppoſe, that all thoſe who are bound to tell others their Duties, would certainly do their own, there would be leſs need of any ſuch Office in the Church as that of *Biſhops*; who are to inſpect and govern, and viſit and reform thoſe who are *to watch* over others. But ſince there may be too great Failings even in theſe, too great neglect in ſome, and diſorder in others; too great proneneſs to Faction and Schiſm, and impatience of Contradiction from mere Equals. Therefore St. *Jerom* himſelf grants, That to avoid theſe Miſchiefs, there was a neceſſity of a ſuperiour *Order to Presbyters* in the *Church of God*; *ad quem omnis Eccleſiæ cura pertineret, & Schiſmatum ſemina tollerentur*, as he ſpeaks, even where he ſeems moſt to leſſen the Authority of Biſhops. But whatever ſome Expreſſions of his may be, (when the *Biſhop* of *Jeruſalem* and the *Roman Deacons* came into his Head) his Reaſons are very much for the Advantage of Epiſcopal Government. For can any Man ſay more in point of Reaſon for it, than *that nothing but Faction and Diſorder followed the Government of Presbyters, and therefore the whole Chriſtian Church agreed in the neceſſity of a higher Order, and that the Peace and Safety of the Church depends upon it; that if it be taken away, nothing but Schiſms and Confuſions will follow.* I wiſh thoſe who magnify St. *Jerom*'s *Authority* in *this matter*, would ſubmit to his *Reaſon* and *Authority* both as to the Neceſſity and Uſefulneſs of the Order of *Biſhops* in the Church.

Hieron. Comment. ad Titum. Epiſt. ad Evagr.

Adverſ. Luciferian

But beyond this, in ſeveral places, he makes the *Biſhops to be Succeſſors of the Apoſtles*, as well as the reſt of the moſt eminent Fathers of the Church have done. If the *Apoſtolical Office*, as far as it concerns the Care and Government of Churches, were not to continue after their Deceaſe, how came the beſt, the moſt learned, the neareſt to the *Apoſtolical* Times, to be ſo wonderfully deceiv'd? For if the Biſhops did not ſucceed by the *Apoſtles* own Appointment, they muſt be *Intruders* and *Uſurpers* of the Apoſtolical *Function*; and can we imagine the Church of God would have ſo univerſally conſented to it? Beſides, the Apoſtles did not die all at once; but there were *Succeſſors* in ſeveral of the *Apoſtolical Churches*, while ſome of the *Apoſtles* were living: Can we again imagine thoſe would not have vindicated *the Right* of their own *Order*, and declared to the Church, That *this Office* was pe-

Hieron. in Pſal. ad Evagr. ad Marcel. Cyprian Ep. 3. 66. Aug. in Pſal. 44. 44. Ambroſ. ad Eph. 4. 11. 1 Cor. 12. 28. Theod. ad 1 Tim. 1. 3.

culiar to themſelves? The Change of the Name from *Apoſtles* to *Biſhops* would not have been ſufficient Excuſe for them; for the Preſumption had been as great in the Exerciſe of the Power without the Name. So that I can ſee no *Medium*, but that either the Primitive Biſhops did ſucceed the *Apoſtles* by *their own Appointment* and *Approbation*, (which Iren. *l.* 3. *c.* 3. *Irenæus* expreſly affirms, *Qui ab Apoſtolis ipſis inſtituti ſunt Epiſcopi in Eccleſiis*) or elſe thoſe who governed the Apoſtolical Churches after 3 *John* 9, 10. them, out-went *Diotrephes* himſelf; for he only *rejected* thoſe whom the *Apoſtles* ſent, but *theſe* aſſumed to *themſelves* the *Exerciſe* of an *Apoſtolical* Authority over the Churches planted and ſettled by them.

But to let us ſee how far the *Apoſtles* were from thinking that this part of their *Office* was peculiar to themſelves, we find them in their own time, as they ſaw occaſion, to appoint others to take care of the Government of the Churches, within ſuch bounds as they thought fit. 1 *Tim.* 3. 2, 3, &c. Thus *Timothy* was appointed by St. *Paul* at *Epheſus*, to examine the Qualifications of ſuch as were to be ordained; 5. 22. *and not to lay hands ſuddenly on any*; 19. *to receive Accuſations*, if there were cauſe, even *againſt Elders*; to proceed judicially *before two or three Witneſſes*; 20. and, if there were Reaſon, to give *them a publick Rebuke*. And that this ought not 21. to be *thought* a *ſlight matter*, he preſently adds, *I charge thee before God, and the Lord Jeſus Chriſt, and the elect Angels, that thou obſerve theſe things, without preferring one before another, doing nothing by partiality.* Here is a very ſtrict and ſevere Charge for the impartial Exerciſe of Diſcipline in the Church upon Offenders. And although in the Epiſtle Titus 1. 5. to *Titus*, he be only in general required *to ſet in order the things that are wanting, and to ordain Elders in every City, as he had appointed him*; yet we are not to ſuppoſe, that this Power extended not to a *Juriſdiction* over them when he had ordained them. For if any of thoſe whom he ordained (as believing *them* qualified according to the Apoſtles Rules) ſhould afterwards demean themſelves otherwiſe, and be *ſelf-willed*, *froward*, *given to Wine*, *Brawlers*, *Covetous*, or any way ſcandalous to the Church, can we believe that *Titus* was not as well bound to correct them afterwards, as to examine them before? And what was this Power of *Ordination* and *Juriſdiction*, but the very ſame which the *Biſhops* have exerciſed ever ſince the *Apoſtles* Times? But they who go about to *Unbiſhop Timothy* and *Titus*, may as well *Unſcripture the Epiſtles* that were written to them, and make them only ſome *particular* and *occaſional Writings*, as they make *Timothy* and *Titus* to have been only ſome *particular* and *occaſional Officers*. But *the Chriſtian Church* preſerving theſe *Epiſtles*, as of conſtant and perpetual uſe, did thereby ſuppoſe the ſame kind of Office to continue, for the ſake whereof thoſe excellent Epiſtles were written: And we have no greater Aſſurance that theſe *Epiſtles* were written by St. *Paul*, than we have that there were *Biſhops* to ſucceed the *Apoſtles* in the Care and Government of Churches.

Having ſaid thus much to clear the Authority we act by, I now proceed to conſider the *Rules* by which we are to govern our ſelves.

Every *Biſhop* of this Church, in the time of his Conſecration, makes a ſolemn Profeſſion among other things, "That he will not only maintain and ſet forward, as much as lies in him, quietneſs, love and " peace among all Men; but that he will correct and puniſh ſuch as be " unquiet, diſobedient, and criminous within his Dioceſe, according to " ſuch Authority as he hath by *God's Word*, and to him ſhall be committed by the *Ordinance of this Realm*.

So that we have two *Rules* to proceed by, *viz. The Word of God*, and the *Eccleſiaſtical Law of this Realm.*

(1.) *By the Word of God*; and that requires from us, Diligence, and Care, and Faithfulneſs, and Impartiality, *remembring the Account we muſt give, that we may do it with Joy and not with Grief.* And we are not meerly required to correct and puniſh, but to warn and inſtruct, and exhort the Perſons under our Care, to do thoſe things which tend moſt to the Honour of our holy Religion, and the Church whereof we are Members. And for theſe Ends there are ſome things I ſhall more particularly recommend to you.

(1.) That you would often conſider the ſolemn *Charge* that was given you, and the *Profeſſion* you made of your Reſolution to do your Duty at your *Ordination.*

I find by the *Provincial Conſtitution* of this Church, *that the Biſhops were to have their ſolemn Profeſſion read over to them twice in the Year*, to put them in mind of their Duty. And in the *Legatine Conſtitutions* of *Otho*, (22 *H.* 3.) the ſame Conſtitution is renewed; not meerly by a *Legatine Power*, but by *Conſent* of the *Archbiſhops* and *Biſhops* of both *Provinces*; wherein it is declared, *That Biſhops ought to viſit their Dioceſes at fit times, Correcting and Reforming what was amiſs, and ſowing the Word of Life in the Lord's Field*; and to put them the more in mind of it, *they were twice in the Year to have their ſolemn Profeſſion read to them.* It ſeems then, That *Profeſſion* contained theſe things in it; or elſe the reading that could not ſtir them up to do theſe things. What the *Profeſſion* was which *Presbyters* then made at their Ordination, we have not ſo clear an Account, but in the ſame Council at *Oxford*, 8 *H.* 3. it is ſtrictly enjoined, *That all Rectors and Vicars ſhould inſtruct the People committed to their Charge, and Feed them*, Pabulo Verbi Dei, *with the Food of God's Word*; and it is introduced with that Expreſſion, *that they might excite the Parochial Clergy to be more diligent in what was moſt proper for thoſe times.* And if they do it not, they are there called *Canes muti*: and *Lyndwood* beſtows many other hard terms upon them, which I ſhall not mention; but he ſaith afterward, *thoſe who do it not, are but like Idols, which bear the ſimilitude of a Man, but do not the Offices proper to Men.* Nay, he goes ſo far as to ſay, *That the Spiritual Food of God's Word is as neceſſary to the Health of the Soul, as Corporal Food is to the Health of the Body.* Which Words are taken out of a Preface to a *Canon* in the *Decretals de Officio Jud. Ordinarii, inter cætera.* But they ſerve very well to ſhew how much even in the dark times of Popery, they were then convinced of the *Neceſſity* and *Uſefulneſs* of Preaching. Theſe *Conſtitutions* were ſlighted ſo much, that in 9 *Edw.* 1. the Office of *Preaching* was ſunk ſo low, that in a *Provincial Conſtitution* at that time, great Complaint is made *of the Ignorance and Stupidity of the Parochial Clergy, that they rather made the People worſe than better.* But at that time the *Preaching Friars* had got that Work into their Hands by particular Privileges, where it is well obſerved, *That they did not go to Places which moſt needed their help*, but to Cities and Corporations, where they found moſt Incouragement. But what Remedy was found by this Provincial Council? Truly, *every Parochial Prieſt four times a Year was bound to read an Explication of the Creed, Ten Commandments, the two Precepts of Charity, the Seven Works of Mercy, the Seven deadly Sins, the Seven principal Vertues, and the Seven Sacraments.* This was renewed in the *Province* of *York*, (which had

De voto & voti Redemp. Lyndw. *f.* 103.

Concil. Angl. vol. 2. *f.* 182.

Conſt. Othon. *f.* 291.

Concil. Angl. vol. 2. *f.* 227.

Conſtit. Provinc. De Officio Archi-Presbyteri, *f.* 33.

Concil. Angl. vol. 1. *p.* 183.

Lyndw. *v.* latratu, *f.* 33.

V. Pabulo V. Dei.

Prov. Conſtit. De Offic. Arch. Presby. *f.* 282.

Concil. Angl. vol. 2. *p.* 332.

Concil. Angl. vol. 2. *p.* 700, 707.

diſtinct *Provincial Conſtitutions*) in the time of *Edw.* 4. And here was all they were bound to by theſe Conſtitutions.

But when *Wickcliff* and his Followers had awakened the People ſo far, that there was no ſatisfying them without *Preaching*, then a new *Provincial Conſtitution* was made under *Arundel*, Archbiſhop of *Canterbury*; and the former *Conſtitution* was reſtrained to *Parochial Prieſts*, who officiated as *Curates*; but ſeveral others were authorized to Preach; as (1.) *The Mendicant Friars* were ſaid to be authorized *Jure communi*, or rather *Privilegio ſpeciali*, (but therefore *Lyndwood* ſaith, it is ſaid to be *Jure communi*, becauſe that *Privilege is recorded in the Text of the Canon Law*) theſe were not only allowed to preach in their own Churches, but in *Plateis publicis*, ſaith *Lyndwood*, out of the Canon Law (wherein thoſe words were expreſſed) and at any hour, unleſs it were the time of preaching in other Churches; but other Orders, as *Auguſtinians* and *Carmelites*, had no ſuch general Licence. Thoſe Preaching Friars were a ſort of *Licenſed Preachers* at that time, who had no Cures of Souls; but they were then accounted a kind of *Paſtors*. For *Jo. de Athon.* diſtinguiſheth two ſorts of *Paſtors*; Thoſe who had Eccleſiaſtical Offices, and thoſe who had none, but were ſuch only *Verbo & Exemplo*; but they gave very great diſturbance to the Clergy, as the Pope himſelf confeſſes in the Canon Law. (2.) *Legal Incumbents* authorized to preach in their own Pariſhes *Jure ſcripto*. All Perſons who had Cures of Souls, and Legal Titles, were ſaid to be *miſſi à Jure ad locum & populum curæ ſuæ*, and therefore might preach to their own People without a *ſpecial Licence*; but if any one preached in other parts of the *Dioceſs*, or were a Stranger in it, then he was to be examined by the *Dioceſan*, and if he were found *tam Moribus quam Scientia idoneus*, he might ſend him to preach to one or more Pariſhes as he thought meet; and he was to ſhew his *Licence* to the *Incumbent* of the Place, before he was to be permitted to preach, under *the Epiſcopal Seal*. And thus, as far as I can find, the Matter ſtood as to *Preaching*, before the *Reformation*.

Concil. Angl. vol. 2. p. 649. Conſtit. de hæret. *f.* 156.

Lyndw. *f.* 156.

C. Dudum Clem. de Sepulturis.

Jo. de Athon. in Conſtitut. Othobon. *f.* 46.

C. Dudum de Sepulturis.

After it, when the Office of *Ordination* was reviewed and brought nearer to the *Primitive Form*; and inſtead of delivering the *Chalice* and *Patten*, with theſe Words, *Accipe poteſtatem offerre Deo Sacrificium*, &c. the Biſhop delivered the Bible with theſe words, *Take thou Authority to Preach the Word of God, and to Miniſter the Holy Sacraments in the Congregation*, &c. The Prieſts Exhortation was made agreeable thereto, wherein he exhorts the Perſons in the "Name of our Lord Jeſus "Chriſt, to conſider the Weight and Importance of the Office and "Charge they are called to; not barely to inſtruct thoſe who are already of Chriſt's Flock, but to endeavour the Salvation of thoſe who "are in the midſt of this naughty World. And therefore he perſwades "and charges them from a due regard to Chriſt, who ſuffered for his "Sheep, and to the Church of Chriſt, which is ſo dear to him, to omit no Labour, Care or Diligence in inſtructing, and reforming "thoſe who are committed to their Charge. And the better to enable them to perform theſe things, there are ſome Duties eſpecially "recommended to them, *viz.* Prayer, and Study of the Holy Scriptures, according to which they are to inſtruct others, and to order "their own Lives, and of thoſe who belong to them. And that they "might the better attend ſo great a Work, they are required to forſake "and ſet aſide (as much as they may) all worldly Cares and Studies,

" and apply themſelves wholly to this one thing, that they may ſave " themſelves and them that hear them. After which follows the ſolemn *Profeſſion*, wherein they undertake to do theſe things.

This is that, my Brethren, which I earneſtly deſire of you, that you would often conſider. You are not at liberty now, whether you will do theſe things or not; for you are under a moſt ſolemn Engagement to it. You have put your Hands to the Plough, and it is too late to think of looking back; and you all know the Husbandman's Work is laborious and painful, and continually returning. It is poſſible after all his Pains, the Harveſt may not anſwer his Expectation; but yet if he neither Plows nor Sows, he can expect no Return; if he be idle and careleſs, and puts off the main of his Work to others, can he reaſonably look for the ſame Succeſs? Believe it, all our Pains are little enough to awake the ſleepy and ſecure Sinners, to inſtruct the Ignorant, to reclaim the Vitious, to rebuke the Profane, to convince the Erroneous, to ſatisfie the Doubtful, to confirm the Wavering, to recover the Lapſed, and to be uſeful to all, according to their ſeveral Circumſtances and Conditions. It is not to preach a Sermon or two in a Weeks time to your Pariſhioners, that is the main of your Duty; that is no ſuch difficult Task, if Men apply their minds as they ought to do to Divine Matters, and do not ſpend their Retirements in uſeleſs Studies; but the great Difficulty lies in Watching over your Flock, *i. e.* knowing their Condition, and applying your ſelves ſuitably to them. He that is a Stranger to his Flock, and only viſits them now and then, can never be ſaid *to watch over it*; he may watch over the *Fleeces*, but he underſtands little of the State of his Flock, *viz.* of the Diſtempers they are under, and the Remedies proper for them.

Non poteſt eſſe Paſtoris excuſatio, ſi lupus oves comedit, & Paſtor neſcit. *Extr. de Reg. Juris* c. 10.

The *Caſuiſts* ſay, *That the Reaſon why there is no Command for Perſonal Reſidence in Scripture, is, becauſe the Nature of the Duty requires it*; for if a Perſon be required to do ſuch things which cannot be done without it, *Reſidence* is implied. As a Pilot to a Ship, needs no Command to be in his Ship; for how can he do the Office of a Pilot out of it? Let none think to excuſe themſelves by ſaying, *that our Church only takes them for Curates, and that the Biſhops have the Paſtoral Charge*; for by our old *Provincial Conſtitutions* (which are ſtill in force ſo far as they are not repugnant to the Law of the Land) even thoſe who have the ſmalleſt Cures are called *Paſtors*; and *Lyndwood* there notes, that *Parochialis Sacerdos dicitur Paſtor*; and that not merely by way of Alluſion, but in reſpect of the Cure of Souls. But we need not go ſo far back. For what is it they are admitted to? Is it not *ad curam Animarum?* Did not they promiſe in their Ordination, *To teach the People committed to their Care and Charge?*

Reginald. Praxis, *l.* 30. *tr.* 3. c. 5. *p.* 52.

Conſtit. Provinc. de Clericis non Reſid. c. quam hoſtis.

The Caſuiſts diſtinguiſh a three-fold Cure of Souls. 1. *In foro interiori tantum*, and this they ſay is the *Parochial Cure*. 2. *In foro exteriori tantum*, where there is Authority to perform Miniſterial Acts, as to ſuſpend, excommunicate, abſolve, (*ſine Paſtorali Curâ*:) and this *Archdeacons* have by Virtue of their Office. 3. *In utroque ſimul*, where there is a ſpecial Care, together with Juriſdiction: this is the Biſhops'. And every one of theſe, ſay they, *ſecundum commune Jus Canonicum*, is obliged to Reſidence, *i. e.* by the *common Law Eccleſiaſtical*; of which more afterwards. The Obligation is to perpetual Reſidence, but as it is in other poſitive Duties, there may other Duties intervene, which may take away the preſent force of it; as care of Health, neceſſary Buſineſs, publick Service of the King or Church, *&c.* But then we are to obſerve, that no Diſpenſation can juſtifie a Man in point of Conſcience, unleſs there be *a ſufficient Cauſe*; and no Cuſtom can be ſufficient againſt the natural Equity of the Caſe, whereby every one is bound from the Nature of the Office he hath undertaken.

Joh. Athon. ad Conſtit. Othon. *f.* 14. Reginald. *ib. n.* 53.

I confeſs the caſe in Reaſon is different, where there is a ſufficient Proviſion by another fit Perſon, and approved by thoſe who are to take care that Places be well ſupplied, and where there is not; but yet, this doth not take off the force of the *Perſonal Obligation*, ariſing from undertaking the Cure themſelves, which the Eccleſiaſtical Law underſtands to be, not meerly by Promiſe, but *cum effectu*, as the Canoniſts ſpeak; which implies perſonal Reſidence. Not that they are never to be away; *Non ſic amare intelligi debet, ut nunquam inde recedat*, ſaith *Lyndwood*; but theſe Words are to be underſtood *civili modo*, as he expreſſes it, *i. e.* not without great Reaſon. There muſt not be, ſaith he, *callida Interpretatio, ſed talis ut ceſſent fraudes & negligentiæ*, i. e. There muſt be no Art uſed to evade the Law, nor any groſs Neglect of it. It's true, the Canoniſts have diſtinguiſhed between *Rectories* and *Vicarages*, as to *Perſonal Reſidence*; but we are to conſider theſe things. 1. The *Canon Law* ſtrictly obliges every one that hath a *Parochial Cure* to *perpetual Reſidence*, and excepts only two Caſes, when the Living is annexed to a Prebend or Dignity; and then he who hath it, is to have a perpetual Vicar inſtituted, with a ſufficient Maintenance. 2. After this Liberty obtained for dignified Perſons to have *Vicars* endowed in their Places, the Point of *Reſidence* was ſtrictly enjoined to them: and we find in the Provincial Conſtitutions a Difference made between *Perſonatus* and *Vicaria*; but this was ſtill meant of a *Vicarage endowed.* This was in the time of *Stephen Langton*, Archbiſhop of *Canterbury*; and in another *Conſtitution* he required an Oath of *Perſonal Reſidence* from all ſuch *Vicars*, altho' the Place were not above the Value of Five Marks; which as appears by *Lyndwood* elſewhere, was then *ſufficient for Maintenance and Hoſpitality.* And to cover the ſhameful *Diſpenſations* that were commonly granted to the higher *Clergy*, under pretence of the *Papal Power*; the poor *Vicars* by a Conſtitution of *Otho*, were bound to take a ſtrict Oath of *continual Reſidence*; and without it their Inſtitution was declared to be Null. But even in that Caſe the Gloſs there ſaith, *That they may be ſome time abſent for the Benefit of the Church or State*; but not for their own particular Advantage. 3. The Obligation in point of Conſcience remains the ſame, but *diſpenſing with Laws* may take away the *Penalty of Non-reſidence* in ſome caſes. *Joh. de Athon.* Canon of *Lincoln*, who wrote the *Gloſſes* on the *Legatine Conſtitutions*, doth not deny, but that *Rectors* are as well bound to *Reſidence* as *Vicars*; but theſe are moſt ſtrictly tied by their Oath; and becauſe a Vicar cannot appoint a Vicar, but a *Parſon* may. And altho' that Name among ſome be uſed as a Term of Reproach, yet in former Ages *Perſonatus* and *Dignitas* were the ſame thing; and ſo uſed here in *England* in the time of *Henry* II. but afterwards it came to be applied to him that had the *Poſſeſſion* of a *Parochial Benefice* in his own *immediate Right*; and was therefore bound to take care of it. For the Obligation muſt in Reaſon be ſuppoſed to go along with the Advantage; however Local Statutes may have taken off the Penalty.

Can. Relatum Ex. de Clericis non Reſid.

Lyndw. in *c.* quum hoſtes Reſideant cum effectu. Joh de Athon. in Conſtit. Othon. *f.* 14. Continui.

Can. Extirpand. De Præbend. & Dign.

De Præſump *f.* 55. 2.

De Clericis non Reſident. cum hoſtis, *&c.* Lyndw. *f.* 34. Joh. de Athon. in Conſtit. Othon. *f.* 12.

Otho. de Inſtit. Vic. *f.* 14. Othobon. *f.* 46.

Joh. de Athon. in Conſtit. Othon.

Can. Quia nonnulli de Clericis non Reſid. Quadril. 1. 1. c. 5.

II. When you have thus conſidered the Obligation which lies upon you, to take Care of your Flock, let me in the next place recommend to you a plain, uſeful, and practical way of *Preaching* among them. I mean ſuch as is moſt likely to do good upon them, (which certainly ought to be the juſt Meaſure of Preaching.) I do not mean therefore a looſe and careleſs way of Talking in the Pulpit, which will neither profit you, nor thoſe that hear you. He that once gets an ill Habit of ſpeaking *extempore*, will be tempted to continue it by the Eaſineſs of it to himſelf, and the Plauſibleneſs of it to leſs judicious People. There is on the other ſide, a Cloſeneſs and Strength of Reaſoning, which is too elaborate for common Underſtandings; and there is an affected Fineneſs of Expreſſion, which by no means becomes the Pulpit; but it ſeems to be like ſtroaking the Conſciences of People by Feathers dipt in Oil. And there is a way of putting *Scripture-Phraſes* together without the Senſe of them, which thoſe are the moſt apt to admire, who underſtand them leaſt: But for thoſe who have not improved their Minds by Education, the plaineſt way is certainly the beſt and hardeſt, provided it be not flat, and dry, and incoherent, or deſultory, going from one thing to another, without purſuing any particular point home to Practice, and applying it to the Conſciences of the Hearers. And give me leave to tell you, That meer general Diſcourſes have commonly little Effect on the Peoples Minds; if any thing moves them, it is *particular Application* as to ſuch things which their Conſciences are concerned in.

And here I muſt recommend to you the purſuing the Deſign of his *Majeſty's Letter*, which hath been ſome time ſince communicated to you; by it you are required to preach at ſome times on thoſe particular Vices which you obſerve to be moſt prevalent in the Places you relate to; ſuch as *Drunkenneſs*, *Whoredom*, *Swearing*, *Profaning the Lord's Day*, &c. If ever we hope to reform them, you muſt throughly convince them, that what they do is diſpleaſing to God.

And there are two ſorts of Men you are to deal with.

1. Profane Scoffers at Religion. Theſe ſeldom trouble you; but if any good be to be done upon them, it is by plain and evident Proofs of the Good and Evil of Moral Actions. For as long as they think them indifferent, they will never regard what you ſay, as to the Rewards or Puniſhments of them.

2. Stupid and ſenſeleſs People, whoſe Minds are wholly ſunk into the Affairs of the World, *buying, and ſelling, and getting Gain.* It is a very hard thing to get a Thought into them about theſe Matters. And whatever you talk of meer Religion and another Life, is like *Metaphyſicks* to them; they underſtand you not, and take no care to do it: But if you can convince them, that they live in the Practice of great Sins, which they ſhall certainly ſuffer for, if they do not repent, they may poſſibly be awakened that way; if not, nothing but immediate Grace can work upon them, which muſt work on the Will, whatever becomes of the Underſtanding.

III. After Preaching, let me intreat you to look after *Catechizing* and inſtructing the Youth of your Pariſhes. He that would reform the World to purpoſe, muſt begin with the Youth, and train them up betimes in the Ways of Religion and Vertue. There is far leſs probability of prevailing on thoſe who have accuſtomed themſelves to vicious Habits, and are hardened in their Wickedneſs. It ſeems ſtrange to ſome, that conſidering the ſhortneſs of human Life, Mankind ſhould be ſo long before they come to Maturity; the beſt Account I know of it is, that there is ſo much longer time for the Care of their Education, to inſtil the Principles of Vertue and Religion into them, thereby to ſoften the Fierceneſs, to direct the Weakneſs, to govern the Inclinations of Mankind. It is truly a ſad Conſideration, that Chriſtian Parents are ſo little ſenſible of their Duties, as to the Education of their Children, when thoſe who have had only natural Reaſon to direct them, have laid ſo much Weight upon it. *Without it, Plato* ſaith, *that Mankind grew the moſt unruly of all Creatures.* Ariſtotle, *That as by Nature they are capable of being the beſt, ſo being neglected, they become the worſt of Animals,* i. e. *when they are brought up without Vertue. Education and Vertue,* ſaith he, *is a great thing ; yea, it is all in all, and without it they will be much worſe than Beaſts.* The main Care of the Education of Children muſt lie upon Parents ; but yet Miniſters ought not only to put them in mind of their Duty, but to aſſiſt them all they can, and by publick Catechizing, frequently to inſtruct both thoſe who have not learned, and thoſe who are aſhamed to learn any other way. And you muſt uſe the beſt means you can to bring them into an Eſteem of it ; which is by letting them ſee, that you do it, not meerly becauſe you are required to do it, but becauſe it is a thing ſo uſeful and beneficial to them and to their Children. There is a great deal of difference between Peoples being able to talk over a Set of *Phraſes*, about Religious Matters, and underſtanding the true Grounds of Religion, which are eaſieſt learned and underſtood, and remembred in the ſhort Catechetical way. But I am truly ſorry to hear, that where the *Clergy* are willing to take pains this way, the People are unwilling to ſend their Children. They would not be unwilling to hear them inſtructed, as early as might be, in the way to get an Eſtate, but would be very thankful to thoſe who would do them ſuch a Kindneſs ; and therefore it is really a Contempt of God and Religion, and another World, which makes them ſo backward to have their Children taught the way to it. And methinks thoſe who have any Zeal for the *Reformation*, ſhould love and purſue that which came into *Requeſt* with it. Indeed the Church of *Rome* it ſelf hath been made ſo ſenſible of the Neceſſity of it, that even the Council of *Trent* doth not only require *Catechizing Children*, but the *Biſhops* to proceed with *Eccleſiaſtical Cenſures* againſt thoſe who neglect it. But in the old *Provincial Conſtitutions*, I can find but one *Injunction* about *Catechizing* ; and that is *when the Prieſt doubts whether the Children were baptized or not ; and if they be born eight days before* Eaſter *and* Whitſontide, *they are not to be baptized till thoſe days, and in the mean time they are to receive Catechiſm.* What is this *receiving Catechiſm* by Children, before they are eight days old ? It is well Exorciſm is joined with it ; and ſo we are to underſtand by it the Interrogatories in Baptiſm: and *Lyndwood* ſaith, the *Catechiſm* is not only required for *Inſtruction in Faith*, but *propter ſponſionem*, when the God-father anſwers, *De Fidei Obſervantiâ.*

Plato de Leg. *l.* 6. Ariſt. Polit. *l.*1.*c.*2. Nicom. *l.* 2. *c.* 1. 7. *c.* 7.

Seſſ. 24. de Reform. *c.* 4.

Lyndw. Prov. Coſt. *f.*134, 135. Concil. Angl. 2. *Vol.* 324, 330.

It is true, the *Canon Law* requires in adult Perſons *Catechizing before Baptiſm* ; but I find nothing of the *Catechizing Children* after it ; and no wonder, ſince *Lyndwood* ſaith, *the Laity are bound to no more, than to believe as the Church believes ; nor the Clergy neither, unleſs they can bear the Charges of ſtudying, and have Maſters to inſtruct them.* This was good Doctrine, when the Deſign was to keep People in Ignorance. For Learning is an irreconcilable Enemy to the Fundamental Policy of the *Roman* Church ; and it was that which brought in the Reformation, ſince

De Conſecr. *Diſt.* 4. *c.* 54, 57. Lynd. *f.* 1. 11. Sciat. Si enim habeant expenſas & magiſtros, peccarent, n ſi plus ſciant quam Laici.

ſince which a juſt Care hath ſtill been required for the Inſtruction of Youth; and the fifty ninth Canon of our Church is very ſtrict in it, which I deſire you often to conſider, with the firſt Rubrick after the Catechiſm, and to act accordingly.

IV. After *Catechizing*, I recommend to you the due Care of bringing the Children of your Pariſhes to *Confirmation*. Which would be of excellent uſe in the Church, if the ſeveral Miniſters would take that pains about it which they ought to do. Remember that you are required *to bring or ſend in Writing, with your Names ſubſcribed, the Names of all ſuch Perſons in your Pariſh, as you ſhall think fit to be preſented to the Biſhop to be confirmed.* If you take no care about it, and ſuffer them to come unprepared for ſo great, ſo ſolemn a thing, *as renewing the Promiſe and Vow made in Baptiſm,* can you think your ſelves free from any Guilt in it? In the Church of *Rome* indeed great care was taken to haſten Confirmation of Children all they could: *Poſt Baptiſmum quam citius poterint,* as it is in our *Conſtitution Provincial*; in another *Synodical, the Parochial Prieſts are charged to tell their Pariſhioners, that they ought to get their Children confirmed as ſoon as they can.* In a *Synod* at *Worceſter,* under *Walter de Cantilupo,* in the time of *Henry* III. the Sacrament of *Confirmation* is declared neceſſary for *Strength againſt the Power of Darkneſs,* and therefore it was called *Sacramentum Pugnantium*: And no wonder then that the *Parochial Prieſts* ſhould be called upon ſo earneſtly to bring the Children to *Confirmation*; and the Parents were to be forbidden to enter into the Church, if they neglected it for a *Year* after the Birth of the Child, if they had opportunity. The *Synod* of *Exeter* allowed two *Years*; and then if they were not confirmed, the Parents were *to faſt every* Friday, *with Bread and Water, till it were done.* And to the ſame purpoſe, the *Synod* of *Wincheſter,* in the time of *Edw.* I. in the *Conſtitutions* of *Richard* Biſhop of *Sarum,* two *Years* were allowed; but that time was afterwards thought too long; and then the Prieſt as well as the Parents was to be ſuſpended from Entrance into the Church. But what preparation was required? None that I can find: But great Care is taken about the *Fillets to bind their Heads to receive the Unction, and the taking them off at the Font, and burning them, leſt they ſhould be uſed for Witchcraft,* as *Lyndwood* informs us. But we have no ſuch Cuſtoms, nor any of the Reformed Churches: We depend not upon the *Opus operatum,* but ſuppoſe a due and ſerious preparation of Mind neceſſary, and a ſolemn Performance of it. I hope, by God's Aſſiſtance, to be able in time to bring the Performance of this Office into a better Method; in the mean time I ſhall not fail doing my Duty, have you a care you do not fail in yours.

Provinc. Conſtit. De Sacra. Unct. f. 18.
Concil. Angl. 2 Vol. p. 353.
Ib. p. 140. 165.
P. 353.
P. 440.
P. 143.
Lynd. f. 19.

V. As to the *Publick Offices* of the *Church,* I do not only recommend to you a due Care of the *Diligent,* but of the *Devout* Performance of them. I have often wondered how a fixed and ſtated Liturgy for general Uſe, ſhould become a matter of Scruple and Diſpute among any in a Chriſtian Church, unleſs there be ſomething in Chriſtianity which makes it unlawful to pray together for things which we all underſtand beforehand to be the Subject of our Prayers. If our common Neceſſities and Duties are the ſame; if we have the ſame Bleſſings to pray, and to thank God for in our ſolemn Devotions, why ſhould any think it unlawful or unfitting to uſe the ſame Expreſſions? Is God pleaſed with the Change of our Words and Phraſes? Can we imagine the Holy Spirit is given to dictate new Expreſſions in Prayers? Then they muſt pray by immediate Inſpiration, (which I think they will not pretend to, leſt all the Miſtakes and Incongruities of ſuch Prayers be imputed to the Holy Ghoſt) but if not, then they are left to their own Conceptions, and the Spirit's Aſſiſtance is only in the exciting the Affections and Motions of the Soul towards the things prayed for; and if this be allowed, it is impoſſible to give a Reaſon why the Spirit of God may not as well excite thoſe inward Deſires, when the Words are the ſame as when they are different. And we are certain, that from the Apoſtles times downwards, no one Church or Society of Chriſtians can be produced, who held it unlawful to pray by a Set-Form. On the other ſide, we have very early Proofs of ſome common Forms of Prayer, which were generally uſed in the Chriſtian Churches, and were the Foundations of thoſe *ancient Liturgies*, which, by degrees, were much enlarged. And the Interpolations of later times do no more overthrow the Antiquity of the Groundwork of them, than the large Additions to a Building do prove there was no Houſe before. It is an eaſy matter to ſay, that ſuch Liturgies could not be St. *James*'s or St. *Mark*'s, becauſe of ſuch Errors and Miſtakes, and Interpolations of Things and Phraſes of later times; but what then? Is this an Argument there were no ancient Liturgies in the Churches of *Jeruſalem* and *Alexandria*, when ſo long ſince, as in *Origen*'s time, we find an entire Collect produced by him out of the *Alexandrian* Liturgy? And the like may be ſhewed as to other Churches, which by degrees came to have their Liturgies much enlarged by the devout Prayers of ſome extraordinary Men; ſuch as St. *Baſil* and St. *Chryſoſtom* in the Eaſtern Churches.

Orig. in Jer. Hom. 14. *p.* 14. *Ed. Huet.*

But my Deſign is not to vindicate our uſe of an excellent Liturgy, but to put you upon the uſing it in ſuch a manner, as may moſt recommend it to the People; I mean with that Gravity, Seriouſneſs, Attention and Devotion, which becomes ſo ſolemn a Duty as Prayer to God is. It will give too juſt a cauſe of Prejudice to our Prayers, if the People obſerve you to be careleſs and negligent about them; or to run them over with ſo great haſt, as if you minded nothing ſo much as to get to the end of them. If you mind them ſo little your ſelves, they will think themſelves excuſed if they mind them leſs. I could heartily wiſh that in greater Places, eſpecially in ſuch Towns where there are People more at liberty, the conſtant Morning and Evening Prayers were duly and devoutly read, as it is already done with good Succeſs in *London*, and ſome other Cities. By this means Religion will gain ground, when the publick Offices are daily performed; and the People will be more acquainted with Scripture, in hearing the Leſſons; and have a better eſteem of the Prayers, when they become their daily Service, which they offer up to God as their Morning and Evening Sacrifice; and the Deſign of our Church will be beſt anſwered, which appoints *the Order for Morning and Evening Prayer daily to be ſaid and uſed throughout the Year.*

VI. As to the *Diſſenters* from the Church; the preſent Circumſtances of our Affairs require a more than ordinary *Prudence* in your Behaviour towards them. It is to no purpoſe to provoke or exaſperate them, ſince they will be but ſo much more your Enemies for it; and if you ſeem to court them too much, they will interpret your Kindneſs to be a liking their Way better than your own; ſo that were it not for ſome Worldly Intereſt, you would be juſt what they are; which is in effect to ſay, you would be Men of Conſcience, if ye had a little more Honeſty. For they can never think thoſe honeſt Men, who comply with things againſt their Conſciences, only for their temporal Advantage; but they may like them as Men of a Party, who under ſome ſpecious Colours, promote their Intereſt. For my own part, as I do ſincerely value and eſteem the Church of *England* (and I hope ever ſhall) ſo I am not againſt ſuch a due temper towards them, as is conſiſtent with the preſerving the Conſtitution of our Church. But if any think, under a pretence of Liberty, to undermine and deſtroy it, we have Reaſon to take the beſt care we can, in order to its preſervation. I do not mean by oppoſing Laws, or affronting Authority, but by countermining them in the beſt way, *i. e.* by out-doing them in thoſe things which make them moſt popular, if they are conſiſtent with Integrity and a good Conſcience. If they gain upon the People by an Appearance of more than ordinary Zeal for the good of Souls, I would have you to go beyond them in a true and hearty Concernment for them; not in irregular Heats and Paſſions, but in the *Meekneſs of Wiſdom*, in a calm and ſedate Temper; in doing good even to them who moſt deſpitefully reproach you, and withdraw themſelves and the People from you. If they get an Intereſt among them by Induſtry, and going from Place to Place, and Family to Family; I hope you will think it your Duty to converſe more freely and familiarly with your own People. Be not *Strangers*, and you will make them *Friends*. Let them ſee by your particular Application to them, that you do not deſpiſe them. For Men love to value thoſe who ſeem to value them; and if you once ſlight them, you run the hazard of making them your Enemies. It is ſome Trial of a Chriſtians *Patience*, as well as *Humility*, to condeſcend to the Weakneſſes of others; but where it is our Duty, we muſt do it, and that chearfully, in order to the beſt End, *viz.* doing the more good upon them. And all Condeſcenſion and Kindneſs for ſuch an End, is true *Wiſdom* as well as *Humility*. I am afraid Diſtance and too great Stiffneſs of Behaviour towards them, have made ſome more our Enemies than they would have been. I hope they are now convinced, that the Perſecution which they complained lately ſo much of, was carried on by other Men, and for other Deſigns than they would then ſeem to believe. But that Perſecution was then a popular Argument for them; for the complaining ſide hath always the moſt Pity. But now that is taken off, you may deal with them on more equal Terms. Now there is nothing to affright them, and we think we have Reaſon enough on our ſide to perſwade them. The Caſe of Separation ſtands juſt as it did in Point of Conſcience, which is not now one jot more reaſonable or juſt than it was before. Some think Severity makes Men conſider; but I am afraid it heats them too much, and makes them too violent and refractary. You have more reaſon to fear now, what the Intereſt of a Party will do, than any Strength of Argument. How very few among them underſtand any Reaſon at all for their Separation! But Education, Prejudice, Authority of their Teachers ſway them; remove theſe, and you convince them. And in order thereto, acquaint your ſelves with them, endeavour to oblige them, let them ſee you have no other Deſign upon them, but to do them good; if any thing will gain upon them, this will.

But if after all, they grow more headſtrong and inſolent by the Indulgence which the Law gives them; then obſerve, whether they obſerve thoſe Conditions on which the Law gives it to them. For theſe are known Rules in Law, *That he forfeits his Privilege who goes beyond the Bounds of it; That no Privileges are to be extended beyond the Bounds which the Laws give them; for they ought to be obſerved as they are given.* I leave it to be conſidered, whether all ſuch who do not obſerve the Conditions of the Indulgence, be not as liable to the Law, as if they had none.

11 Q. 3. c. 63. Lyndw. ad L. de Pœnis. *f.* 161. Extr. de Priv. *c.* Porro in Gloſſ.

But there is a very profane Abuſe of this Liberty among ſome, as though it were an Indulgence not to ſerve God at all. Such as theſe, as they were never intended by the Law, ſo they ought to enjoy no Benefit by it: For this were to countenance Profaneneſs and Irreligion, which I am afraid, will grow too much upon us, unleſs ſome effectual Care be taken to ſuppreſs it.

VII. There is another Duty incumbent upon you, which I muſt particularly recommend to your Care, and that is, of *Viſiting the Sick.* I do not mean barely to perform the Office preſcribed, which is of very good Uſe, and ought not to be neglected; but a particular Application of your ſelves to the State and Condition of the Perſons you viſit. It is no hard matter to run over ſome Prayers, and ſo take leave; but this doth not come up to the Deſign of our Church in that Office. For after the general Exhortation and Profeſſion of the Chriſtian Faith, our Church requires, That *the ſick Perſon be moved to make ſpecial Confeſſion of his Sins, if he feel his Conſcience troubled with any weighty matter*; and then, *if the ſick Perſon humbly and heartily deſires it,* he is to be *abſolved* after this manner, *Our Lord Jeſus Chriſt, who hath left Power in his Church to abſolve all Sinners who truly repent and believe in him,* &c. Where the Power of Abſolution is grounded upon the Suppoſition of true Faith and Repentance; and therefore when it is ſaid afterwards, *And by his Authority committed to me, I abſolve thee from the ſame,* &c. It muſt proceed on the ſame Suppoſition. For the Church cannot abſolve when God doth not. So that all the real Comfort of the Abſolution depends upon the Satisfaction of the Perſon's Mind, as to the Sincerity of his Repentance and Faith in Chriſt. Now here lies the great Difficulty of this Office; how to give your ſelves and the wounded Conſcience ſatisfaction, as to the ſincerity of thoſe Acts; I do not mean as to the ſincerity of his preſent Thoughts, but as to the Acceptableneſs of his Faith and Repentance with God, in order to Remiſſion of Sins. But what if you find the Perſons ſo ignorant, as not to underſtand what Faith and Repentance mean? What if they have led ſuch careleſs and ſecure lives in this World, as hardly ever to have had one ſerious Thought of another? Is nothing to be done but to come and pray by them, and ſo diſmiſs them into their Eternal State? Is this all the good you can, or are bound to do them? I confeſs it is a very uncomfortable thing to tell Men how they are to begin to live, when they are liker to die than to live (and the People generally have a ſtrange ſuperſtitious Fear of ſending for the Miniſter, while there is any hope of Recovery.) But at laſt you are ſent for; and what a melancholy Work are you then to go about? You are, it may be, to make a Man ſenſible of his Sins, who never before conſidered what they were, or againſt whom they were committed, or what eternal Miſery he deſerves by committing them. But I will ſuppoſe the beſt I can in this Caſe, *viz.* That by your warm and ſerious Diſcourſe, you throughly awaken the Conſcience of a long and habitual Sinner; what are you then to do? Will you preſently apply all the Promiſes of Grace and Salvation to one whoſe Conſcience is awakened only with the Fears of Death, and the Terrors of a Day of Judgment? This, I confeſs, is a hard Caſe; on the one ſide, we muſt not diſcourage good Beginnings in any; we muſt not caſt an awakened Sinner into Deſpair; we muſt not limit the infinite Mercy of God: But on the other ſide, we muſt have a great care of incouraging preſumptuous Sinners to put off their Repentance to the laſt, becauſe then upon Confeſſion of their Sins, they can ſo eaſily obtain the Churches Abſolution; which goes no farther, than *truly Repenting and Believing*. But here is the difficulty, how we can ſatisfie our ſelves that theſe do *truly Repent and Believe*, who are out of a Capacity of giving Proof of their Sincerity by Amendment of Life? I do not queſtion the Sincerity of their preſent Purpoſes; but how often do we find thoſe to come to nothing, when they recover and fall into the former Temptations? How then ſhall they know their own Sincerity till it be tried? How can it be tried, when they are going out of the State of Trial? The moſt we can do, is to encourage them to do the beſt they can in their preſent Condition, and to ſhew as many of the Fruits of true Repentance as their Circumſtances will allow; and with the greateſt Humility of Mind, and moſt earneſt Supplications to implore the infinite Mercy of God to their Souls. But beſides theſe, there are many Caſes of ſick Perſons, which require very particular Advice, and ſpiritual Direction, which you ought to be able to give them, and it cannot be done without ſome good Meaſure of Skill and Experience in caſuiſtical Divinity. As, How to ſatisfie a doubting Conſcience, as to its own Sincerity, when ſo many Infirmities are mixed with our beſt Actions? How a Sinner who hath relapſed after Repentance, can be ſatisfied of the Truth of his Repentance, when he doth not know, but he may farther relapſe upon freſh Temptations? How he ſhall know what Failings are conſiſtent with the State of Grace, and the Hopes of Heaven, and what not? What Meaſure of Conviction and Power of Reſiſtance is neceſſary to make Sins to be wilful and preſumptuous? What the juſt Meaſures of Reſtitution are in order to true Repentance, in all ſuch Injuries which are capable of it? I might name many others, but theſe I only mention to ſhew how neceſſary it is for you to apply your ſelves to *Moral* and *Caſuiſtical Divinity*, and not to content your ſelves barely with the Knowledge of what is called *Poſitive* and *Controverſial*. I am afraid there are too many who think they need to look after no more than what qualifies them for the Pulpit; (and I wiſh all did take ſufficient care of that) but if we would do our Duty as we ought, we muſt inquire into, and be able to reſolve Caſes of Conſcience. For *the Prieſt's Lips ſhould keep* this kind of *Knowledge*; *and the People ſhould ſeek the Law at his Mouth*; *for he is the Meſſenger of the Lord of Hoſts*, Mal. 2. 7. If this held in the Levitical Prieſthood, much more certainly under the Goſpel, where the Rates and Meaſures of our Duties are not to be determined by Levitical Precepts, but by the general Reaſon and Nature of Moral Actions.

VIII. Among the Duties of *Publick Worſhip*, I muſt put you in mind of a *frequent Celebration of the Lord's Supper*. There is generally too great a Neglect of this, which is the moſt proper part of *Evangelical Worſhip*. The Duties of *Prayers and Praiſes*, are excellent and becoming

ing Duties, as we are Creatures with reſpect to our Maker and Preſerver. The Duty of hearing the Word of God read and explained, is conſequent upon our owning it to be the Rule of our Faith and Manners; and all who deſire to underſtand and practiſe their Duty, can never deſpiſe or neglect it. But that ſolemn Act of Worſhip wherein we do moſt ſhew our ſelves Chriſtians, is the celebrating the *Holy Euchariſt.* For, therein we own and declare *the infinite Love of God in ſending his Son into the World to die for Sinners, in order to their Salvation; and that this is not only a true Saying, but worthy of all Men to be credited.* Therein, *we lift up our Hearts, and give Thanks to our Lord God; we joyn with Angels and Archangels in lauding and magnifying his glorious Name.* Therein, we not only commemorate the Death and Sufferings of our Lord, but are made Partakers of his Body and Blood, after a Real, but Sacramental Manner. Therein *we offer up our ſelves to God, to be a Reaſonable, Holy and Lively Sacrifice unto him.* Therein we Adore and Glorifie the ever Bleſſed Trinity; and humbly implore the Grace and Aſſiſtance of our ever Bleſſed Mediator. And what now is there in all this, which is not very agreeable to the Faith, Hope and Charity of Chriſtians? Nay, what Duty is there, which ſo much expreſſes all theſe together, as this doth? Nor, whereby we may more reaſonably expect greater Supplies of Divine Grace to be beſtowed upon us? What then makes ſo many to be ſo backward in this Duty, which profeſs a Zeal and Forwardneſs in many others? If we had that Warmth and Fervor of Devotion, that Love to Chriſt, and to each other, which the Primitive Chriſtians had, we ſhould make it as conſtant a part of our publick Worſhip, as they did; but this is not to be expected. Neither did it always continue in the Primitive Church, when Liberty, and Eaſe, and worldly Temptations made Perſons grow more remiſs and careleſs in the ſolemn Duties of their Religion.

In Hebr. Hom. 17. In Epheſ. Hom. 3.

St. *Chryſoſtom* takes notice in his time of the different Behaviour of Perſons, with reſpect to the Holy Euchariſt. There were ſome who pretended to greater Holineſs and Auſterity of Life than others, who withdrew from the common Converſation of Mankind, and ſo by degrees from joining in the Acts of publick Worſhip with them. Which did unſpeakable Miſchief to Chriſtianity; for then the Perfection of the Chriſtian Life, was not ſuppoſed to conſiſt in the active Part of it, but in Retirement and Contemplation. As tho' our higheſt Imitation of Chriſt lay in *following him into the Wilderneſs to be tempted of the Devil; and not in walking as he walked,* who frequented *the Synagogues, and went about doing good.*

But this way of Retirement happening to be admired by ſome great Men, the Publick Worſhip came to be in leſs eſteem; and others upon Reaſons of a different Nature, withdrew themſelves from ſuch Acts of Devotion as required a ſtricter Attendance, and a more prepared Temper of Mind. And there were ſome who did abſtain, becauſe they were not ſo well ſatisfied with themſelves as to their own Preparations; and ſuch as theſe St. *Chryſoſtom* ſeems to favour, rather than ſuch who came often without due care, as to the whole Courſe of their Lives; only out of cuſtom, or out of regard to the Orders of the Church. From hence many thought it better to forbear, as long as they did it not out of Contempt. And ſo by degrees the People were content to look on it as a Sacrifice for them to be performed by others, rather than as an Office, wherein they were to bear a part themſelves; at leaſt, they thought once or thrice a Year ſufficient for them. And to this, as, appears by our old *Provincial Conſtitutions*, they were forced by ſevere *Canons.*

Concil. Angl. *Tom.* 2. *p.* 144, 166, 299.

When the Reformation began, this Diſuſe of this holy Sacrament was looked on, by the chief Reformers, as a great Abuſe and Corruption crept into the Church, which ought by all means to be reformed, and the frequent Celebration of it ſet up in the Reformed Churches. But unreaſonable Scruples in ſome, and Miſapprehenſions in others, and a general Coldneſs and Indifference, as to Matters of Religion, have hitherto hindered the reviving this primitive part of Devotion among us.

I do not go about to determine the Frequency in your Pariſhes, which the Scripture doth not as to the Chriſtian Church, but ſuppoſes it to be *often done*; but I may require you to take care that Chriſt's Inſtitution be obſerved among you, and that with your utmoſt Care, both as to the Decency and Purity of it.

Calv. Inſt. *l.* 4. *c.* 17. *n.* 44. Pet. Martyr. *L. C. l.* 4. *c.* 10. *n.* 48. In 1 Cor. 11. *p.* 55. Bucer in Matth. 16. *p.* 186.

The laſt thing I recommend to you all is, *To have a great Care of your Converſations.* I do not ſpeak it out of a diſtruſt of you; I hope you do it already; and your Caſe will be ſo much worſe, if you do it not, becauſe you very well know how much you ought to do it: For the Honour of God and Religion, and the Succeſs of your Miniſtry, as well as your own Salvation, depend very much upon it. Lead your Flock by your Example, as well as by your Doctrine, and then you may much better hope that they will follow you; for the People are naturally *Spies* upon their *Miniſters*, and if they obſerve them to mind nothing but the World all the Week, they will not believe them in earneſt, when on the Lord's Days they perſwade them againſt it. And it takes off the Weight of all Reproof of other Mens Faults, if thoſe they reprove have reaſon to believe them guilty of the ſame. I do not think it enough for *a Preacher of Righteouſneſs* merely to avoid open and ſcandalous Sins, but he ought to be a great Example to others in the moſt excellent Vertues which adorn our Profeſſion, not only in *Temperance and Chaſtity*, in *Juſtice and ordinary Charity*, but in a readineſs to do good to all, in forgiving Injuries, in loving Enemies, in evenneſs of Temper, in Humility and Meekneſs, and Patience, and Submiſſion to God's Will, and in frequent Retirements from the World, not merely for Study, but for Devotion. If by theſe and ſuch things you *ſhine as Lights* among your People, they will be more ready to follow your Conduct; and in probability you will not only ſtop their Mouths, but gain their Hearts. For among all the Ways of advancing the Credit and Intereſt of the *Church* of *England*, one of the moſt ſucceſsful will be the diligent Labours, and the exemplary Lives of the Clergy in it.

But if Men will not regard their own or the Churches Intereſt in this matter; if they will break their Rules in ſuch a manner, as to diſhonour God, and the Church, and themſelves by it; then you are to conſider the next thing I was to ſpeak to, which is,

II. What *Authority* is given to us for the puniſhing *Offenders* in our *Dioceſſes* by the *Eccleſiaſtical Law* of this Realm. For this we are to conſider, That our *Authority* herein is not derived from any modern *Canons* or *Conſtitutions* of this *Church*, (although due Regard ought to be ſhewed to them) but from the ancient *Common Law Eccleſiaſtical* in this Realm, which ſtill continues in force. For as there is a *common*

Law with reſpect to *Civil Rights*, which depends not on the *Feudal Conſtitutions*, although in many things it be the ſame with them; but upon *ancient Practice and general Conſent* of the People from Age to Age. So, I ſay, there is a *Common Law Eccleſiaſtical*, which altho' in many things it may be the ſame with the *Canon Law*, which is read in the Books, yet it hath not its force from any *Papal* or *Legatine Conſtitutions*, but from the *Acceptance and Practice* of it in our Church. I could eaſily ſhew (if the time would permit) that *Papal and Legatine Conſtitutions* were not received here, although directed hither; that 2 Inſt. 632. ſome *Provincial Conſtitutions* never obtained the Force of *Eccleſiaſtical Laws*; but my buſineſs is to ſhew what did obtain and continue ſtill to have the Force of ſuch *Eccleſiaſtical Laws* among us.

By the *Statute* of 25 *H.* 8. *c.* 19. it is declared, "That ſuch Canons, Conſtitutions, Ordinances, and Synodals Provincial being already made, which be not contrariant nor repugnant to the Laws, Statutes, and Cuſtoms of this Realm, nor to the Damage or Hurt of the King's Prerogative Royal, ſhall now ſtill be uſed and executed as they were afore the making of this Act, *&c.* It's true, a *Review* was appointed, but ſuch Difficulties were found in it, as to the ſhaking the Foundations of the *Eccleſiaſtical Law* here, that nothing was ever legally eſtabliſhed in it, and therefore this Law is ſtill in force.

In the *Statute* 25 *H.* 8. *c.* 21. it is ſaid, "That this Realm recognizing no Superiour under God but the King, hath been and is free from ſubjection to any Man's Laws but only to ſuch as have been deviſed, made, and obſerved within this Realm, for the Wealth of the ſame; or ſuch other, as by the Sufferance of the King and his Progenitors, the People of this Realm have taken at their free Liberty, by their own Conſent to be uſed amongſt them, and have bound themſelves by long Uſe and Cuſtom to Obſervance of the ſame, not as to the Obſervance of the Laws of any Foreign Prince, Potentate, or Prelate, but as to the Cuſtoms and ancient Laws of this Realm originally eſtabliſhed as Laws of the ſame, by the ſaid Sufferance, Conſent, Cuſtom, and none otherwiſe.

All that I have now to do, is to ſhew what *Authority* the *Biſhops* had over the *Clergy* by the ancient *Eccleſiaſtical Law* of this Realm; and what *Cenſures* they were liable to for ſome particular Offences.

I. By the *Eccleſiaſtical Law* the Biſhop is *Judge* of the *Fitneſs* of any *Clerk* preſented to a *Benefice*. This is confeſſed by the Lord *Coke* in 2 Inſt. 632. theſe Words: *And the Examination of the Ability and Sufficiency of the Perſon preſented belongs to the Biſhop, who is the Eccleſiaſtical Judge, and in the Examination he is a Judge, and not a Miniſter, and may and ought to refuſe the Perſon preſented, if he be not* Perſona idonea. But this is plain to have been the ancient *Eccleſiaſtical* Law of this Realm, by the *Articul. Cleri* in *Edw.* II. time, *De Idoneitate Perſonæ præſentatæ ad Beneficium Eccleſiaſticum pertinet Examinatio ad Judicem Eccleſiaſticum, & ita eſt hactenus uſitatum, & fiat in futurum.*

Provinc. Conf. quum ſecund. f. 71. By the *Provincial Conſtitutions* at *Oxford* in the time of *Hen.* III. the Biſhop is required to admit the Clerk who is preſented, without Oppoſition, within two Months, *dum tamen ideonus ſit*, if he thinks him fit. So much time is allowed, *propter Examinationem*, ſaith *Lyndwood*, even when there is no Diſpute about Right of Patronage. The main thing he is to be examined upon, is *his Ability to diſcharge his Paſtoral*

ral Duty, as *Coke* calls it; or as *Lynwood* ſaith, whether he be *commendandus Scientia & Moribus.* As to the former, the Biſhop may judge himſelf; but as to the latter, he muſt take the *Teſtimonials* of others; and I heartily wiſh the Clergy would be more careful in giving them, by looking on it as a Matter of *Conſcience,* and not merely of *Civility;* for otherwiſe it will be impoſſible to avoid the peſtering the Church with ſcandalous and ignorant Wretches. If the Biſhop refuſes to admit within the time (which by the Modern Canons is limited to twenty eight Days after the Preſentation delivered) he is liable to a *Duplex Querela* in the Eccleſiaſtical Courts, and a *Quare impedit* at Common Law; and then he muſt certifie the Reaſons of his Refuſal. In *Specot*'s Caſe it is ſaid, That in 15 *H.* 7. 7, 8. *all the Judges agreed, that the Biſhop is Judge in the Examination, and therefore the Law giveth Faith and Credit to his Judgment.* But becauſe great Inconveniencies might otherwiſe happen, the general Allegation is not ſufficient, but he muſt certifie *ſpecially* and *directly;* and the general Rule is, and it was ſo reſolved by the Judges, *That all ſuch as are ſufficient Cauſes of Deprivation of an Incumbent, are ſufficient Cauſes to refuſe a Preſentee.* But by the Canon Law more are allowed. In the *Conſtitutions* of *Othobon,* the Biſhop is required particularly to enquire into the Life and Converſation of him that is preſented; and afterwards, that if a Biſhop admits another who is guilty of the ſame Fault for which he rejected the former, his Inſtitution is declared null and void. By the Canon Law, if a Biſhop maliciouſly refuſes to admit a fit Perſon, he is bound to provide another Benefice for him; but our Eccleſiaſtical Law much better puts him upon the Proof of the Cauſe of his Refuſal. But if the Biſhop doth not examine him, the Canoniſts ſay it is a Proof ſufficient that he did it *malitioſé.* If a Biſhop once rejects a Man for Inſufficiency, he cannot afterwards accept or admit of him; as was adjudged in the Biſhop of *Hereford*'s Caſe. If a Man brings a Preſentation to a Benefice, the Biſhop is not barely to examine him as to Life and Abilities, but he muſt be ſatisfied that he is in Orders. How can he be ſatisfied, unleſs the other produce them? How can he produce them, when it may be they are loſt? What is to be done in this Caſe? The Canon is expreſs, *That no Biſhop ſhall inſtitute any to a Benefice, who hath been Ordained by any other Biſhop,* (for if he Ordained himſelf, he cannot after reject him, becauſe the Law ſuppoſes him to have examined and approved him) *except he firſt ſhew unto him his Letters of Orders, and bring him a ſufficient Teſtimony of his former good Life and Behaviour, if the Biſhop ſhall require it; and laſtly, ſhall appear upon due Examination to be worthy of the Miniſtry.* But yet in *Palmes* and the Biſhop of *Peterborough*'s Caſe, it was adjudged, That no Lapſe did accrue by the Clerk's not ſhewing his Orders, for the Biſhop upon his not coming to him again, collated after ſix Months. But the Court agreed, That the Clerk ought to make Proof of his Orders; but they differed about the manner of their Proof. *Anderſon* ſaid, The Biſhop might give him his Oath. But if a Proof were neceſſary, and the Clerk did not come to make Proof, it ſeems to me to be a very hard Judgment.

Can. 95.

5 Rep. 57.

Multa impediunt promovendum, quæ non dejiciunt. Gloſſ. in c. 15. de Vit. & Honeſt. Cleric. C. Chriſtianæ. *f.* 63.

De Jure Patron. *c.* Paſtoralis Officii. Gloſſ. in Can. & malitioſe.

Moor 26. El. 3, 3 Cr. 27.

Can. 39.

3 Cr. 341. 1 *Leon.* 230.

II. The Biſhop by the Eccleſiaſtical Law, is to viſit his Dioceſs, and to take an account of the Clergy how they behave themſelves in the Duties of their Places. By the eldeſt Canons I can find, the Biſhop's Viſitation is ſuppoſed as a thing implied in his Office; whereby he is obliged to look after the good Eſtate of his whole Dioceſs, and eſpeci-

Regino *l.* 1. *c.* 5,6,7, 8, 10. Baluz. ad Reginon. *p.* 531.

ally of the Clergy in it. In the time of *Hubert* Archbiſhop of *Canterbury*, in the beginning of King *John*'s time, care is taken in the Canons then made, *That Biſhops ſhould not be burdenſom to the Clergy in the Number of the Attendants in their Viſitations, which then were Parochial, and the Number allowed of Twenty or Thirty Horſe, was too heavy for the Clergy to bear.* And therefore by degrees it was thought fit to turn that Charge into a Certainty, which was the Original of *Procurations.* By the Fourth Council of *Toledo*, the Biſhop was to viſit his whole Dioceſs, Parochially, every Year. The Gloſs ſaith, *if there were occaſion for it*; *and that the Biſhop may viſit as often as he ſees cauſe*; *but if he be hindered*, the Canon ſaith, *he may ſend others* (which is the Original of the *Arch-Deacon's Viſitation*) *to ſee not only the Condition of the Churches, but the Lives of the Miniſters.* The Council of *Braga* in the latter end of the ſixth Century, makes this the firſt Canon, That all Biſhops ſhould viſit their Dioceſſes by Pariſhes, and there ſhould firſt examine the Clergy, and then the People; and in another Canon he was required to receive only his *Cathedraticum*, *i. e.* a certain Sum in lieu of Entertainment; which came to be ſettled by Preſcription. The Council of *Cavailon* in *France*, *A. D.* 831, fixed no Sum, but deſired the Biſhops to be no Burdens to the Clergy in their parochial Viſitations. *Lynwood* ſaith, the ancient *Procuration* here, was *a Day and Nights Entertainment*; which after came to be a cuſtomary Payment: But however it was paid, it is an evident Proof of the Right of the Biſhops Viſitations by the ancient Eccleſiaſtical Law; and by ſuch a Cuſtom as is allowable by the Rules of our common Law.

Concil. Angl. vol. 2. *f.* 124.

c. 10. *q.* 1. Epiſcopum, Regino. *l.* 1. *c* 7.

Concil. Braga. 2. *c.* 1. 10. *q.* 1. Placuit.

Conc. Cabil. 2. *c.* 14. De Cenſibus, *f* 121. De Officio Vicarii *c.* quoniam V. Procurari.

III. There are ſome Faults which make the Clergy liable to Deprivation by virtue of the Eccleſiaſtical Law, which was here received. I ſhall name only ſome of them, and conclude; theſe being ſufficient for my preſent purpoſe.

I. *Exceſſive Drinking.* All drinking (*ad Potus æquales*) was abſolutely forbidden to Clergymen, on pain of *Suſpenſion* after *Admonition*; not only by a *Synodical*, but by a *Provincial Conſtitution* under *Edmund*, Archbiſhop of *Canterbury.* The *Canon Law* ſaith in that caſe, *ab Officio vel Beneficio ſuſpendatur*: But our *Conſtitution* is more ſevere, *à Beneficio & Officio.* The Council of *Oxford* not only ſtrictly forbids all Clergymen whatever tends to *Gluttony and Drunkenneſs*; but it requires the Biſhops to proceed ſtrictly againſt thoſe who are guilty, according to the Form of the *General Council*, i. e. the *Lateran*, 4. *viz.* by *Admonition* firſt, and then *Suſpenſion. Lynwood* complains, That *this was not ſo much looked after as it ſhould be, becauſe it brought no Profit*; I hope that Reaſon will not hold among thoſe who pretend to Reformation; which will be very defective, if it extend not to our Lives as well as our Doctrines: For there can be no greater Reproach than to ſee thoſe looſe and diſſolute in their Converſations, who think it their Honour to be Miniſters of a Reformed Church. It was a ſtinging Reflection upon our Church by the Archbiſhop of *Spalato*, (who was no very ſtrict Man himſelf) *That he ſaw nothing Reformed among us but our Doctrines.* I hope there was more of *Satyr* than of *Truth* in it; for I do not queſtion, but there were many then (as there are now) of Exemplary Lives, and unblameable Converſations; but if there be any others, it will be the more ſhame not to proceed againſt them; ſince even before the Reformation, the Canons were ſo ſtrict and ſevere in this matter. In the Council at *Weſtminſter* in *Henry* II. time, under

Concil. Angl. vol. 2. 140, 200. Extr. de Vita & Honeſtat. Cleric. *c.* 14. Prov. Conſt. *f.* 61.

Epiſt. ad Joſ. Hall.

Richard, Archbiſhop of *Canterbury*, *all Clergymen are forbidden going into Taverns to eat or drink, unleſs upon Travelling*; and the Sanction of this Canon is, *aut ceſſet, aut deponatur.* The ſame was forbidden in the Council at *York*, in the time of *Richard* I. in the Council at *London* under *Hubert*, in the time of King *John*. And ſince the Reformation the ſame Canon is renewed, *That no Eccleſiaſtical Perſons ſhall at any time, other than for their honeſt Neceſſities, reſort to any Taverns or Alehouſes.* And there have been Inſtances of the Severity of our Eccleſiaſtical Cenſures againſt *Drunkenneſs* in Clergymen.

Concil. Angl. 2. vol. 104. *f.* 122. 126. Can. 78.

In 8 *Jac. Parker* was deprived of his benefice for Drukenneſs, and moved for a Prohibition, but it was denied him.

Brownlow's *Rep. f.* 37.

In 9 *Jac.* another was deprived for the ſame fault; and the Judges at Common Law allowed the Sentence to be good.

No doubt there are other Inſtances, but we had not known of theſe, if they had not been preſerved in Books of Reports.

Id. f. 70.

II. *Incontinency-Lyndwood* ſaith, Thoſe who are proved to be guilty of it, are *ipſo Jure privati*; but he thinks a Declaratory Sentence of the Eccleſiaſtical Judges neceſſary for the Execution of it. Since the Reformation, we have Inſtances of Deprivation for *Adultery* in our Law Books, one 12 *Eliz.* another 16 *Eliz.* a third 27 *Eliz.* Theſe are enough to ſhew that the *Eccleſiaſtical Law* is allowed by the Judges of Common Law, to continue in ſufficient Force for *Deprivation* in this Caſe.

Lyndw. *f.* 9.

6 C. 14. Hob. 393. Owen 87. 1 Cr. 41. 789.

III. *Simony.* Which is the Name given by the Eccleſiaſtical Law, to all Contracts for Gain in the diſpoſing or obtaining any Eccleſiaſtical Promotion or Miniſtry. It is true, theſe do not come up to the very Sin of *Simon Magus*, which related to the immediate Gifts of the Holy Ghoſt; but becauſe the whole Miniſterial Office in all the parts of it (eſpecially the Cure of Souls) is of a *Spiritual Nature*; and all Bargains are ſo repugnant to the Deſign of it, therefore the Eccleſiaſtical Law hath fixed that deteſtable Name upon it: For, all *Contractus non gratuiti* in theſe things, ſavour of *turpe Lucrum*, and tend to bring in *turpe Commercium* into the Church; which would really overturn the whole Deſign of that Miniſtry, which was deſigned for the Salvation of Souls. And therefore it was neceſſary, that when Perſons had received (by the Favour of Temporal Princes and other Benefactors, who were Founders of Churches) ſuch Endowments as might encourage them in their Function, that ſevere Laws ſhould be made againſt any ſuch ſordid and miſchievous Contracts. And ſuch there were here in *England* long before the excellent Stat. of 31. *Eliz. c.* 6. although it ſeems the Force of them was ſo much worn out, as to make that Statute neceſſary for avoiding of *Simony*; which is there explained to be *Corruption in beſtowing or getting Poſſeſſion of Promotions Eccleſiaſtical.*

Officium Curæ animarum eſt præcipuum ac ſpiritualiſſimum Dei Donum. Cajetan. in Act. 8.

In a Council at *London* under *Lanfranc*, in the Conqueror's time, *Simony* was forbidden, under the Name of *Buying and ſelling of Orders.* And it could be nothing elſe before the Churches Revenue was ſettled: But in the time of *Henry* I. *Eccleſiaſtical Benefices were forbidden to be bought or ſold, and it was Deprivation then to any Clergyman to be convicted of it; and a Layman was to be Out-lawed, and Excommunicated, and Deprived of his Right of Patronage.* And this was done by a *Provincial Synod* of that time.

Concil. Angl, vol. 2. *p.* 8, 10.

p. 35.

In the Reign of *Henry* II. it was decreed, *That if any Perſon received any Mony for a Preſentation, he was to be for ever deprived of the Patronage*

p. 102. Conſtit. Prov. 153.

Parſons Councel-lor, Sect. 5.

nage of that Church; and this was not meerly a *Provincial Conſtitution*, but two Kings were preſent (*Hen.* II. and his Son) and added their Authority to it. This was not *depriving a Man of his Free-hold by a Canon*, as a Learned Gentleman calls it; ſo here was the greateſt Authority, Temporal as well as Eccleſiaſtical, added to it.

Hob. 167.

But we are told, theſe *Canons were of as little Effects as that of* Othobon, *which made all Simoniacal Contracts void*; but ſome of the moſt judicious Lawyers have held, that *Simony* being *contractus ex turpi causâ*, is void of Parties.

1 Rolls 237.

All that I aim at is to ſhew, that by our old Eccleſiaſtical Law, *Simoniacus* incurred a *Deprivation* and *Diſability* before the Stat. 31 *Eliz.* and therein I have the Opinion of a very Learned Judge concurring with me.

Jo. de Athon. in Conſtit. Othob. *f.* 55. 2. 35 E. 1. 11 R. 72. 3 Inſt. 204. Moor 917. Godbolt 279. Roll 813. 29 E. 3. 16. 2 Hen. 4. 3 11 Hen. 6. 20. 9 E. 4. 34. Conſtit. Othob. *f.* 55. 2. Othob. *f.* 55. 2.

IV. *Dilapidations.* By which the *Eccleſiaſtical Law* underſtands any conſiderable Impairing the *Edifices*, *Woods*, and *Revenues* belonging to Eccleſiaſtical Perſons, by Virtue of their Places. For it is the greateſt Intereſt and Concernment of the Church to have things preſerved for the good of Succeſſors; and it is a part of common *Juſtice* and *Honeſty* ſo to do. And the Lord *Cooke* poſitively affirms, *That Delapidation is a good Cauſe of Deprivation.* And it was ſo reſolved by the Judges in the *Kings-Bench*, 12 *Jac.* Not by Virtue of any new Law or Statute but by the old Eccleſiaſtical Law. For which *Cooke* refers to the Year-Books, which not only ſhew what the *Eccleſiaſtical Law* then was, but that it was allowed by the Common Law of *England*; and we are told, *that is never given to change*; but it may be forced to it by a *New Law*, which cannot be pretended in this caſe. And by the old Conſtitutions he received, the Biſhops are required *to put the Clergy in mind of keeping their Houſes in ſufficient Reparations, and if they do it not within two Months, the Biſhop is to take care it be done out of the Profits of the Benefice.* By the Injunctions of *Ed.* VI. and Queen *Elizabeth*, all Perſons having Eccleſiaſtical Benefices, are required to ſet apart the Fifth of their Revenue to repair their Houſes; and afterwards to maintain them in good Condition.

Provinc Conſtit. *f.* 59.

V. *Pluralities.* By the *Eccleſiaſtical Law*, which was here received, the actual receiving Inſtitution into a ſecond Benefice made the firſt void *ipſo Jure*; and if he ſought to keep both above a Month, the ſecond was void too. *Lyndwood* obſerves, that the Eccleſiaſtical Law had varied in this matter. And it proceeded by the Steps, (which are more than *Lyndwood* mentions.)

Lynw. *ib.* V. ſit content. 10. q. 3. c. Unio. Concil. Tolet. 16. c. 5.

I. It was abſolutely forbidden to have two Pariſhes, if there were more than ten Inhabitants in them, *becauſe no Man could do his duty in both Places.* And if any Biſhop neglected the Execution of it, he was to be excommunicated for two Months, and to be reſtored only upon promiſe to ſee this Canon Executed.

21. q. 1. c 1. Clericus.

II. The Rule was allowed to hold, as to Cities, but an Exception was made as to ſmall and remote Places, where there was a greater Scarcity of Perſons to ſupply them.

Ex. de Præb. c. referente.

III. If a Man had two Benefices, it was left to his Choice, which he would have: But he could not hold both. This kind of Option was allowed by the *Eccleſiaſtical Law* then in force.

Ex de Cler. Non-Reſiden. c. quia nonnulli.

IV. That if he takes a ſecond Benefice, that Inſtitution is void, by the Third Council of *Lateran*, under *Alexander* 3.

V. The

V. That by taking a ſecond, the firſt is void; which is the famous Canon of the Fourth *Lateran* Council. Ex. de Præb. c. de Multa.

VI. That if he were not contented with the laſt, but endeavour to keep both, he ſhould be deprived of both. And this was the *Eccleſiaſtical Law* as it was declared in our *Provincial Conſtitutions.* But the general Practice was to avoid the former according to the *Lateran* Council. Theſe were very ſevere Canons, but that one Clauſe of the *Pope's Diſpenſing Power*, made them to ſignifie little unleſs it were to advance his Power and Revenue. For when the *Diſpenſing Power* came to be owned, the Law had very little Force; eſpecially as to the Conſciences of Men. For if it were a Law of God, how could any man diſpenſe with it? Unleſs it were as apparent that he had given a Power in ſome Caſes to *Diſpenſe*, as that he had made the Law. Thoſe Caſuiſts are very hard put to it, who make Reſidence *Jure Divino*, and yet ſay the Pope may diſpenſe it; which at laſt comes only to this, That the Pope can authoritatively declare the ſufficiency of the Cauſe: So that the whole matter depends upon the Cauſe; whether there can be any ſufficient to excuſe from Perſonal Reſidence.

It is agreed on all hands, that the habitual Neglect of a Charge we have taken upon our ſelves, is an evil thing, and that it is ſo to heap up Preferments meerly for Riches, or Luxury, or Ambition; but the main Queſtion in point of Conſcience is, What is a ſufficient Cauſe to juſtifie any Man's breaking ſo reaſonable and juſt a Rule as that of Reſidence is.

It cannot be denied, that the eldeſt Canons of the Church were ſo ſtrict and ſevere, that they made it unlawful for any Man to go from that Church in which he firſt received Orders; as well as to take another Benefice in it: And ſo for any Biſhop to be tranſlated from that Place he was firſt Conſecrated to; as well as to hold another with it. But the Good of the Church being the main Foundation of all the Rules of it; when that might be better promoted by a *Tranſlation*, it was by a tacit Conſent looked on, as no unjuſt Violation of its Rules. The Queſtion then is, whether the Churches Benefit may not in ſome Caſes make the Canons againſt Non-Reſidence as Diſpenſible, as thoſe againſt *Tranſlations?* And the Reſolution of it doth not depend upon the voiding the particular Obligation of the Incumbent to his Cure; but upon ſome more general Reaſon with reſpect to the State of the Church; as being imployed in the Service of it, which requires a Perſons having (not a bare Competency for Subſiſtence, but) a Sufficiency to provide Neceſſaries for ſuch Service: For thoſe ſeem to have very little regard to the flouriſhing Condition of a Church, who would confine the Sufficiency of a Subſiſtence, meerly to the Neceſſaries of Life. But it ſeems to be reaſonable, that Clergymen ſhould have Incouragement ſufficient, not only to keep them above Contempt, but in ſome reſpect agreeable to the more ample Provifion of other Orders of Men. And by God's own Appointment the Tribe of *Levi* did not fall ſhort of any of the reſt, if it did not very much exceed the Proportion of others. We do not pretend to the Privileges they had, only we obſerve from thence, that God himſelf did appoint a plentiful Subſiſtence for thoſe who attended upon his Service. And I do not know what there is *Levitical* or *Ceremonial* in that. I am ſure the Duties of the Clergy now require a greater Freedom of Mind from the anxious Cares of the World, than the Imployments of the *Prieſts* and *Levites* under the

Law. But we need not go ſo far back; if the Church enjoyed all her Revenues as entirely, as when the ſevere Canons againſt *Pluralities* were made, there would not be ſuch a Plea for them, as there is too much Cauſe for in ſome Places, from the Want of a competent Subſiſtence But ſince that time, the Abundance of *Appropriations* (ſince turned into *Lay-Fees*) hath extremely leſſened the Churches Revenues, and have left us a great Number of poor Vicarages, and Arbitrary Cures, which would hardly have afforded a Maintenance for the *Nethinims* under the Law, who were only to be *Hewers of Wood, and Drawers of Water.* But this doth not yet clear the Difficulty: For the Queſtion is, Whether the Subſiſtence of the Clergy can lawfully be improved by a *Plurality of Livings?* Truly, I think this (if it be allowed in ſome Caſes lawful) to be the leaſt deſirable way of any; but in ſome Circumſtances it is much more excuſable than in others; as, when the Benefices are mean, when they lie near each other, when great care is taken to put in ſufficient Curates with good Allowance; when Perſons take all Opportunities to do their Duties themſelves, and do not live at a diſtance from their Benefices in an idle and careleſs manner. But for Men to put in Curates merely to ſatisfy the Law, and to mind nothing of the Duties of their Places, is a horrible Scandal to Religion and our Church, and that, which if not amended, may juſtly bring down the Wrath of God upon us. For the looſeſt of all the Popiſh Caſuiſts look upon this as a very great Sin, even thoſe who attributed to the Pope the higheſt diſpenſing Power in this Caſe.

But when the great Liberty of *Diſpenſing* had made the Eccleſiaſtical Laws in great meaſure uſeleſs, then it was thought fit by our Law-makers to reſtrain and limit it by a Statate made 21 *H.* VIII. wherein it is enacted, “ That if any Perſon or Perſons having one Benefice with Cure of Souls, being of the yearly Value of eight Pounds or above, accept or take any other with Cure of Souls, and be inſtituted and inducted in Poſſeſſion of the ſame, that then and immediately after ſuch Poſſeſſion had thereof, the Benefice ſhall be adjudged to be void. And all Licences and Diſpenſations to the contrary are declared to be void and of none effect.

This, one would have thought, had been an effectual Remedy againſt all ſuch *Pluralities and Diſpenſations* to obtain them; and this, no doubt, was the primary Deſign of the Law; but then follow ſo many *Proviſo's* of qualified Men to get Diſpenſations, as take off a great deal of the Force and Effect of this Law. But then it ought well to be conſider'd, Whether ſuch a Licence being againſt the chief Deſign of a Law, can ſatisfy any Man in point of Conſcience, where there is not a juſt and ſufficient Cauſe? For if the *Pope's Diſpenſation*, with the ſuppoſed Plenitude of his Power, could not ſatisfy a Man's Conſcience without an antecedent Cauſe, as the Caſuiſts reſolve, much leſs can ſuch *Proviſo's* do it.

Leſſ. *l.* 2. c. 34. *Dub.* 27.

It is the general Opinion of Divines and Lawyers, ſaith *Leſſius*, *That no Man is ſafe in Conſcience by the Pope's Diſpenſation for Pluralities, unleſs there be a juſt Cauſe for it.*

Pan. c. dudum. 2. de Elect. Sylv. Benef. 4. Sum. Angel. Ben. 35.

No Man can with a ſafe Conſcience take a Diſpenſation from the Pope for more Benefices than one, merely for his own Advantage, ſaith Panormitan; and from him *Sylveſter* and *Summ. Angelica.*

A Diſpenſation, ſaith Cardinal *Tolet*, *ſecures a Man as to the Law; but as to Conſcience there muſt be a good Cauſe for it; and that is, when the Church hath more Benefit by it, than it would have without it.*

Tolet Summa Caſuum 5. c. 8.

But the Pope's *Diſpenſing Power* went much farther in point of Conſcience in their Opinion, than that which is ſettled among us by Act of Parliament; for it is expreſſed in the Statute of 21 *Hen.* VIII. That the Diſpenſation is intended to keep Men from *incurring the Danger, Penalty, and Forfeiture in the Statute comprized.* So that the moſt qualified Perſon can only ſay, that the Law doth not deprive him; but he can never plead that it can ſatisfy him in point of Conſcience, unleſs there be ſome Cauſe for it, which is of more Moment to the Church than a Mans ſole and conſtant Attendance on a particular Cure is. But this Statute is more favourable to the Clergy than the *Canon Law* was before, in two Particulars.

1. In declaring that no *ſimple Benefices*, or meer *Dignities*, as the *Canoniſts* call them, *are comprehended under the Name of Benefices, having Cure of Souls*, viz. *no Deanary, Arch-deaconry, Chancellorſhip, Treaſurerſhip, Chanterſhip, or Prebend in any Cathedral or Collegiate Church, nor Parſonage that hath a Vicar endowed, nor any Benefice perpetually appropriate.* But all theſe before were within the reach of the Canon Law, and a Diſpenſation was neceſſary for them: Which ſhews that this Law had a particular Reſpect to the neceſſary Attendance on Parochial Cures, and looked on other Dignities and Preferments in the Church, as a ſufficient Encouragement to *extraordinary Merit.*

2. That no notice is taken of Livings under the Valuation of 8 *l.* which, I ſuppoſe, is that of 20 *E.* 1. for that of *H.* 8. was not till five years after that Statute. But after that Valuation it was to be judged according to it, and not according to the real Value, as the Judges declared 12 *Car.* I. in the Caſe of *Drake* and *Hill.* Now here was a regard had to the Poorneſs of Benefices ſo far, that the Statute doth not deprive the Incumbent upon taking a ſecond Living, if the former be under 8 *l.* The Queſtion that ariſes from hence is, Whether ſuch Perſons are allowed to enjoy ſuch Pluralities by Law, or only left to the Eccleſiaſtical Law as it was before? It is certain, that ſuch are not liable to the Penalty of this Law; but before any Perſon might be deprived by the Eccleſiaſtical Law for taking a ſecond Benefice without Diſpenſation, of what Value ſoever the former were; now here comes a Statute, which enacts, That all who take a ſecond Benefice, having one of 8 *l.* without Qualification, ſhall loſe his legal Title to the firſt; but what if it be under? Shall he loſe it or not? Not by this Law. But ſuppoſe the Eccleſiaſtical Law before makes him liable to Deprivation; doth the Statute alter the Law without any Words to that purpoſe? The Biſhop had a Power before to deprive, where is it taken away? The Patron had a Right to preſent upon ſuch Deprivation; how comes he to loſe it? And I take it for granted, That no antecedent Rights are taken away by Implications, but there muſt be expreſs Clauſes to that purpoſe. So that I conclude, the ancient Eccleſiaſtical Law to be ſtill in Force, where it is not taken away by Statute.

Cr. Car. *f.* 456.

C. 4. 75. *Holand's Caſe.*

And thus, my Brethren, I have laid before you the *Authority* and the *Rules* we are to act by; I have endeavoured to recommend to you the moſt uſeful parts of your Duty, and I hope you will not give me occaſion to ſhew what Power we have by the Eccleſiaſtical Law of this Realm to proceed againſt Offenders. Nothing will be more uneaſy to me, than to be forced to make uſe of any Severity againſt you. And my Hearts deſire is, That we may all ſincerely and faithfully diſcharge the Duties of our ſeveral Places, that the Bleſſing of God may be upon us all; ſo that we may *ſave our ſelves, and thoſe committed to our Charge.*

OF THE
NATURE of the TRUST
Committed to
The Parochial Clergy

At a Viſitation at *Worceſter*, *October* 21th. 1696.

My Brethren,

I Have formerly, on the like Occaſion, diſcourſed to you of the General Duties of your Function, and the Obligation you are under to perform them; and therefore I ſhall now confine my Diſcourſe to theſe Two things:

I. To conſider the particular Nature of the *Truſt* committed to you.

II. The Obligation you are under to your *Parochial Cures.*

I. The firſt is neceſſary to be ſpoken to; for while Perſons have only ſo confuſed and cloudy Apprehenſions concerning it, they can neither be ſatisfied in the Nature of their Duties, nor in their Performance of them. And there is danger as well in ſetting them ſo high as to make them Impracticable, as in ſinking them ſo low as to make, not only themſelves, but their Profeſſion Contemptible. For the World (let us ſay what we will) will always eſteem Men, not meerly for a Name and Profeſſion, but for the Work and Service which they do. There is, no doubt, a Reverence and Reſpect due to a Sacred Function on its own Account; but the higheſt Profeſſion can never maintain its Character among the reſt of Mankind, unleſs they who are of it, do promote the General Good, by acting ſuitably to it. And the greater the Character is, which any bear, the higher will the Expectations of others be concerning them; and if they fail in the greateſt and moſt uſeful Duties of their Function, it will be impoſſible to keep up the Regard which ought to be ſhew'd unto it. We may complain as long as we pleaſe of the Unreaſonableneſs of the Contempt of the Clergy in our Days, (which is too general, and too far ſpread) but the moſt effectual Means to prevent or remove it, is for the Clergy to apply themſelves to the moſt neceſſary Duties, with Reſpect to the Charge and Truſt committed to them.

But here ariſes a conſiderable Difficulty, which deſerves to be cleared; *viz.* concerning the juſt *Meaſures* of that Diligence which is required. For, there are ſome who will never be ſatiſfied that the

Clergy do enough, let them do what they can; and it is to no purpoſe to think to ſatisfie them who are reſolved not to be ſatisfied: But on the other ſide, ſome care not how little they do, and the leſs, the better they are pleaſed with them; and others again, have raiſed their Duties ſo high, that ſcarce any Man can ſatisfie himſelf that he hath done his Duty.

It is a matter therefore of the higheſt Conſequence to us, to underſtand, What Rule and Meaſure is to be obſerved, ſo as we may neither wilfully neglect our Duty, nor deſpair of doing it.

Here we are to conſider two Things;

1. How far the Scripture hath determined it.

2. What Influence the Conſtitution of our Church is to have upon us concerning it.

1. The Scripture doth ſpeak ſomething relating to it, both in the Old and New Teſtament.

In the Old Teſtament we have the Duties enjoyned to the Levitical Prieſthood, and the extraordinary Commiſſions given to the Prophets.

As to the *Levitical Prieſthood*, we can only draw ſome general Inſtructions, which may be of uſe, altho' that Prieſthood hath been long ſince at an end; Chriſt being our High-Prieſt after another Order, *viz.* of *Melchiſedeck*; and our Duty now is to obſerve his Laws, and to offer that Reaſonable Service which he requires.

But even from the *Levitical Prieſthood*, we may obſerve theſe things.

1. That although the main of their Duty of Attendance reſpected the Temple and Sacrifices; yet at other times they were bound to inſtruct the People in the Law. For ſo *Moſes* leaves it as a ſpecial Charge to the Tribe of *Levi*, *to teach Jacob his Judgments, and Iſrael his Law.* Deut. 33. 10. Levit. 10. 11. And to encourage them to do it, they had a liberal Maintenance, far above the Proportion of the other Tribes. For by Computation it will be found, that they were not much above the 60th part of the People; for when the other Tribes were numbred from twenty years old, they made *ſix hundred thouſand, and three thouſand five hundred and fifty.* Num. 1. 3, 46. But the Children of *Levi* were reckoned by themſelves from a Month old; and they made but *two and twenty thouſand*; 3. 15. 39. ſo that if the Males of the other Tribes had been reckoned, as they were, it is agreed by Learned Men, who had no Fondneſs for the Clergy, that they did not make above a fiftieth or ſixtieth part; Selden's *Review*, p. 450. and yet they had near a fifth of the Profits, beſides accidental Perquiſites, as to Sacrifices, and Ranſoms of the Firſt-born. *Thus*, ſay they, *God was pleaſed to enrich that Tribe which was devoted to his Service.* But it was not certainly, that they ſhould ſpend their time in Idleneſs and Luxury, but that they might with the greater freedom apply themſelves to the Study of the Law, that they might inſtruct the People. For the Cities of the *Levites* were as ſo many Colleges diſperſed up and down in the ſeveral Tribes, to which the People might upon occaſion, more eaſily reſort.

2. That if the People erred thro' Ignorance of the Law, God himſelf laid the Blame on thoſe who were bound to inſtruct them. *My People*, Hoſea 4. 6. ſaith God by the Prophet, *are deſtroyed for lack of Knowledge.* If People are reſolved to be ignorant, who can help it? Had they not the Law to inform them? But it is obſervable, that the Peoples Errors are

laid to the Charge of the Prieſts, and the Puniſhment is denounced againſt them. *Becauſe thou haſt rejected Knowledge, I will alſo reject thee, that thou ſhalt be no Prieſt unto me.* It ſeems the Prieſts were grown careleſs and negligent, as to their own Improvements; they did not know to what purpoſe they ſhould take ſo much pains in ſtudying the Law, and the difficult Points of it; they were for a freedom of Converſation, and hoped to keep up their Intereſt among the People that Iſa. 56.11. Way. Therefore *Iſaiah* calls them *Shepherds that cannot underſtand*; but were very intent upon their Profits, *they all look to their own Way, every one for his Gain from his Quarter.* But this was not all, for the Prophet charges them with a Voluptuous Careleſs, Diſſolute Life. *Come* 12. *ye, ſay they, I will fetch Wine, and we will fill our ſelves with ſtrong Drink, and to morrow ſhall be as this day, and much more abundant.* Was not this a very agreeable life for thoſe who were to inſtruct the People in the Duties of Sobriety and Temperance? It was Death for the Prieſts by Lev. 10. 8, 9. the Law *to Drink Wine or ſtrong Drink, when they went into the Tabernacle of the Congregation*; and the Reaſon given is, 10. *That ye may put a difference between holy and unholy, and between unclean and clean*; 11. *and that ye may teach the Children of Iſrael all the Statutes, which the Lord hath ſpoken to thee by the Hand of* Moſes. Which implies, That thoſe who are given to drinking *Wine* or *ſtrong Drink*, are very unfit to inſtruct others in the Law of God. And God looked on them as ſuch a Diſhonour to his Worſhip, that he threatens immediate Death to them that approached to his Altar, when they had drank Wine; and the *Jews* ſay, that was the Reaſon why *Nadab* and *Abihu* were deſtroyed. And Lev. 10.3. then God ſaid, *I will be ſanctified in them that come nigh me.* All Nations have abhorred ſottiſh and drunken Prieſts, as moſt unfit to approach to God when they were not themſelves; or to offer Sacrifices for others, when they made Beaſts of themſelves. But this was not all; for God required from them who were to teach others the Law, that they ſhould be always in a Capacity of underſtanding and practiſing it themſelves.

But if we proceed to the *Prophets*, nothing can be more dreadful, Ezek. 3. 18, 20. 33. 7. than what God ſaith to *Ezekiel*, That if he did not warn the People as he commanded them, *their Blood will I require at thy hand.* Is this Charge now lying upon every one of you, as to every Perſon under your Care? Who would not rather run into a Wilderneſs, or hide himſelf in a Cave, than take ſuch a Charge upon him?

But we muſt diſtinguiſh what was peculiar to the Prophet's immediate Commiſſion to go to any particular Perſon in God's Name, from a General Charge to inform Perſons in their Duties, and to tell them the Danger of continuing in their Sins. If any fail for want of Information, when you are bound to give it, the Neglect muſt fall heavy, and therefore you are bound to take all juſt Opportunities in publick and private to inform thoſe under your Care of ſuch Sins as you know them to be guilty of; not with a Deſign to upbraid, but to reform them.

1 Pet. 5. 2, 3. In the New Teſtament the Charge is General *to feed the Flock of God*; and *to do it willingly, not for filthy Lucre, but of a ready mind*; *and to be Examples to the Flock.* But St. *Peter*, who gives this Advice, doth not determine who belong to *the Flock*; nor within what Bounds it is to be limited; and there were many *Flocks* in the *Jewiſh* Diſperſion, and many Elders ſcattered up and down among them in *Pontus*, *Aſia*, *Galatia*, *Cap-*

Cappadocia, and *Bithynia*; ſo that here we have only general and excellent Advice for ſuch who had care of the ſeveral Flocks, to carry themſelves towards them with great Humility and Tenderneſs, with Charity and Goodneſs, as thoſe that made it their buſineſs to do good among them, and conduct them in the Way to Heaven.

St. *Paul*, in his Charge to thoſe whom he ſent for to *Miletus*, tells them, *That they muſt take heed to themſelves, and to all the Flock, over which the Holy Ghoſt hath made them Over-ſeers, to feed the Church of* Acts 20. 28. *God, which he hath purchaſed with his own Blood.* It's poſſible here might be a particular Deſignation of the Flock they were to *overſee*, by the Direction of the Holy Ghoſt; but yet the Charge is general to take heed to themſelves and to the Flock, and to promote the good of the Church of God, which *Chriſt hath purchaſed with his own Blood.* Which are the moſt weighty Conſiderations in the World to excite us to the utmoſt Care and Diligence in Diſcharge of our Duties.

In the Epiſtle to the *Theſſalonians* they are ſaid *to be over them in the* 1 Theſſ. 5. 12. *Lord, and to admoniſh them.* In that to the *Hebrews*, *to watch for their* Heb. 13. 17. *Souls, as they that muſt give an account.* No doubt, very great Care and Wathfulneſs is required in all that take ſo great and ſolemn an Office upon them; but where are the Bounds and Limits ſet, as to the People, and Nature of the Duties required from them? Muſt every Man be left to his own Conſcience and Judgment, what, and how far he is to go? Or can we ſuppoſe all Men equally careful of doing their Duties, if no particular Obligation be laid upon them? Some of the Eloquent Fathers of the Church, as St. *Chryſoſtom*, St. *Jerom*, St. *Gregory Nazianzen*, and others, have allowed themſelves ſo much in the Flights of Fancy, and Figures of ſpeaking about the Height and Dignity of the Sacred Function, as if they had a mind to diſcourage all Men of modeſt and humble Diſpoſitions from undertaking it. I do not wonder that they ran into Solitudes, and withdrew from the World upon it; but I do wonder how they came from thence and undertook the ſame Charge afterwards, without giving an anſwer to their own Arguments. For the World remained juſt as it was when they left it. Mankind were ſtill as impatient of being governed, or told of their Faults, as fickle and humourſome, as prone to evil, and untractable to Good, as it was before. And could they hope it would ever mend by their running away from it? Or, was their Duty become more eaſie by declining it; I think it was very well for the Church of God, that, notwithſtanding their own many Arguments, they took the Sacred Office upon them at laſt, and did God and the Church good Service in it. But if Men were to judge by their Writings upon this Argument, one would think none but thoſe who had a mind to be damned, would undertake it. And their great Strains of Wit and Eloquence, if they had any Force, would keep the beſt Men out of the Church, who were moſt likely to do God Service in it; and we need no other Inſtances than theſe very Perſons themſelves. And if all good, and humble, and conſcientious Men ſhould for the ſake of the Hardneſs of the Work, decline the Church's Service, and take any other lawful Imployment, what would become of the Church of God? For none that had, or intended to keep a good Conſcience, could undertake the Cure of Souls; and ſo they muſt be left to ſuch as had no Regard to their own; but were either ignorant, ſtupid and ſenſeleſs Creatures, or ſuch as regarded not their own Salvation, who durſt undertake ſuch a Task, as would not only add to their own Guilt, but bring the heavy Load of other Men's Faults upon them too.

What is now to be done in this Caſe? Hath God really impoſed ſuch a Task upon all thoſe who enter into this Sacred Function, that it it is morally impoſſible for an honeſt Man to diſcharge it with a good Conſcience? How then can any ſuch undertake it? But if it may be done, what are thoſe Bounds and Rules we are to obſerve, ſo as a good Man may ſatisfie himſelf in a competent Meaſure, that he hath done his Duty?

II. And this is that which I ſhall now endeavour to clear. For every one who is in Orders hath a double Capacity: One with Reſpect to the Church of God in general; another to that particular Flock which is allotted to him, by the Conſtitution of this Church, and the Law of the Land. For although the Nature of our Duty in general be determined by the Word of God, as I have already ſhewed, yet the particular Obligation of every one to his own Flock, is according to that Power and Authority, which by the Rules and Orders of this Church is committed to him, and is fully expreſſed in the Office of Ordination. By which it plainly appears, that the Care of Souls committed to Perſons among us, is not an abſolute, indefinite, and unaccountable thing; but is limited, as to Place, Perſons, and Duties, which are incumbent upon them. They are *to teach the People committed to their Charge*; By whom? By the Biſhop when he gives Inſtitution.

They are to give private as well as publick Monitions and Exhortations, as well to the ſick, as to the whole: What, to all? No, but *to thoſe within their Cure.*

They are *to baniſh erroneous Doctrines, and to promote Peace and Love, eſpecially among them committed to their Charge.*

And laſt of all, *they are to obey thoſe who have the Charge and Government over them.*

Theſe things are ſo expreſs and plain in the very Conſtitution of this Church, and owned ſo ſolemnly by every one that enters into Orders, that there can be no Diſpute concerning them.

And from thence we obſerve ſeveral things that tend to the Reſolution of the main Point, as to the Satisfaction of doing your Duties, as Incumbents on your ſeveral Places.

Ad probandam Eccleſiam Parochialem, primo eſt neceſſe quod habeat locum certis finibus conſtitutum in quo degat populus illi Eccleſiæ deputatus. Rebuff. ad Concord. de Collat. Sect. Stat. n. 2.

I. That it is a Cure of Souls limited as to Perſons and Place, *i. e.* within ſuch a Precinct as is called a Pariſh.

II. That it is limited as to Power, with Reſpect to Diſcipline.

Therefore I ſhall endeavour to clear theſe two Things:

I. What the juſt Bounds and limits of Parochial Cures are.

II. What is the Meaſure of that Diligence which is required within thoſe Bounds.

As to the former, we are to begin with the Limitation as to *Place.*

I. That it is a Cure of Souls limited within certain Bounds which are called *Pariſhes*, which are now certainly known by long Uſage and Cuſtom, and ought ſtill to be preſerved with great care; for otherwiſe Confuſion and Diſputes will ariſe between ſeveral Miniſters, and ſeveral Pariſhes with one another. For ſince the Duties and the Profits are both limited, it is neceſſary that thoſe Bounds ſhould be carefully preſerved, as they generally are by Annual Perambulations.

But there are ſome who will underſtand nothing of this bounding of Miniſterial Duties by diſtinct Pariſhes, who think they are at liberty to exerciſe their Gifts where-ever they are called; and that it were better that theſe Parochial Incloſures were thrown open, and all left at liberty to chuſe ſuch whom they liked beſt, and under whom they can improve moſt.

Theſe things ſeem to look plauſible at the firſt Appearance, and to come neareſt to the firſt gathering of Churches, before any ſuch thing as Pariſhes were known.

But to me this Arguing looks like Perſons going about now to overthrow all Dominion and Property in Lands and Eſtates, becauſe it ſeems not ſo agreeable with the firſt natural Freedom of Mankind; who, according to the Original Right of Nature, might pick and chuſe what ſerved moſt to their own Conveniency. But although this were the firſt State of things, yet the great Inconveniencies which followed it, upon the Increaſe of Mankind, made Diviſion and Property neceſſary; and although there be no expreſs Command of God for it, yet being ſo neceſſary for the Good of Mankind, it was not only continued every where, but thoſe Perſons were thought fit to be puniſhed by ſevere Laws, who invaded the Rights and Properties of others, either by open Violence and Rapine, or by ſecret Stealth and Purloining.

I grant, that at firſt there were no ſuch Parochial Diviſions of Cures here in *England* as there are now. For the Biſhops and their Clergy lived in common; and before that the Number of Chriſtians was much increaſed, the Biſhops ſent out their Clergy to preach to the People, as they ſaw Occaſion. But after the Inhabitants had generally embraced Chriſtianity, this itinerant and occaſional going from Place to Place, was found very inconvenient, becauſe of the conſtant Offices that were to be adminiſtred, and the Peoples knowing to whom they ſhould reſort for Spiritual Offices and Directions. Hereupon the Bounds of Parochial Cures were found neceſſary to be ſetled here by degrees, by thoſe Biſhops who were the great Inſtruments of converting the Nation from the *Saxon* Idolatry. But a Work of this Nature could not be done all at once, as by a kind of *Agrarian Law*, but ſeveral Steps were taken in order to it.

At firſt, as appears by *Bede*, they made uſe of any old *Britiſh* Chur- Bed. l. 1.
ches that were left ſtanding; ſo *Auguſtin* at firſt made uſe of St. *Martins* c. 26.
near *Canterbury*, and after repaired *Chriſt's Church*, which were both c. 33.
Britiſh Churches. But *Ethelbert* gave all Incouragement both to *repair*
Old Churches and to build New. However, the Work went on ſlowly;
Auguſtin conſecrated but two Biſhops, which were ſettled at *London* and
Rocheſter, where *Ethelbert* built and endowed two Churches for the L. 2. c. 3.
Biſhops and their Clergy to live together. In the *Weſtern* Parts *Birinus* L. 3. c. 7.
built ſeveral Churches about *Dorcheſter*, where his See was fixed. *Wil-*
fred converted the *South-Saxons*, and ſettled Presbyters in the *Iſle of Wight*,
but they were but two. In the Kingdom of *Mercia* there were five L. 4. c. 13,
Dioceſſes made in *Theodore*'s time; and *Putta*, Biſhop of *Rocheſter*, be- 16.
ing driven from his See, he obtained from *Saxulphus*, a *Mercian* Biſhop, L. 4. c. 12.
a Church with a ſmall Glebe, and there he ended his Days. In the
Northern Parts we read of two Churches built by two Noblemen, (*Puch* L. 5. c. 4, 5.
and *Addi*) upon their own Manors. And the ſame might be done
elſewhere; but *Bede* would never have mentioned theſe, if the thing
had been common. But in his Epiſtle to *Egbert*, Archbiſhop of *York*, Bed. Epiſt. ad Egbert. p. 64.

a little before his Death he intimates the great Want of Presbyters and Parochial Settlements, and therefore earneſtly perſwades him to procure more. And if *Egbert*'s Canons be genuine (of which there are ſeveral ancient *MSS.*) the Duties of Presbyters in their ſeveral Churches are ſet down. However, the Work went not on ſo faſt, but in his Succeſſor *Eanbaldus* his time, the Biſhops were required to find out convenient places to build Churches in, and the ſame paſſed in the *Southern* parts by general Conſent. In the Council of *Cloveſhoe*, we read of *Presbyters placed up and down by the Biſhops in the Manors of the Laity, and in ſeveral parts diſtinct from the Epiſcopal See*; and there they are exhorted *to be diligent in their Duties.* In the times of *Edgar* and *Canutus*, we read of the *Mother Churches*, which had the Original Settlement of Tithes, (after they were given to the Church by ſeveral Laws) and of the Churches built upon their own Lands by the Lords of Manors; to which they could only apply a third part of the Tithes. But in the Laws of *Canutus*, we find a fourfold Diſtinction of Churches 1. *The Head Church*, or the Biſhop's See. 2. Churches of a ſecond Rank, which had Right of *Sepulture*, and *Baptiſm*, and *Tithes*. 3. Churches that had Right of *Sepulture*, but not frequented. 4. *Field-Churches* or *Oratories*, which had no Right of Burial. The ſecond ſort ſeem to be the Original Parochial Churches which had the Endowment of Tithes, and were ſo large, that ſeveral other Churches were taken out of them by the Lords of Manors; and ſo the Pariſhes came to be multiplied ſo much, that in the Laws of *Edward the Confeſſor*, c. 9. it is ſaid, *That there were then three or four Churches, where there had been but one before.* In this Dioceſs I find by an Epiſtle of *Wulſtan*, Biſhop of *Worceſter*, to *Anſelm*, that before the Conqueſt there were Churches in Vills, or upon particular Manors that were conſecrated. And if *William* the Conqueror demoliſhed ſix and thirty Pariſh-Churches in the Compaſs of the *New Foreſt*, as is commonly ſaid, there muſt be a very great Number before the Conqueſt, although ſo few are ſaid to appear in *Doomſday Book*, (yet there are many parochial Churches of this Dioceſe in it, above twenty in two Deanaries) but the *Normans* almoſt ruined the parochial Clergy, by ſeizing the Tithes, and making *Appropriations* of them. But in the *Saxon* times the Number ſtill encreaſed, as Lords of Manors and others were willing to erect new Churches, and to have a ſetled Parochial Miniſter among them, who was to take Care of the Souls of the People within ſuch a Precinct, as hath obtained the Name of a Pariſh. But Pariſhes now are of a very different Extent and Value; but the Obligation which the Law puts upon them is the ſame, only where the Maintenance is greater, they may have the more Aſſiſtants. And from hence came the Difference among the Parochial Clergy; for thoſe whoſe Pariſhes were better endowed, could maintain inferior Clerks under them, who might be uſeful to them in the publick Service, and aſſiſt them in the Adminiſtration of Sacraments. And this was the true original of thoſe we now call *Pariſh-Clerks*, but were at firſt intended as Clerks-Aſſiſtant to him that had the Cure; and therefore he had the Nomination of them, as appears by the Eccleſiaſtical Law, both here and abroad. And *Lynwood* ſaith, *Every Vicar was to have enough to ſerve him, and one Clerk or more*; and by the Canon-Law, *no Church could be founded, where there was not a Maintenance for Aſſiſting Clerks.* In the Synod of *Worceſter*, under *Walter Cantelupe*, in *Henry* the Third's time, they are called *Capellani Parochiales*, and the Rectors of

Egbert. Can. 1, 2, 3, 4.

Concil. Angl. 1. 293.

1. *p.* 248.

Can. 9. Concil. Angl. 1. 444.

P. 544, 545.

P. 540.

Anſelm. Epiſt. *l.* 4. *Ep.* 3.

Joh. de Athon. in Conſt. Othob *p.*59.

Extr. de Jure Patron. *c.*30.

of Pariſhes were required to have ſuch with them. And the Canon Law doth allow a *Rector* to give a *Title* to another to receive Orders as an *Aſſiſtant* to him; and this without any prejudice to the Patron's Right; becauſe but One can have a Legal Title to the Cure. But *Lynwood* obſerves very well, *That thoſe who give Titles to others, as their Aſſiſtants or Curates, are bound to maintain them if they want.* Theſe are called *Vicarii Parochiales, & Stipendiarii*; but *Conductitii Presbyteri*, who are forbidden, were thoſe who took Livings to farm, without a Title. But after Appropriations came in, then there were another ſort of Vicars called *Perpetui*, and were endowed with a certain Portion of the Temporalities, and were admitted *ad Curam Animarum:* But ſuch could not *Perſonam Eccleſiæ ſuſtinere* in an Action at Law about the Rights of the Church, but as to their own Right they might. But ſtill there is another ſort of *Vicars*, who are *Perpetual*, but not *Endowed* any otherwiſe than the Biſhop did allow a *congrua Portio*; and this was in Appropriations where the Biſhop conſented only upon thoſe Terms, as they generally were ſo made, till the Neglect made the Statutes neceſſary, 15 *R.* 2. 6. and 4 *H.* 4. 12. The Biſhops were to make, or enlarge the Allowance, ſay the Canoniſts, after Preſentation, and before Inſtitution, and were to ſee that it were a ſufficient Subſiſtence.

Lynw. *f.* 34. 167. De Vit. & Honeſt. *c.* 3. Gloſſ. C. 1. *q.* 2. *c.* 1. Concil. Angl. 1. 253. Lynw. *f.* 53. 2. 167. 72. 2. Extr. Ne Prælati vices, *&c.* *c.* 3. Lynw. de Conſert. E. Stat. *c.* Rect. Athon. *f.* 13. Extr. de Præb. *c.* de Monachis.

But there were ſome Cures which had Chapels of Eaſe belonging to them; and they who officiated in them, were called *Capellani*, and had their Subſiſtence out of the Oblations and Obventions, and were often *Perpetual* and *Preſentative.* And where the Incumbents had ſeveral Chapels of Eaſe, and only Aſſiſtants to ſupply them, the Canon Law doth not call them *Rectores*, but *Plebani*; who had a ſort of peculiar Juriſdiction in leſſer Matters; but ſtill they were under the Biſhops Authority in Viſitations and other Eccleſiaſtical Cenſures, becauſe the Care of the whole Dioceſs belonged to him *Jure Communi*; and ſo it was taken for granted in all Parts of the Chriſtian World: And eſpecially in this Kingdom, where *Parochial Epiſcopacy* was never heard of till of late Years. For, nothing can be plainer in our Hiſtory, than what is affirmed in two of our Laws, Stat. of *Carliſle*, 25. *E.* 1. and the Stat. of *Proviſors*, 25. *E.* 3. *That the Church of* England *was founded in Prelacy*, or *Dioceſan Epiſcopacy.* For our firſt Biſhops were ſo far from being confined to one *Church* or *Town*, that at firſt in the *Saxon-Diviſion* of Kingdoms, every Biſhop had his Dioceſs equal with the Extent of the Kingdom, except in *Kent*, where one Suffragan to the Archbiſhop at *Rocheſter* was confirmed.

Lynw. de Officio Vicarii, *c.* quoniam. Thorn. *c.* 21. *Sect.* 8. Extr. de Offic. Ordin. Azor. *p.* 2. *l.* 3. *c.* 19. Barboſa de Officio Parochial. *c.* 1. *n.* 9.

The firſt Converſion of the *Engliſh* Nation to Chriſtianity from Paganiſm, was by the Dioceſan Biſhops, who were ſent hither from ſeveral Parts, and the *Presbyters* imployed by them; and as the Number of Chriſtians increaſed, the Number of Biſhops did ſo too; ſo that in the Parts of *Mercia* one Dioceſs was divided into five, that they might the better look after the Government of them; and every Biſhop, as appears by the *Saxon* Councils, was bound to ſee parochial Churches built, and the Clergy to be ſettled in them to attend upon the Duties of their Function among the People committed to their Charge.

That which I have aimed at in this Diſcourſe, was to ſhew, That the Original Conſtitution of this Church, was *Epiſcopal*; but yet that the Biſhops did ſtill deſign to fix a *Parochial Clergy* under them, as Churches could be built and endowed.

It remains now to ſhew, That this Conſtitution of a *Parochial Clergy*, is more reaſonable, than that of an unfixed, and unſettled Clergy by Law; which will eaſily appear, if we conſider.

1. The greater Advantage as to Unity, and real Edification among the People. For this makes them to be as one Body within certain Bounds: And the People know whither to reſort for publick Worſhip and Sacraments; and the Inconveniencies, as to the difference of Mens Abilities, is not ſo great, as the Inconveniency of a broken, divided People, as to Religion; which always creates Suſpicions and Jealouſies, and generally Contempt and Hatred of each other. And I think every wiſe and good Chriſtian will conſider, that which tends to Peace and Unity, is really more Edifying than a far better Talent of Elocution, or the moſt moving Way of exciting the Fancies and Paſſions of Hearers. For St. *Paul* tells us, *Charity* is beyond *miraculous Gifts*. It is eaſie to obſerve, that the wiſeſt Methods are ſeldom the moſt popular; becauſe the generality of Mankind do not judge by Reaſon, but by Fancy, and Humour, and Prejudices of one kind or other. From hence the Heats of Enthuſiaſm, and odd Geſtures, and vehement Expreſſions, with no deep or coherent Senſe, take much more with ordinary and injudicious People, than the greateſt ſtrength and clearneſs of Reaſon, or the ſoundeſt Doctrine, and the moſt pious Exhortation, if they be not ſet off in ſuch a Way as ſtrikes their Imaginations, and raiſes their Paſſions. And this is that which ſuch do commonly call the moſt Edifying Way of Preaching, which is like the coming up of the Tide with Noiſe and Violence, but leaves little Effect; whereas the other is like a conſtant Stream which goes on in a ſteady and even Courſe, and makes the Earth more fruitful. The one is like a Storm of Thunder and Lightning, which ſtartles, and confounds, and amuſes more; but the other is like a gentle Rain which ſoftens and mellows the Ground, and makes it more apt to produce kindly and laſting Fruit. We are to judge of true Edification, not by the ſudden Heat and Motion of Paſſions, but by producing the genuine Effects of true Religion; which are fixing our Minds on the greateſt and trueſt Good, and calming and governing our diſorderly Paſſions, and leading *a godly, righteous and ſober Life*. But we too often find violent and boiſterous Paſſions, an ungovernable Temper, Envy, Strife and Uncharitableneſs, growing up with greater Pretences to Zeal, and better Ways of Edification.

I never expect to ſee the World ſo wiſe, as to have Perſons and Things univerſally eſteemed according to their real Worth. For there will be a Tincture in moſt Perſons, from Temper, and Inclination, and the Principles of Education; but generally ſpeaking Matters of Order and Decency, and Things which tend to a publick Good, affect thoſe moſt, who have the beſt Judgment and Temper; and irregular Heats, and diſorderly Methods of praying and preaching, thoſe whoſe Religion makes more Impreſſion upon their Fancies, than their Judgments, and is ſeen more in the inflaming their Paſſions, than in keeping them in their due Order.

2. There is a greater Advantage as to Diſcipline: For, if among the Teachers they are under no Bounds nor Subjection to a Superiour Authority, it is very eaſie to avoid any kind of Cenſure for the moſt corrupt Doctrines or Practices. We cannot boaſt much of the ſtrict Exerciſe of Diſcipline among us; and one great Reaſon is, That many have more mind to complain of the Want of it, than to do their Endea-

vour to amend it. We hear of many Complaints of the Clergy in general, and ſometimes by thoſe who have more mind to have them thought guilty, than to prove them ſo, for fear they ſhould acquit themſelves, or at leaſt the Church ſhould not bear the blame of their Miſcarriages. But we cannot proceed arbitrarily, we muſt allow them timely notice, and ſummon them to appear, and a juſt Liberty of Defence; but if upon Proof, and ſufficient Evidence we have not proceeded againſt them with the juſt Severity of the Law, then we ought to bear the Blame, but not otherwiſe. But whatſoever perſonal Neglects or Faults there have been, or may be, my Buſineſs is to ſhew, that our Way is much better fitted for the juſt Exerciſe of Diſcipline, than that of Independent Congregations, altho' the Managers of them pick and cull out the beſt they can for their Purpoſe; and one would think, when they had made choice of Members to their Mind, and bound them together by an explicit Covenant, they ſhould be very eaſie, and tractable, and ſubmiſſive to their own Diſcipline. But they have found the contrary by their ſad Experience; they grow too heady and wilful to bear any ſuch thing as ſtrict Diſcipline; for when they had the Courage to exerciſe it, their Congregations were ſoon broken to pieces, and the ſeveral divided Parts, were for ſetting up new Heads one againſt another, till at laſt they found it was much eaſier to be Teaching than to be Ruling Elders. And ſo they have let the Reins of Diſcipline fall to keep their Congregations together. But ſuppoſe the Teachers ſhould fall out among themſelves; as, to give a freſh and late remarkable Inſtance: Suppoſe ſome ſet up *Antinomianiſm*, and preach ſuch Doctrines to the People or Flocks they go to, which others think of dangerous Conſequence, What is to be done in ſuch a Caſe? They may ſend ſome Brethren to enquire whether the matters of Fact be true. Suppoſe they find them true, What then? What is to be done next? It may be, ſome would have them come up to their Brethren and anſwer to the Accuſations brought againſt them. But ſuppoſe they will not; and others of the Brethren ſay, they ought not; and ſo fall into Heats and Diſputes among themſelves about it, and make new Parties and Diviſions: Is not this an admirable Way of preſerving Peace, and Order, and Diſcipline, in a Church? And I am as certain, this is not the Way of Chriſt's appointing, as I am, that *God is the God of Order, and not of Confuſion*; and that when Chriſt left the Legacy of Peace to his Church, he left a Power in ſome to ſee his Will performed. But theſe things can never be objected againſt us; for all are Members of the ſame Body, and are governed by certain and known Rules; and if any be guilty of open Violation of it, the Way is open to accuſe and proſecute them; and if they be found guilty, the Cenſures of the Church will render them uncapable of doing it in ſuch a Station; or at leaſt, to bring them to Confeſſion of their Fault, and Promiſe of future Amendment. And now I leave any one to judge, whether the *Parochial Clergy* are not under greater and better Diſcipline, than the Teachers of the ſeparate Congregations.

II. But the great Complaint of ſuch Men is, That we want *Parochial and Congregational Diſcipline*, ſo that Faults ſhould be examined and puniſhed where they have been committed; but inſtead of that, all Matters are drawn into the Eccleſiaſtical Court, and there Cauſes are managed ſo, as looks rather like a Deſign to puniſh Men in their Purſes, than for their Faults; and the Delays are ſo great, that the Court it ſelf

ſeems

ſeems to be deſigned for Penance, and grows very uneaſie, even to thoſe who are Members of our Church. And ſome think that the proceeding againſt Men upon Articles of Enquiry, is not ſo agreeable to the Rights and Liberties of Mankind. In anſwer to this, I ſhall conſider, (1.) The Proceedings upon Enquiry at Viſitations. (2.) The Method of Proceeding in the Eccleſiaſtical Courts. (3.) The Inconveniencies of Parochial Diſcipline.

1. As to Enquiries at *Viſitations*. They were grounded upon one of the main Pillars of our Law, *viz.* an ancient, immemorial Cuſtom founded upon good Reaſon: In the firſt Canons that ever were made in this Church under *Theodore*, Archbiſhop of *Canterbury*; the ſecond is, *That every Biſhop is to look after the Government of his own Dioceſs, and not to invade anothers.* And that in ſo doing they went about their Dioceſſes in order to an Enquiry and Correction of Miſcarriages, is evident from the *Council* under *Cuthbert*, Archbiſhop of *Canterbury*, *Can.* 3. 25. the firſt Council at *Calechyth*, *Can.* 3. the Conſtitutions of *Odo*, Archbiſhop of *Canterbury*, *Can.* 3. and the Canon of *Edgar*, *Can.* 3. But in the *Saxon times*, the Viſitations were annual, which were found inconvenient; and therefore in the *Norman* times, the Archdeacons were taken into a part of the Juriſdiction under the Biſhop, and viſited thoſe years the Biſhop did not. But we meet with no *Archdeacons* with any kind of Juriſdiction in the *Saxon* times; we read indeed ſometimes of the Name of *Archdeacons*, but they had nothing to do in the Dioceſs, but only attended the Biſhop at Ordinations, and other publick Services in the Cathedral. *Lanfranc* was the firſt who made an *Archdeacon* with juriſdiction in his See. And *Thomas* firſt Archbiſhop of *York*, after the Conqueſt, was the firſt who divided his Dioceſs into *Archdeaconries*; and ſo did *Remigius*, Biſhop of *Lincoln*, his large Dioceſs into Seven *Archdeaconries*, ſaith *H.* of *Huntingdon*: And ſo it was with the reſt; of which there were two Occaſions, 1. The laying aſide the *Chorepiſcopi* in the Weſtern Parts, as aſſuming too much to themſelves. 2. The publick Services which the Biſhops were more ſtrictly tied to, as the King's Barons in the *Norman* times: Which was the Reaſon not only of taking in Archdeacons, but likewiſe of Archpresbyters or Rural-Deans, who had ſome Inſpection into the ſeveral Deanaries, and aſſiſted the Biſhop in ſuch things, as they were appointed to do; and then came in the other Eccleſiaſtical Officers, as *Vicar-General*, *Chancellors*, *Commiſſaries*, &c. for we read not of them here at all in the *Saxon times*; but about the time of *Henry* II. the Biſhops took them for their Aſſiſtance in Diſpatch of Cauſes, when the King required their ſtrict Attendance on the publick Affairs in the Supreme Court of Parliament.

Concil. Angl. I. p. 183.

Angl.Sacr. I. 150. Stub. Vit. Arch. H. Hunting. in Angl.Sacr.

2. As to the Method of Proceeding in the Eccleſiaſtical Courts, it is no other than hath been continued here without Interruption, till of late years, ever ſince the Conqueſt. For the Conſiſtory-Court, and the Rules of Proceeding there, were eſtabliſhed by a Law in the time of *William* the Firſt. As far as I can find by King *Edward*'s Laws, *c.* 4. the Biſhops did then proceed by the Eccleſiaſtical Laws, although they then ſat in the County-Court; but this cauſed ſo much Confuſion, that *William*, by a general Conſent, and a Charter directed to all the People of *England*, doth ſeparate the Eccleſiaſtical from the Temporal Courts; which was enrolled as good Law, 2 *R.* 2. upon occaſion of a Suit of the Dean and Chapter of *Lincoln*; and therefore the Charter of *Remigius*, Biſhop of *Lincoln*, is more mentioned than others, but

Concil. Angl. II. 14.

the ſame was to all the Biſhops and Counties of *England*, as appears by Seld. 14. 1. 4 Inſt. 259. other Copies of it. Thus the Conſiſtory-Court was firſt eſtabliſhed, as a diſtinct Court from the County-Court, which it was not in the *Saxon times*, for then the Biſhop ſate with the Civil Magiſtrate in the ſame Tit. H. 1. c. 7. Court; and Eccleſiaſtical Cauſes were firſt heard and decided there. It ſeems the People were very unwilling to go to a new Place; and therefore the Law is inforced with ſevere Penalties for Contempt. And thoſe who object againſt the Reaſonableneſs of the Method of Proceeding in thoſe Courts, muſt reflect upon ſome of the wiſeſt Nations in the World, who have gone upon the ſame Grounds, in all that have received the Civil Law, and upon ſome of the greateſt Courts at this time in the Kingdom, as the *Chancery* and *Admiralty*, which go by the ſame Fundamental Rules. As to any Objections which ariſe from the perſonal Faults of thoſe who are imployed in them, that reaches, I am afraid, to all Courts; and it ought to be the Work and Buſineſs of thoſe who look after them, to do what in them lies, to reform them, that others Faults may not be laid at their Doors.

3. But for thoſe who would have a *Parochial* or *Congregational Diſcipline* ſet up, as much better, and more effectual, I ſhall deſire them to conſider, that ſince Matters of Diſcipline are ſuch, as that in them the Reputation and Intereſt of Perſons is very much concerned, they ought not to be left to Arbitrary Proceedings of any Perſons, but they ought to be managed by the certain and common Rules of Juſtice; ſince every Man hath a Right to defend himſelf, when he is accuſed. And unleſs there be known and eſtabliſhed Methods of Proceedings agreeable to natural Juſtice, and the Laws of the Land, nothing would be more grievous and intolerable than the common Exerciſe of a Parochial Diſcipline. For,

1. It cannot be preſumed, that there will be competent Judges. For every one who hath a Faculty of Preaching, hath not a Faculty of Judging in ſuch Caſes. And where Diſcretion and a Judgment of Circumſtances is wanting, an honeſt Mind will not ſecure Men from doing Injury, and expoſing their Judicature to Contempt.

2. They have no fixed and eſtabliſhed Rules of proceeding, as there are in the Eccleſiaſtical Courts, which have been continued down from time to time, and allowed by the Laws of the Land. And what miſerable Diſorder muſt follow an Arbitrary Method, when Humour, and Will, and Paſſion may over-rule Juſtice, and Equity, and Conſcience?

3. They are not under the Check of the Law, as the Eccleſiaſtical Courts are. For, if they exceed their Bounds, either as to the Nature of the Cauſe, or the Manner of proceeding, they are liable to Prohibitions from the King's Courts of Juſtice; but the Law can take no notice of *Parochial* or *Congregational* Judicatures, and ſo Men may ſuffer without Remedy.

4. They have no way to judge of Legal Evidence, which is very material when a Perſon is accuſed. It is one of the niceſt Points in all criminal Proceedings to determine what is good and ſufficient Evidence. For ſeveral things are to be weighed before either Witneſſes or Teſtimonies can be allowed. As to Witneſſes, it is required that they be perſons of Reputation, and free from Infamy of Law and Fact; that they be diſintereſted, and ſo not liable to the juſt Suſpicion of Partiality; that they be Men of *Diſcretion and ſane Memory*; and all reaſonable Exceptions are to be allowed againſt them. As to Teſtimonies;

they muſt be by our Law upon Oath; and what Authority have ſuch Perſons to give an Oath, and why ſhall a Man be liable to ſuffer by a Teſtimony without one, when the Law requires it? They muſt be deliberate, and not given to Paſſion, conſiſtent as to Time, Place, and other Circumſtances: They muſt be certain and poſitive, and not upon Hear-ſay, or the Believing of other Perſons: They muſt be free from any juſt Suſpicion of Contrivance and Conſpiracy, or any ſort of Corruption or Partiality. And now is every parochial Miniſter, or ſelect Congregation fit to judge of theſe Matters, whereon the Reputation, and conſequently the Intereſt of every Perſon may be ſo deeply concerned?

5. They have no way to prevent a precipitate and haſty Sentence. Suppoſe a Man be accuſed by one of Intereſt and Paſſion, who poſſeſſes others with the ſame Opinion before-hand, and the Judges are all prejudiced before the Matter comes to be heard; and in popular Aſſemblies ſome few Men ſway the reſt, what a Caſe is a Perſon accuſed unjuſtly in? He hath no Liberty for others that are not of the Congregation, although more diſintereſted, either to come in to judge, or to plead for him: He can have no Advocate to defend him, or to ſhew the Weakneſs or Inconſiſtency of the Evidence againſt him. In all Eccleſiaſtical Courts, they may ſometimes proceed ſummarily, but even then the Fundamental Rules of the Court muſt be obſerved, as to Proofs and Witneſſes, or elſe the Sentence is void; but here the Sentence will take place, although there hath not been the leaſt Colour of Juſtice in the whole Proceedings.

6. Here is no ſettled courſe of Appeals in caſe of a wrong Sentence. But where Men are liable to Miſtake and Paſſion, a Right of Appeal is one of the Fundamental parts of Juſtice. And therefore Independent and Arbitrary Courts of Judicature, as all Congregational Churches are, are inconſiſtent with the common Rights of Mankind, and that due Subordination which ought to be in all Societies, in order to the preſerving Order and Juſtice among Men. But ſuppoſe Parochial Diſcipline ſo ſettled among us, as to allow a Liberty of Appeal, how would the Trouble, and Vexation, and Expence be increaſed, by going from the Parochial Sentence to the Biſhop's Court, and from thence ſtill further? So that if there be ſome Inconveniencies in point of Diſtance, for Perſons to be ſummoned to appear at firſt ſo far from home, yet there is ſome Compenſation by the leſs Trouble and Charges, if due care be taken to prevent Delays and unneceſſary Expences; which ought to be done: And thoſe who do make the greateſt Clamour againſt our Courts, are rather willing they ſhould continue ſuch as they may have Cauſe to complain of, than to do their Endeavours to reform them.

Thus I have endeavoured to ſhew the juſt Bounds and Limits of Parochial Cures.

II. I now come to conſider the juſt Meaſure of that Diligence which is required under thoſe Limits. For our Church requires *Faithful Diligence* in Preaching, and Sacraments, and Prayers, and Reading the Holy Scriptures. If then we can underſtand what this *Faithful Diligence* implies, we may come to ſatisfie our ſelves whether we do our Duty or not.

1. *Faithful Diligence* implies ſerious Application of our Minds to the main End and Deſign of our Holy Function; which is to do good

to the Souls of Men, eſpecially to thoſe committed to your Charge. And an idle, careleſs, ſantering Life, or one too buſy and diſtracted with the Cares of the World, are not conſiſtent with it. I do not go about to take you off from neceſſary Buſineſs, and reaſonable Allowances, as to Health and Studies, but to perſwade you that the doing good to your Peoples Souls, ought to be the principal and chief Deſign of your Thoughts, Studies and Endeavours. And if the People be ſatisfied that this is really your Deſign among them, you will find that your Doctrine will be eaſier received, your Perſons eſteemed, and your Labours valued. It is poſſible you may meet with a froward, peeviſh, ſelf-willed People; and it is hard when a Man is only ſet to water and mend a Hedge made up of Briars and Thorns; the more Pains he takes, the more Scratches he may meet with; but if it be your Lot, be not diſcouraged from doing your Duty: Remember what ſort of People the Prophets were ſent to, and what Uſage they had from them; what Hardſhips and Reproaches Chriſt and his Apoſtles underwent from a very unkind World; but a very patient Continuance in well-doing gave them inward Satisfaction in the midſt of all, and did by degrees gain the Chriſtian Doctrine Acceſs to the Hearts of thoſe who moſt oppoſed it.

2. It implies an honeſt and conſciencious Care of diſcharging the known and common Duties of your Function, as Preaching, Praying, Catechizing, Adminiſtring Sacraments, Viſiting the Sick, *&c.* A diligent Perſon is one who neglects no good Opportunities of doing his Buſineſs, but watches for them, and ſtudies to improve them to the beſt Advantage. Can thoſe ſatisfy themſelves that they uſe *Faithful Diligence*, who ſhamefully neglect their Cures, and care not how ſeldom they come at them, nor how they are ſupplied, if they make a good Bargain for their own Advantage? I cannot deny, but that according to the Laws of the Land, and the Canons of this Church, ſome Perſons are allowed to have two ſeveral Cures, which muſt imply a Non-reſidence for ſome time, at leaſt, upon one of them. But they ſtill ſuppoſe, that there are Perſons reſident upon them, who are allowed by the Biſhop to be ſufficient to diſcharge the neceſſary Duties of the place, and not to be taken up like Poſt-horſes, the next that comes, and to be turned off at the next Stage. I think it a very great Fault in thoſe who have Pluralities, that they look no more after the Curates they employ, and that they do not bring them to the Biſhop to be approved, and to have their Allowance fixed before they imploy them. They think no more is required but to pay the Fees for a Licence; but I have and ſhall endeavour to convince the Clergy of this Dioceſe, that Licences are not to be taken, as St. *Peter* took *the Fiſh that firſt came with Money in the Mouth of it*; I hope to be able to ſatisfy them, that it is not the Fees that we aim at, but at Perſons doing their Duties. And our Canons are expreſs, That no Curate is to be allowed in any Cure of Souls, that hath not been examined and admitted by the Biſhop or Ordinary having Epiſcopal Juriſdiction, and atteſted by the Hand and Seal of the Biſhop. How then come Curates to officiate without ever coming to the Biſhop at all, or undergoing any Examination by him? This is a plain Breach of the Canon, and ought to be reformed. I do not ſay, that ſuch Licences as have cuſtomarily paſſed without the *Biſhop's Hand and Seal* are void; but I do ſay, That they are irregular and voidable, and none ought to be allowed, Can. 48.

ed, which are not according to the Canon; and that no Incumbent ought to take any one for his Curate, till the Biſhop hath allowed and approved him under his Hand and Seal. And this Remedy the Law gives us againſt the Inconveniencies which attend Pluralities by weak and inſufficient Curates. But no Man is excuſed, either by Law or Canons, from attending the Duties of his Place at ſome times in his own Perſon, and Can. 41. that *good Part of the Year*; in which time he ought to do the Duties of his Place with Diligence and Care; and to acquaint himſelf with his Pariſhioners, in order to the better Diſcharge of his Duty towards them. They have very mean Thoughts of their holy Function, that think the main Part of it lies only in the Pulpit; (I wiſh even that were minded more) but all the ways you can do good among your People is within the Compaſs of your Duty, not merely to inſtruct them in Religion, but to prevent Quarrels, and Contentions, and Meetings for Debauchery, which tend to corrupt Mens Minds, and draw them off from the Principles as well as Practice of true Religion: It is your Duty to endeavour to make them live like good Chriſtians, and good Neighbours, and to ſet Patterns your ſelves of Sobriety, Meekneſs, Charity, and of every thing praiſe-worthy.

3. *Faithful Diligence* implies filling up your vacant Hours with the moſt uſeful Studies, as to the main End of your Function. For in your Ordination you ſolemnly promiſe *to lay aſide the Study of the World and the Fleſh, and to apply your ſelves to the Study of the Scriptures, and ſuch Studies as help to the Knowledge of the ſame.*

But it may be ſeaſonably asked by ſome, What Method and Courſe of Study will beſt conduce to that End?

To this I ſhall endeavour to give a ſhort Anſwer ſo far as it concerns the main End of your Function, which it is moſt proper for me to conſider at this time.

1. Look well to the Temper of your Minds, that it be humble, ſober, and religious; for a vain, affected, and ſelf-opinionated Perſon can never have an inward and hearty Reliſh of Divine Truths. The Scriptures will appear to him either too plain and eaſy, or too obſcure and intricate; ſome things will ſeem low and flat, and others too lofty and poetical. Thoſe who read not with a good Mind, will have always ſomething or other to cavil at. It is a mighty Advantage in all Spiritual Knowledge, to come to it with an unbiaſs'd Mind, free from the Power of Prejudice and evil Inclinations. For theſe give a ſtrange Tincture to the Mind, and hinder the clear and diſtinct Perception of Revealed Truths, as above the Natural Faculties which God hath given us. Some are therefore ſo fond of Philoſophical Speculations, that unleſs the Letter of the Scripture ſuits with them, they are ready to deſpiſe it, and only Shame and Fear keep up any Reverence for it in them. Some are altogether for Mathematical Evidence and Demonſtration, as though the Way to Salvation were to be ſhewed by Lines and Figures: Why do they not firſt run down all Laws and Hiſtory, becauſe they are not capable of Mathematical Evidence? And it argues a far greater Meaſure of true Underſtanding to know when to be ſatisfied, than to be always diſputing and cavelling. The Plainneſs of Scripture in ſome places is no more an Offence to one that wiſely conſiders the Deſign of it, than a beaten Road is to a Traveller who deſires to know which is the true Way to his Journey's End; and the plainer it is, the more he is ſatisfied with it. But the Scripture wants not

its Depths, which require a very attentive and conſidering Mind, and will afford Matter for Exerciſe of Thoughts, and frequent and ſerious Meditation. The Excellency of the Scripture is, That all things neceſſary are plain; and ſuch as are not ſo, although they are not neceſſary to be known for Salvation, yet require our Diligence to underſtand them, and give great Satisfaction as far as we can know them.

2. Not to perplex your Minds with Difficulties above your reach, as in what relates to the Eternal Decrees, and the particular Manner of that Unity of the Godhead, which is conſiſtent with the Trinity of Perſons. For ſince the Scripture doth aſſert both, we may ſafely be contented with what the Scripture reveals, although the Manner of it be incomprehenſible. And as to the other, the Scripture is clear and poſitive, as to the Moral Parts of our Duties; and if we are to ſeek how to reconcile them with God's Decrees, we have this certain Rule to go by, That without doing our Duty we cannot be happy, but we may without underſtanding how the Freedom of our Wills is conſiſtent with the Divine Preſcience and Decrees.

3. Not to fix plain and neceſſary Duties upon new and unaccountable Theories. As for Inſtance: There are no Duties of greater Conſequence than the Love of God and our Neighbour; but it would be unſpeakable Miſchief to Religion, to fix the Love of God upon ſo abſurd a Principle, as his being the immediate Cauſe of all Senſation in us. And it would have made the Chriſtian Doctrine ridiculous, to found its fundamental Precepts on extravagant Notions and Myſtical Contemplations. And ſo for the Love of our Neighbours, to allow only a Love of Benevolence and Charity, and not of *Delight* and *Complacency*, is to make nice Diſtinctions, where God hath made none. But to take away the Love of Complacency in Friends and Relations, and the Bleſſings which God gives for the Comfort of Life, is to overthrow the due Senſe of God's Goodneſs in giving them; and to take away a great Meaſure of that Gratitude we owe to God for them. But when any ſeem very fond of ſuch Notions, and ſhew ſo much Self-Complacency in them, it is impoſſible upon ſuch Principles that they ſhould love their Neighbours as themſelves.

4. If you would underſtand the New Teſtament aright, fix in your Minds a true Scheme of the State of the Controverſies of that time, which will give you more light into the true Knowledge of the Scriptures, than large Volumes of Commentators, or the beſt Syſtems of Modern Controverſies; as, What the *Jewiſh* Notions of Juſtification by Works, and Expiation of Sin were, and of God's Decrees of Election and Reprobation as to themſelves: And what the Principles of the Judaizing Chriſtians were, as to the joining the Law and the Goſpel, and the *Pythagorean* Superſtition together. And what the *Gnoſticks*, who were profeſſed Libertines, held as to Grace, Redemption, Liberty, Government, *&c.* All which tend very much to the clearing the Senſe of the New Teſtament.

5. Where the Senſe appears doubtful, and Diſputes have been raiſed about it, enquire into the Senſe of the Chriſtian Church in the firſt Ages, as the beſt Interpreter of Scripture; as, Whether the Apoſtles left Biſhops or Presbyters to ſucceed them in the Government of Churches; Whether the Apoſtles appointed the Lord's Day to be obſerved as the Day of Publick Worſhip; Whether Baptiſm were not to be adminiſtred to Infants as well as Circumciſion, both being Seals of God's

Covenant; Whether Divine Worſhip doth not belong to Chriſt, and were not given to him in the Hymns and Doxologies of the Primitive Church; and, Whether Divine Worſhip can be given to any Creature; Whether the Form of Baptiſm was not underſtood ſo, as to imply a Trinity of Perſons; and, Whether all true Chriſtians were not Baptized into this Faith; and conſequently, Whether denying the Trinity be not renouncing Chriſtian Baptiſm. Theſe and many other ſuch Queſtions of great Importance, receive great Light from the Writings of the firſt Ages.

But ſome Rules may be very uſeful for right judging the Senſe of thoſe Times.

1. To diſtinguiſh the Genuine and Suppoſititious Writings of that Time. This hath been examined with ſo much Care by Learned Men of this laſt Age, that it is no hard matter to make a true Judgment about them.

2. In thoſe that are Genuine, to diſtinguiſh the Senſe of the Church, delivered by them, from their own particular Opinions; the Senſe of the Church is beſt known by publick Acts, as by Creeds, Sacraments, Hymns, Prayers and Cenſures of ſuch as oppoſe or contradict them.

3. To put a Difference between the Authority of private Perſons, and of the Biſhops and Governours of the Church who may be preſumed to underſtand the Senſe of the Church, and the Doctrine of the Apoſtles better than the other. And ſo *Clemens*, *Ignatius*, *Polycarp*, *Theophilus*, and *Irenæus* are more to be truſted as to the Senſe and Practice of the Chriſtian Church than ſuch as *Hermes*, and *Papias* and *Tatianus*, who had neither the Judgment nor the Authority of the other.

4. That may be juſtly looked on as the Senſe of the Church, which is owned both by the *Friends* and the *Enemies* of it. The Enemies of Chriſtianity charged them with many Things, which the Apologiſts utterly denied. Now we find *Pliny* charging the Chriſtians with ſinging Hymns to Chriſt, as to God; ſeveral Chriſtian Writers of that time mention this, but never go about to ſoften; or to excuſe, or deny it. And ſo we find *Lucian* deriding the Chriſtians for the Doctrine of *Three* and *One*, which the Apologiſts of that time are ſo far from denying, that they aſſert and vindicate it, as appears by *Athenagoras* and others.

But theſe things I only touch at, to ſhew how the Senſe of the Church is to be taken, and how from thence the Senſe of the Scriptures may be cleared.

OF THE
Particular DUTIES
OF THE
PAROCHIAL CLERGY,

At a Viſitation, October 27th. 1696.

My Brethren,

AS often as it pleaſes God in his wiſe Providence to bring me among you in the ordinary Courſe of my Viſitation, I cannot ſatisfie my ſelf that I do my own Duty, unleſs I put you in mind of doing yours. We live in an Age, wherein the Contempt of the Clergy is too notorious not to be obſerved ; but the true Reaſons are not ſo well conſidered as they ought to be. Some, to increaſe the Contempt of the Clergy, have given ſuch Reaſons of it, as ſeem to make it a light and jeſting matter ; but truly it is very far from being ſo : For the Contempt of Religion is oft-times both the Cauſe and the Effect of it. It is not at all to be wondred at, that thoſe *who hate to be reformed*, ſhould hate thoſe whoſe Duty and Buſineſs it ought to be to endeavour to reform them. But when Religion is ſtruck at through our Sides, we ought with Patience to bear the Wounds and Reproaches we receive in ſo good a Cauſe. *Wo be to us*, if thoſe who are Enemies to Religion, *ſpeak well of us :* For it is a ſtrong Preſumption that they take us to be of their ſide in our Hearts, and that we are diſtinguiſhed only by our Profeſſion, which they look on only as our Trade. And we give too much occaſion for ſuch Suſpicions of us, if we do not heartily concern our ſelves for the Honour and Intereſt of true Religion in the World, whatever we may ſuffer, as to our Reputation, for the ſake of it. It is poſſible, that if we go about to humour ſuch Perſons in their Infidelity and Contempt of Religion, we may eſcape ſome hard Words for the preſent, but they cannot but have the greateſt inward Contempt and Hatred of all thoſe who live upon Religion, and yet have not the Courage to defend it. And what Satiſfaction can ſuch have, when they reflect upon themſelves, and think what Occaſion they have given to confirm ſuch Perſons in their Infidelity, and to make them think the worſe of Religion for their ſakes.

The beſt thing we can do to recover the Honour of Religion, and to ſet our Profeſſion above *Contempt*, is to apply our ſelves ſeriouſly and conſcientiouſly to do our Duties. For if others find that we are in earneſt, and make it our great Buſineſs to do all the Good we can, both in the Pulpit, and out of it ; if we behave our ſelves with that Gravity, Sobriety, Meekneſs and Charity which becomes ſo holy a Profeſſion, we ſhall raiſe our ſelves above the common Reproaches of a ſpiteful World ; and do what lies in us to ſtop the Mouths at leaſt, if not to gain the Hearts of our Enemies.

For the real Eſteem which Men have of others, is not to be gained by the little Arts of Addreſs and Inſinuation, much leſs by complying with them in their Follies; but by a ſteady and reſolute Practice of our own Duties, joined with a gentle and eaſie, and obliging Behaviour to others, ſo far as is conſiſtent with them. But a proud, ſupercilious, moroſe Behaviour towards our greateſt Enemies, doth but make them much more ſo; if any thing ſoftens them, and makes them more tractable, it will be, joining a Firmneſs of Mind, as to our plain Duties, with Humility and Kindneſs in other Matters.

But what are theſe Duties we are obliged to ſo much Care in the Performance of?

There is a two-fold Obligation lying upon us.

I. That which is more General from the Nature and Deſign of our Imployment; which is *the Cure of Souls*; and that requires great Diligence and Faithfulneſs, frequent Recollection and Conſideration, ſerious Application of our ſelves to Divine Studies and Imployments; a prudent Uſe of the beſt Methods for the Convincing, Reproving, Directing and Aſſiſting thoſe who are committed to our Care. And all theſe are implied in the Nature of our Office, as it is ſet forth in holy Scripture; wherein we are deſcribed as *Labourers*, and therefore muſt take Pains, and not ſpend our time in vain and idle Company: As *Teachers*, and therefore ought to be ſtored with a good Stock of Knowledge our ſelves, and be ready to communicate it to others: as *Paſtors*, and ſo we ought to look after our Flock, and not leave them to the careleſs Management of others, who are not ſo concerned for their Welfare, as we ought to be: As *Ambaſſadors from Chriſt*, and therefore we are bound to look after the Buſineſs we are ſent upon, and the great Weight and Importance of it, as to your own Salvation as well as others: As *Stewards of the Myſteries of God*, and the firſt thing required in them, is to diſcharge their Truſt honeſtly and faithfully, remembring the Account they muſt give to God.

But theſe, you may ſay, are only general Things, and do not determine and limit our Duties within certain Bounds; what is there which doth fix and determine our Duties, as to the Station we have in this Church?

II. I come therefore to the *Special Duties*, which by the Ancient Conſtitution of this Church, and the Eccleſiaſtical Laws of it, are incumbent upon you. And you are to conſider, that as the Law hath taken Care for your Maintenance and Subſiſtence in doing your Duties; ſo it doth ſuppoſe your careful Performance of them, not only in regard to the general Rule of Conſcience, but to that particular Obligation you are under, as Members of this Church. And therefore I ſhall enquire into two things:

I. The Duties you are under this Obligation to.

II. The Incouragement which the Law gives in Conſideration of it.

I. The Duties are of two ſorts:

1. Publick and Solemn. 2. Private and Occaſional.

1. Publick and Solemn; and thoſe either reſpect the Time, or the Duties themſelves.

1. As to the Times of Solemn and Publick Worſhip, which are the Weekly Lord's-days, and the other Holy-days.

1. I begin with the Obſervation of the Lord's-day; which I ſhall now make appear to have been ſet apart for the ſolemn Worſhip and

Service of God, eſpecially by the Clergy, from the firſt Settlement of a Parochial Clergy in this Church.

In a Provincial Council held at *Cloveſhoe* or *Cliff*, *A. D.* 747. the King and Nobility being preſent (where the Archbiſhop and Biſhops Aſſembled for Regulating the Worſhip of God in Parochial Churches then newly erected in many places) the Fourteenth Canon is expreſs, That the Lord's-day ought to be celebrated with due Veneration, and devoted only to Divine Worſhip (*Divino tantum cultui dedicatus*) *and the Presbyters are required to officiate in their ſeveral Churches, both in Preaching and Praying; and the People are required to let alone their common worldly Affairs, and to attend the publick Worſhip of* God.

Concil. Angl. 1. 249.

The Canons of *Egbert*, Archbiſhop of *York*, are as clear and full for the *Northern as the other for the* Southern, *Can.* 104. *That nothing is to be done on the Lord's Day, but what tends to the Worſhip and Service of God.* And *Can.* 36. *That Chriſt ſanctified the Lord's Day by his Reſurrection.* But becauſe theſe Canons of *Egbert* will be often uſed, ſomething ought to be obſerved to clear their Authority. Sir *H. Spelman* ſaith there are ſeveral Ancient *MSS.* of them. Mr. *Selden* owns the *Cotton MS.* to be of the time of *H.* 1. but he ſuſpects that another made the Collection, and put it under his Name. But it was no ſtrange thing for the great Biſhops to make ſuch a Collection of Canons; for ſo it was done by *Theodore*, Archbiſhop of *Canterbury*; by *Theodulphus* of *Orleans*; *Iſaac Lingonenſis*, *Chrodegangus*, *Herardus*, *Hincmarus*, &c. And *Egbert* was not only a great Man, Brother to the King of the *Northumbrians*, but a great Promoter of Learning and Eccleſiaſtical Diſcipline, as appears by his Dialogue about the latter, and the other by *Alcuin*'s Epiſtles about him, and *Bede*'s Epiſtle to him a little before his death. And the Agreement between the Capitulars and theſe Canons might come from *Alcuin*'s carrying them over into *France* with him.

Concil. Angl. 1. 258.

Egbert. Dial. de Eccleſ. Inſtit. cum Bedæ Epiſtol. ad Egbert. Dublin, 1664.

In the *Saxon Canons*, *c.* 24. it is ſaid, that the Lord's-day on which our Saviour roſe from the Dead, is to be devoted wholly to the Service of God, excepting only Works of Neceſſity and Charity.

Concil. Angl. 1. 600.

Theſe Canons are tranſlated from thoſe of *Theodulphus*, Biſhop of *Orleans*, *A. D.* 786. And it is obſervable, that as the Chriſtian Religion prevailed in theſe *Northern* Parts, ſo the Religious Obſervation of the Lord's-day was enforced, as appears by the Canons of the *Gallican* Church, as well as this. As in the famous Canon of the Council of *Maſcon*, *A. D.* 585. where the Biſhops Aſſembled, complain of the Neglect of the Lord's-day, and agree to put the People upon a ſtricter Obſervance of it. And ſo before in the Council of *Orleans*, *A.D.* 538. But in both theſe Canons they avoid a *Jewiſh* Superſtition as well as profane Neglect. They allowed both Works of Neceſſity and Conveniency, and did not place the Obſervation in a bare Reſt, but in Attendance on the Worſhip of God; and forbad all manner of Secular Imployments which were inconſiſtent with it. Nay, *Theodulphus* his Canon goes higher, *Tantummodo Deo vacandum*, the whole Day ought to be ſpent in Religious and Charitable Imployments.

The greateſt Men in our *Saxon Churches* aſſerted the ſame. *Bede* ſaith, *That the Apoſtles appointed the Lord's-day to be obſerved with Religious Solemnity, and therein we ought to devote our ſelves to the Worſhip of God; tantum divinis cultibus ſerviamus.* And to the ſame purpoſe ſpeaks *Alcuin*, who was bred up under *Egbert*, Arch-biſhop of *York*, and calls *Bede* the greateſt Maſter of his time; and in another place he ſaith,

Bed. T. 7. p. 639.

Alcuin. de O.Fic. c. 27.

One Seventh Day is ſet apart among Chriſtians, as another had been among the *Jews* for the Service of God; and that therein we ought to attend to the Care of our Souls and to lead a ſpiritual Life.

Epiſt. 5. 49. De Off. *c.* 40.

Bede diſtinguiſhes between the *Patriarchal* and *Jewiſh Sabbath*. The latter he calls a *Carnal*, and the other a *Spiritual Sabbath*; the former lay in a ſtrict Abſtinence from Labour, but the other in Prayer, and Devotion, and Spiritual Contemplations. The *Jewiſh* Reſt, he ſaith, was *inutile, languidum, & luxurioſum.* For the *Jews* allowed Recreations and Sports on their Sabbaths; *Vacant ab opere bono*, ſaith he, *non ab opere nugatorio. Vacant ad nugas*, ſaith S. *Auguſtin*; but he ſaith, they had better plow or dig, than dance on that Day, or ſit in the Theater. And he tells us, That the Heathens objected againſt the *Jews*, That they ſpent one Day in the Week in Idleneſs. For they ſuppoſed the bare Reſt to be the Sanctification of the Day which was commanded, and the ſpending any part of it in the publick Worſhip, to be voluntary Devotion. But the better ſort of the *Jews* thought the *Reſt* was appointed for the Knowledge of the Law, and Spiritual Imployments. So *Philo*, *Joſephus*, *Aben-Ezra*, *Kimchi*, and *Menaſſeh ben Iſrael.* It ſeems moſt reaſonable in this Caſe to diſtinguiſh between the *Legal Reſt* ſtrictly required by the Fourth Commandment, and the *Original Reſt* in Remembrance of God's reſting from the Work of Creation. The former was a Sign between God and the People of *Iſrael*, as it is often called in Scripture; and the other was a Commemorative Sign, but ſuch as excited them to the Worſhip of the Creator; and therefore the *Patriarchal Sabbath*, as *Bede* obſerves, was of a ſpiritual Nature. And ſuch a ſpiritual Sabbath, as S. *Auguſtine* calls it, ought to be obſerved by Chriſtians in the Duties of God's Worſhip, as well as in ſpiritual and holy Thoughts. But the *Jewiſh* Sabbath, he often ſaith, doth not oblige Chriſtians. I the rather mention him, becauſe *Bede* followed his Doctrine herein; and that of Gregory I. who was the great Inſtrument of promoting the Converſion of our Anceſtors to Chriſtianity. And he declares himſelf fully, both as to the Ceſſation of the *Jewiſh* Sabbath, and the religious Obſervation of the Lord's-day. It ſeems there were ſome then, as there are among us now, who were for the ſtrict Obſervation of the *Saturday-Sabbath*. But Gregory ſaith, They might as well inſiſt upon *Circumciſion* and *Sacrifices*, as the *Jewiſh Sabbath*. But yet he adds, We ought on the Lord's-day to abſtain from worldly Imployments, and devote our ſelves unto Prayers, that we may make ſome Amends for the Weeks Negligence, by the Devotions on that Day. And this devoting the Lord's-day to the Service of God, is entred into the Body of the Canon Law; and taken out of *Ivo*, and by him from the Canons of the *Gallican Church*, as appears by ſeveral Councils.

Bed. T. IV. 586.
V. 583.
II. 310.
VIII. 930.
Auguſt. in Pſal. 91. in Pſal. 32. 11.6. De 10 Chordis.
Euſeb. Præp. *l.* 8. *c.* 7. Joſeph. 2. *c.* Appion. Aben-Ezra in Exod. Kimchi ad Pſal. 92. Menaſſ. Concil. in Exod. Q. 35.
Aug. *c.* Fauſt. *l.* 6. *c.* 4. *c.* Adimant. *c.* 2. 16. De Geneſ. ad lit. *c.* 11. 13. Epiſt. ad Jan. 19. c. 13.
Greg. Epiſt. *l.* 11. *c.* 3.
De Conſecr. Diſt. 3. *c.* 16.
Conc. Narbon. Can. 4. Concil. Cabil. *c.* 18. Aquiſgran. *c.* 81. Arelat. VI. Can. 16. Rhem. 2. *c.* 35. Pariſ. VI. *l.* 3. *c.* 5. De Officio Archipresbyt. *f.* 29. 2.

Our *Lynwood* mentions that Canon as in force here, *Die Dominicâ nihil aliud agendum, niſi Deo vacandum.* And he takes ſome Pains to explain it, by diſtinguiſhing,

1. Works ſervile materially and formally, as Plowing, Sowing, Markets, Law-days, *&c.* theſe are generally forbidden.

2. Acts ſpiritual materially and finally, as all Acts of Piety and Devotion, and theſe we ought to attend upon with Care and Diligence.

3. Acts not ſervile in themſelves, but done for a ſervile End, as Studies and Deſigns for Gain.

4. Acts ſervile in themſelves, but not ſo in their End; as the Man's taking up his Couch on the Sabbath-day, whom Chriſt cured.

He affirms, that there is a Moral Part in the Fourth Commandment, which, he ſaith, is *a ſpiritual Reſt*, or a time ſet apart for God's Service: Which he takes from *Aquinas*, who ſaith the Subſtance of the Command is Moral; but he doth not make it to be one day in Seven, but ſome determinate time, which, he ſaith, the Church may appoint; but then it muſt be imployed in the Service of God (*vacare rebus divinis*) as things were ſaid to be ſanctified under the Law, which were applied to God's Service. But notwithſtanding this Judgment of *Aquinas*, ſome great Men in the Church of *Rome* have thought one day in Seven, Moral; and that the Proportion which God himſelf had appointed, cannot be leſſen'd. For although Mankind could not by natural Reaſon find out the Proportion, yet being once reveal'd, it doth not ceaſe to oblige, unleſs ſomething figurative and ſymbolical, or peculiar to the *Jewiſh* Nation be diſcovered in it.

Aquin. in Senc. *l.* 3. Diſt. 37. Qu. 1. Art. 2. 2.2.122.4. 1. 2. Q. 100. 1.

Bellarmine makes that the Reaſon of the Inſtitution of the Lord's-day, becauſe God's Law required that one day in Seven ſhould be ſet apart for the Worſhip of God; but the Apoſtles thought it not fit to obſerve the *Jewiſh* Sabbath, and therefore changed it into the Lord's-day.

Bell. de Cultu Sanct. *l.*3. *c.* 11.

Covarruvius ſaith, That all Divines agree with *Aquinas*, That there is ſome thing Moral in the Fourth Command, which continues to oblige; and that the Lord's-day is of Divine Inſtitution. And to him the *Roman* Editors of the Canon Law referr, as to this matter.

Covarruv. Var.Reſol. *l.* 4. *c.* 19.

Azorius confeſſeth, That the Obſervation of the Lord's-day hath ſomething of the Divine and Natural Law in it, which requires one day in a Week ſhould be conſecrated to the Service of God, and that it is moſt agreeable to Reaſon. And he adds, That *Panormitan*, *Sylveſter*, and other Canoniſts held the Lord's-day to be of divine Inſtitution.

Azor. T. 2. C. 2. Q. 2.

Suarez ſaith, That the Church doth obſerve one day in Seven by virtue of the divine Law; that Proportion being ſo agreeable to Natural Reaſon, that it cannot be altered.

Suarez. de Rel. Tr. 2. *l.* 2. *c.* 1. n. 15. *c.* 4. n. 8, 9.

Thomas Waldenſis, who lived here in the time of *H.* 5. obſerves, *That even then there were two Extreams in Mens Opinions about the Obſervation of the Lord's-day; ſome allowed no kind of Work, and others, any.* But he ſhews, *That the Law of Nature requires ſome Solemn Days for Divine Worſhip; and that then there ought to be a Reſt from other Labours, becauſe they hinder the Mind from that Attention neceſſary to the Service of God: And neceſſary Works are left to a few, that others may be more at Liberty.*

Waldenſ. T. 3. Tit. 16. *c.* 140.

In the *Saxon* Laws we find many againſt the Profanation of the Lord's day by ſlaviſh Imployments, by Markets and Trading, by Folkmotes and Law-ſuits, *&c.* So that great care was taken then, that the Lord's-day ſhould be duly obſerved.

Ina LL. *c.* 3. Withred. *c.* 10. Alfred. *c.* 10. 11. Athelſt. *c.* 9. Edgar. *c.* 19. Ethelred. *c.* 15. Canut. *c.* 15.

After the *Norman* times, we have ſeveral Conſtitutions to inforce the ſtrict Obſervation of the Lord's-day. In the time of *H.* 6. *Hubert de Burgo* ſaith, That Cuſtom may derogate from other Holy-days, but not from the Lord's-day; becauſe they are not commanded by God, as that is,

Concil. Angl. II. 238, 372. 599. Pupill. Oculi, part. 9. *c.* 6.

Since the Reformation our Book of Homilies goes upon the ſame Grounds which were uſed in the *Saxon* times, *viz.* That the *Jewiſh Sabbath* doth not oblige us; but however to obſerve the like Proportion of time, and devote it to the Service of God.

Homily of the Place and time of Prayer.

Mr.

Eccleſ. Polity. *l.* 5. n.70.

Mr. *Hooker* ſaith, That we are to account the Sanctification of one day in Seven a Duty which God's immutable Law doth exact for ever.

But what is meant by this Sanctification of one day in Seven? If it be underſtood according to the old Canons, it will fill ſcrupulous Minds with more Doubts and Fears about the right Obſervation of it.

Orig. in Numer. Hom. 23. c. 28. Hom. 9. in Levit. 16.

Origen ſaith, The Obſervation of the Chriſtian Sabbath lies in theſe things; 1. A Forbearance of worldly Buſineſs. 2. Attendance on the Publick Worſhip. 3. Divine Meditation on things inviſible and future. *Hæc eſt obſervatio Sabbati Chriſtiani.* And in another place, he requires beſides Publick Worſhip, private Meditation and Reading the Holy Scriptures.

Chryſoſt. Hom. 5. in Matth. 2. Hom. in Joh. Hom. 5. ad Pop. Antioch. Hom. 10. in Gen.

St. *Chryſoſtom* inſiſts very much upon the ſame in ſeveral places, and on different Occaſions. And although it be in his popular Sermons, yet he would certainly not put them upon any thing, but what he thought very fit to be done. And they muſt have a mean Opinion of him, who think his Eloquence carried him too far in this matter.

De Officio Archi-presbyt. *v.* Sanctifices.

I ſhall conclude with the Opinion of *Lynwood*, a Learned and Judicious Canoniſt; and he obſerves a three-fold Sanctification of the Lord's-day. 1. By Abſtinence from Sin, which is neceſſary at all times. 2. By Abſtinence from ſuch bodily Labours as hinder the Minds Attendance upon God's Service. 3. By the whole Imployment of our Minds in Divine Matters; and this he calls the perfect Obſervation of it.

Theſe things I have the more largely inſiſted upon, to ſhew, that the religious Obſervation of the Lord's-day, is no Novelty ſtarted by ſome late Sects and Parties among us, but that it hath been the general Senſe of the beſt part of the Chriſtian World, and is particularly inforced upon us of the Church of *England*, not only by the Homilies, but by the moſt ancient Eccleſiaſtical Law among us.

But this is not all, for the Ancient as well as Modern Canons require the Obſervation of Holy-days likewiſe. The Canons of *Egbert* require not only Prayers, but Preaching then, *Can.* 1. 3.

Alcuin. de Offic. *c* 40. Wilthem. in Diptych *Leod.* c. 8.

The Council of *Cloveſhoe*, *Can.* 13. diſtinguiſhes the Holy-days relating to our Saviour, from the reſt; and ſaith, they are to be obſerved in a ſolemn and uniform Manner, and the reſt according to the *Roman Martyrology:* Which, I ſuppoſe, were thoſe repeated then in the Diptychs of the Church; which cuſtom continued longer at *Rome*, than in other Churches; but it was generally diſuſed before the time of *Charles* the Great.

The Cuſtom in *Rome*, in *Gregory*'s time, was to obſerve the Saints-days with the ſolemn Service at one Church, as appears by his *Homilies* on the Evangeliſts, which were many of them preached on thoſe Occaſions; as of S. *Felicitas*, *Hom.* 3. S. *Agnes*, *Hom.* 11, 12. S. *Felix*, *Hom.* 13. S. *Pancrace*, *Hom.* 27, &c. and of others who were *Roman* Martyrs; and therefore had a particular Solemnity appointed for them. But as to other Saints-days, it appears by the *Antiphonarius* and *Sacramentary* of *Gregory* I. that they had particular Anthems and Collects proper for them in the Offices of the Day; but I do not find that the generality of the People were ſo ſtrictly tied up, when the Offices were over, as they were on the Lord's-day, and the greater Feſtivals relating to our Saviour. In the Council of *Cloveſhoe*, *Can.* 13. I obſerve that the *Natalitia Sanctorum*, i. e. the Anniverſary Saints-days, were obſerved with particular Pſalmody and Anthems; and *Can.* 17. the days of *Gregory* and *Auguſtine*, the two great inſtruments of converting the Nation, were only to be kept as Holy-days by the Clergy, without any particular Obligation on all the People. So that the Holy-days of ſtrict Obſervation then, ſeem to have been no other than thoſe which relate to our Saviour, called *Dominicæ Diſpenſationis in carne Feſtivitatis*; the reſt had ſome proper Offices which were performed on their days; but the People were to attend them, as well as they could; but after there was not this ſtrictneſs required, as upon the greater Holy-days; and as it was in the Church of *Rome* afterwards, when they made the Obligation of Conſcience to extend to all Holy-days appointed by the Church. But it is obſervable, (1.) That this Obligation is taken from thoſe Canons which mention only the Lord's-day, as appears by *Bellarmine*. (2.) That they kept up the Diſtinction of greater and leſſer Holy-days. (3.) That they allow the Biſhop to diſpenſe, as to ſome Works on Holy-days. *Lynwood* obſerves, that the Abſtinence from Work is not alike, but as the Church hath required it; and that if a Biſhop's Licence cannot be had, a leſs will ſerve. Our Church, *Can.* 13. requires Holy-days to be obſerved with Works of Piety, Charity, and Sobriety; but gives no Rule as to Abſtinence from Works, or the ſtrict Obligation of Conſcience.

De Cultu Sanct. *l.* 3. *c.* 10.

De Feriis, *f.* 52.

2. I now come to the particular Duties of the Clergy on the days which are ſolemnly devoted to the Service of God.

1. The conſtant and devout Attendance upon, and ſolemn Reading the Prayers of the Church, as they are appointed. In the old *Saxon Canons* the Presbyters are required to officiate conſtantly at Prayers in their Churches; ſo in the Council at *Cloveſhoe*; *Can.* 8. the Canons of *Egbert*, *Can.* 2. Canons of *Edgar*, *Can.* 45.

Concil. Angl. 1. 247.

But how if the People will not come to the Prayers? You ought, what lies in you, to remove the Cauſes of ſuch Neglect; which ariſes generally from theſe things; either groſs Stupidity and Regardleſneſs of Religion, which is too common in the World, or from Prejudice and Principles of Education, or the Intereſt of a Party; or from not Reading the Prayers with that Attention and Devotion which is fit to raiſe an Eſteem of them. The other two, you ought to do what you can to remove; but this is your own Fault if you do it not. We are not to pleaſe the Fancies of People by an affected Variety of Expreſſions in Prayers; but we ought to do what we can to excite their Affections, which is done as much by the due manner of Reading, as by Figures in ſpeaking. And the People are uneaſie at ſtaying, when they ſee the Miniſter read them ſo faſt, as though he minded nothing ſo much as to be at the end of them; or when he mangles them ſo, as if he had a mind to make the People out of love with them.

2. The next Duty is Preaching; and truly that need to be looked after, when the Eſteem of our Profeſſion depends ſo much upon it: We have none of thoſe Methods which thoſe on both ſides make ſo much uſe of; we can neither comply with the People in Geſtures, and Phraſes, and Enthuſiaſtick Heats, nor with Superſtitious Devotions and Prieſt-craft of others. Of all Churches ours hath the leaſt Reaſon to be charged with it ſince they let go ſo many Advantages over the People by the Reformation. Thanks be to God, we have Scripture, and Reaſon, and Antiquity of our ſide; but theſe are dry and inſipid things to the common People, unleſs ſome Arts be uſed to recommend them. But ſince our main Support lies in the Honeſty and Juſtice of our Cauſe,

without Tricks and Devices, we ought to look very well to that part of our Profeſſion which keeps up any Reputation among the People; and that is Preaching. Thoſe who are ſo weak or lazy, as to be glad to have that laid aſide too, in a great Meaſure, never well conſidered the Deſign of our Profeſſion, or the way to ſupport it. It's true, for ſome time Preaching was an extraordinary thing in the Church; and none but Great and Eloquent Men of Authority in the Church were permitted to preach, and the greateſt Biſhops were then the Preachers, as appears by the Sermons of S. *Ambroſe*, S. *Chryſoſtom*, S. *Auguſtine*, &c. And even ſome of the Biſhops of *Rome*, whatever *Sozomen* ſaith, were frequent Preachers, as appears, by *Gregory*'s Homilies on *Ezekiel* and the *Goſpels*. And if it were not then practiſed he did very ill to complain of the Burden of it, and the danger of neglecting it. But in other Churches while the Biſhop and the Presbyters lived together, before Parochial Cures were ſettled, the Presbyters had no conſtant Office of preaching, but as the Biſhops appointed them occaſionally. But afterwards when the Presbyters were fixed in their Cures, they were required to be very diligent and careful in preaching, or inſtructing the People committed to their Charge, as may be ſeen in many early Canons of the *Gallican* Church; and ſo it was here in *England:* Council of *Cloveſhoe*, *c.* 8. 14. *Egbert*, *Can.* 3. and that not only in the moving way in the Pulpit, but in the familiar and inſtructing way, which we call *Catechizing*; *Council Cloveſhoe*, *c.* 11. *Can. Egbert.* 6. Both ought to be done, becauſe they are both very uſeful. The Principles and Foundations of Religion muſt be well laid, to make the People have any Taſte or Reliſh of preaching; otherwiſe it is like reading Mathematicks to thoſe who underſtand not Numbers or Figures. *Eraſmus* obſerves, that the Senſe of Religion grows very cold without preaching; and that the Counteſs of *Richmod*, Mother to *H.* 7. had ſuch a Senſe of the Neceſſity of it in thoſe times, that ſhe maintained many Preachers at her own Charges, and imployed Biſhop *Fiſher* to find out the beſt qualified for it. And ſince the Reformation the Church of *Rome* hath been more ſenſible of the Neceſſity of it, as appears by the Council of *Trent*. Cardinal *Borromeo*, one of the moſt celebrated Saints ſince that time, frequently inſiſts upon it, gives Directions about it, and ſpeaks of it as a thing, which tends very much to the Glory of God, and the Salvation of Souls. And to the ſame purpoſe other great Men among them, as Cardinal *Palæotus*, *Godeau*, *Bordenave*, and others. Would it not then be a great ſhame for us, who pretend to a Zeal for Reformation and the true Religion, to neglect or leſſen the Reputation of thoſe things which our Adverſaries have learnt from us, and glory in them; and thoſe are Diligence in *Preaching* and *Catechizing?* Which none can deſpiſe who value Religion, none can neglect who have any Regard to the Intereſt or Honour of their Profeſſion.

3. The next duty is the ſolemn Adminiſtration of the Sacraments, which ought to be done in the publick Aſſemblies, where is not a great Reaſon to the contrary. The *Saxon Canons* are expreſs, that Baptiſm, unleſs in Caſe of Neceſſity, ſhould be adminiſtred only in due times and places, *Egbert Can.* 10, 11. While the ancient Diſcipline was kept up, and Baptiſm only celebrated at the great Feſtivals, there was a neceſſity of its being publick; and the Catechumens underwent ſeveral Scrutinies, which laſted ſeveral days in the Face of the Church, as S. *Auguſtine* obſerves, after they had been kept under private Examination for

Soz. *l.* 7. *c.* 19.
Regiſt. *l.* 1. 24.
Concil. Vaſenſ. 2. c. 2. Turon. 3. c. 17. Arel. 6. *c.* 1 c. Capitul. 1. 160. Reginold. 1. 205. Capit. 11. *c.* 5.
Eraſm. Præfat. ad Eccleſ.
Seſſ. 24. c. 4. de Reform.
Act. Eccleſ Mediol. 442. 450.
Palæot. de Adminiſtr. Eccleſ. Bonon. part. 2. p. 34.
Godeau ſur les Ordres, p. 458.
Bordenave de Egliſ. Cathedral. 670.
Tertul de Baptiſ. *c.* 19.
Leo Ep. 78.
Ambroſ Serm. 61.
Theodulph. de Ordine Baptiſm. *c.* 8.
Alcuin. de Bapt. Cerem. *p.* 1151,
Auguſt. de Symbol. ad Catech. *l.* 2. *c.* 1. De Fide & Oper. *c.* 6.
Auguſt. Serm. 60.

ſome time before. But when whole Nations were not only converted, but Infants generally baptized, the former Method of Diſcipline was changed. But yet the Church retained her Right as to Satisfaction about the due Admiſſion of her Members. And that is the true Reaſon why, after private Baptiſm, the Child is required to be brought to the publick Congregation. For Baptiſm is not intended to be done before a ſelect Number of Witneſſes, but in the Face of the Church, which is the regular and ſolemn way; however, the Biſhop may diſpenſe in ſome particular Caſes, which he judges reaſonable. At firſt Baptiſm was adminiſtred publickly, as occaſion ſerved, by Rivers; as *Bede* ſaith, *Paulinus baptized many in the Rivers, before Oratories or Churches were built.* Afterwards the *Baptiſtery* was built at the Entrance of the Church, or very near it; which is mentioned by *Athanaſius*, S. *Chryſoſtom*, S. *Ambroſe*, S. *Auguſtine*, &c. The *Baptiſtery* then had a large Baſon in it, which held the Perſons to be baptized, and they went down by Steps into it. Afterwards when Immerſion came to be diſuſed, Fonts were ſet up at the Entrance of Churches: But ſtill the place was publick. But in Caſe of Neceſſity there is a Form preſcribed; and I not ſee how any, without leave, can uſe the form of publick Baptiſm in private Houſes; which is againſt both our Ancient and Modern Canons. In the *Greek* Church it is Deprivation to do it; and ſo the Synod under *Photius* confirms it, both as to the *Euchariſt* and *Baptiſm*, becauſe publick Order is to be preſerved. But it is there underſtood to be done in oppoſition to the Biſhop's Authority, whoſe Conſent may make the Caſe different, if they judge it reaſonable. But Miniſterial Officers are not Judges in an equitable Caſe againſt a ſtanding Rule.

Bed. *l.* 2. *c.* 14.

Concil. in Trullo, Can. 31, 59. Syn. A. & B. Can. 12.

4. Another Duty of the Parochial Clergy is, to be able and ready to reſolve Penitential Caſes, which relate to the internal Court of Conſcience, and not the external and judiciary Court, which reſpects the Honour of the Church, as to ſcandalous Offences committed by the Members of it. And this takes in the *private* and *occaſional* Duties of the Parochial Clergy; for they ought to inform themſelves of the Spiritual Condition of their People, that they may be able to give ſuitable Advice and Directions to them both in Health and Sickneſs: But chiefly to be able to give them ſafe and ſeaſonable Advice under troubles of Conſcience by reaſon of wilful Sins. *Duarenus*, a very conſiderable Lawyer, thinks the main Buſineſs of the Clergy, as to the Cure of Souls, lies in the Power of Binding and Looſing, *i. e.* in dealing aright with the Conſciences of Men, as to the Guilt of their Sins. And the Rules of the penitential Court, are different from thoſe of the Eccleſiaſtical Court, as well as the end is different. In the *Saxon* times, there were both here. There were Eccleſiaſtical Law which related to Judicial Caſes, wherein a publick Penance was injoyned in order to the Churches Satisfaction.

Duaren. de Benef. *l.* 2. *c.* 7.

Concil. Angl. I. p. 194.

But there were many Cauſes which were not publick, and yet great Care was to be uſed, as to the Direction of Penitents, as appears by the Penitentials of *Theodore* and *Bede* in the *Saxon* times. Whereby we learn that a difference was to be obſerved, as to the nature of Offences, and the Circumſtances of Perſons and Actions, and the Meaſure of Contrition; and the particular Method is ſet down in the penitential Books, which was in very material Circumſtances different from the Methods uſed in the Church of *Rome*. But it is a thing neceſſary for every Parochial Miniſter to be able to ſettle doubting Conſciences, and

Theod. Capit. 55, 57. L. L. Canut. *c.* 22, 23. L. L. Edmun. Cap. 4. Theod. Capit. *c.* 13. Regino *l.* 1. 300.

to put them into the beſt Methods of avoiding Sin for the Future, without which the Abſolution of the Prieſt ſignifies nothing. For where God doth not abſolve, the Church cannot.

5. Giving a good Example to the People committed to your Charge. This is often mentioned in the *Saxon* Canons: Council at *Cloveſhoe*, *c.* 8. Canons of *Egbert*, 14, 15, 18, 19, 33. in the Laws of *Alfred*, *c.* 3. of *Edward c.* 3. *Conſtit.* of *Odo. c.* 4, 5. of *Edgar*, 57, 58, 59, 60, 61, 64. of *Canutus*, *c.* 26. And in the Concluſion of one Collection of his Laws are theſe Words, *Happy is that Shepherd, who by his good Life and Doctrine leads his Flock to Eternal and Heavenly Joys*; *and happy is that Flock that follows ſuch a Shepherd, who hath reſcued them out of the Devil's Hands, and put them into God's.*

6. Laſtly the Performance of all theſe Duties ſuppoſes a conſtant Reſidence among your People; without which it is impoſſible to diſcharge them in ſuch a manner, as to give them and your ſelves full Satisfaction. This, I am ſenſible, is a very nice and tender Point; and the Difficulties of it do ariſe from theſe things: On one ſide it is ſaid,

1. That there is an Allowance by the Law given to ſeveral Perſons to hold more Benefices than one; and ſince the Diſtribution of Benefices is not by the Law of God, but by the Law of the Land, what Fault is there in making uſe of the Privileges which the Law gives? But there cannot be conſtant Reſidence in more Places than one.

2. That the general Service of the Church is more to be preferred than taking Care of a particular Pariſh; becauſe the neceſſary Duties of a Pariſh may be ſupplied by Perſons approved by the Biſhop, and a ſingle Living ſeldom affords a ſufficient Competency for perſons to be capable of publick Service.

3. That the way of Subſiſtence for the Clergy, is now much altered from what it was when Celibacy was enjoyned. For a Competency was always ſuppoſed where Reſidence was ſtrictly required; and what was a Competency to a ſingle perſon, is not ſo to a Family.

4. That the Church hath a power of Relaxing the ſeverity of Ancient Canons from the different Circumſtances of things: And when the general good of the Church may be more promoted therein; as in the Removal of Clergymen from one Dioceſs to another, and the Tranſlation of Biſhops.

5. That the Caſe is now very different, as to Diſpenſations, from what it was in the Church of *Rome*, as to the number of Benefices, and the manner of obtaining them that a great Reſtraint is laid by our Laws upon Pluralities, and our own Metropolitan is the Judge when they are fit to be granted.

But on the other ſide it is objected,

1. That in the firſt Conſtitution of Parochial Churches, every Incumbent was bound to a ſtrict Reſidence; ſo in the Canons of *Egbert*, *Can.* 25. Presbyters are ſaid to be ſettled in thoſe Churches, which had a Houſe and Glebe belonging to them; and many Canons were then expreſly made, that no Perſon ſhould have more than one Church; and it is ſaid in the Capitulars, that this had been ſeveral times decreed. And ſo it is in *Herardus* his Collection of Canons, *Can.* 49. in *Iſaac Lingonenſis*, *Tit.* 1. *c.* 24. in *Chrodegangus*, *c.* 67. in *Ivo Carnotenſis*, *part.* 3. *c.* 51. in *Regino*, *l.* 1. *c.* 254. The like we find in the *Spaniſh* Churches, *Concil. Tolet.* 16. *c.* 5. and thence in the Canon-Law, *C.* 10. *Q.* 3. *c.* 4. and in the *Greek* Churches, *Concil.* 7. *Can.* 15. *C.* 21. *Q.* 1. *c.* 1. And

Capit. *l.* 6. *c.* 73, 75. Addit. 2. *c.* 10.

And as ſoon as the Abuſe crept into theſe Weſtern Churches, it was complained of, and endeavoured to be redreſſed, *Concil. Pariſ. 6. c.* 49. *Concil. Aquiſgran.* 2. *part.* 2. *c.* 5. *Concil. Matenſ. c.* 3. That afterwards, not meerly the Mendicant Friars complained of them, as ſome have ſuggeſted, but ſome of the greateſt Biſhops have been zealous againſt them, as *Gulielmus Pariſienſis*, *Peraldus*, Archbiſhop of *Lions*, *Jacobus de Vitriaco* Biſhop of *Acon*, *Robert de Chorton*, Cardinal *Guiard* Biſhop of *Cambray*; and *Gregory* IX. declared, That he could only diſpenſe with the Penalty of the Law. After a ſolemn Diſputation at *Paris*, it was determined againſt Pluralities, if one Benefice be ſufficient; and all the Divines joyned with the Biſhop therein, except two; ſo that it ſeemed to be the current Opinion of the Learned and Pious Men of that time. *Aquinas* ſaith, *It is a doubtful Point*, but *Cajetan* is poſitive againſt them. So that all the Zeal againſt Pluralities, is not to be imputed to the Piques of the Friars againſt the Secular Clergy; although there is no queſtion but they were ſo much the more earneſt in it; but in the Council of *Trent* the Biſhops of *Spain* were the moſt zealous, as to the Point of Reſidence, and the Friars againſt it, as appears by *Catharinus* and others.

Gul. Pariſ. de Collat. Benef. *c.* 6.
Perald. Sum. Vit. To. 2. de Avarit. *c.* 11. Sect. 1.
Cantiprat. de Apibus *l.* 1. c. 19. *n.* 5. Hiſt. univerſit. Pariſ. Secul. 5. p. 164.
Aquin. Quæſt. Quodlibet. Q. 9. Art. 15.
Caj. ad 2. 2. q. 185. R. 5.

2. Setting aſide all Authorities, the Argument in Point of Conſcience, ſeems the ſtrongeſt againſt Non-reſidence; becauſe perſons have voluntarily undertaken the Cure of Souls within ſuch Limits; and although the bounds be fixed by human Authority, yet ſince he hath undertaken ſuch a Charge perſonally, knowing thoſe Bounds, it lies upon his Conſcience to diſcharge the Duties incumbent upon him, which cannot be done without conſtant Reſidence, as the Magiſtrates are bound in Conſcience to do their Duty, although the Bounds are ſettled by human Laws: And ſo in the caſe of Property, human Laws bind ſo that it is a Sin to invade what is ſettled by them. And if it be left to a Man's Conſcience, whether a Man anſwers his Obligation more by perſonal Attendance, or by a Curate; whether the Honour of Religion, and the good of Souls be more promoted, and the Peace of his own Mind ſecured by one or the other, it is no hard matter to judge on which ſide it muſt go. It is impoſſible to defend all the Arguments uſed in the old Canons againſt Pluralities, as that Polygamy is unlawful under the Goſpel: So that, *as a Biſhop hath but one City, and a Man but one Wife, ſo a Presbyter ought to have but one Church: That no Man can ſerve two Maſters*, &c. but all their Reaſons were not of this ſort. For, the Council of *Toledo* ſpeaks home, *That one Man cannot perform his Duty to more than one Charge.* To the ſame purpoſe the ſixth Council at *Paris*; and withal, *That it brings a Scandal on the Chriſtian Church, and an Hinderance to the publick Worſhip, and the good of Souls, and ſavours too much of a worldly Mind*; which are weighty Arguments.

Concil. Tolet. 16. c. 5. C. 10. Q. 3. *c.* 3.
Concil. Pariſ. 6. *c.* 49.

The only conſiderable thing on the other ſide, is, *That the Biſhops are to take care that the Places be duly ſupplied; but whether it be done by Parſon, Vicar or Curate, is not material.* But this will not hold. For, (1.) the Care of Souls is committed perſonally to him that doth undertake it. And a Regard is had to the Qualifications of the Perſon for ſuch a Truſt, by the Patron that Preſents, and the Biſhop who admits and inſtitutes the Perſon ſo qualified. (2.) The old Canons were very ſtrict as to perſonal Reſidence, ſo as to fix them in their Cures from which they could not go away when they pleaſed, which they called *Promiſſionem ſtabilitatis.* Our *Saxon* Canons are clear, as to the perſonal

Capit. *l.* 5. *c.* 108.
Capit. *l.* 6 *c.* 200. *l.* 7. *c* 245.

nal Cure, *Can. Egbert.* 1. 4, 6. *Populo ſibi commiſſo*; and no Presbyter could leave his Cure and go to another only for Honour or Profit, *Can.* 13. And none could go from one Biſhop to another, without his Dioceſan's Leave, *Concil. Herudford. c.* 5. *Egbert. de Eccleſ. Inſtit. p.* 97, 100. And when the Biſhop gives Inſtitution, he commits the Care of Souls to the Incumbent, and not meerly the Care that Divine Offices be there performed.

But yet it is well obſerved by *Aquinas*, That *if the having more Benefices than one were a thing evil in it ſelf, it could in no caſe be diſpenſed with; but there are ſome Actions which in general are irregular, yet in ſome caſes may be juſtified; eſpecially, if they be extraordinary, as to publick Service and Uſefulneſs*, &c.

Cajet. Sum. V. Beneſ. 1. 6.
In 2. 2. *q.* 185. *R.* 5.
Filliuc. tr. 41. *c.* 7. *n.* 6.

And to the ſame purpoſe *Cajetan* ſpeaks, but he ſaith, *The Caſes that make it lawful, muſt relate to a Publick, and not a Private Good*; but he mentions theſe things which excuſe from Reſidence; 1. *Lawful Impediments*, as to Health, *&c.* 2. *Publick Service.* And others ſay, a *Geometrical Proportion* ought to be obſerved in the Diſtribution of Eccleſiaſtical Benefices, and not an *Arithmetical*, i. e. A Regard ought to be had to the Merits and Capacities of Perſons; as a Commander hath more Pay than many common Soulders; but this reaches only to the Value, and not to the Number of Benefices.

But the Queſtion ſtill remains, whether a Legal Diſpenſation take not off the Obligation in Point of Conſcience, ſince it is allowed by Law, and the Curate appointed by the Biſhop, who committed the Cure of Souls to him?

In anſwer to this, we muſt conſider,

Concil. Nanet. *c.* 8.
Regino Inquiſit. Art. 46
Baluz. Append. ad Regin. 604, 608, 612.
Thomaſſin. Part. 3. *c.* 42. *n.* 9.
Can. Apoſt. 15. Nicen. *c.* 16. Antioch. 3. Laodic. 42. Calced. 10. 20. Cod. Afric. *c* 54. Creſc. Coll. Tit. 17. Con. Herud. *c.* 5. Can. Edgar. 8. Egbert. Can 13. Capitul. *l.* 5. *c.* 175

1. That the Law propoſes in Diſpenſations very allowable ends, as *Publick Service*, *Incouragement of Learning*, *Reward of Merit*; and therefore *Doctors by Favour* have not the Privilege which others have; and in caſe of *Incompetency*, as it was then judged, no Legal Diſpenſation was needful.

2. Some Ancient Canons took care of the ſupply of the Place by competent Perſons, and in that caſe abated the Rigour of the Canon. For *Sirmondus* ſaith in the Canon of the Council of *Nantz*, againſt Pluralities, this Clauſe was added, *unleſs he hath Presbyters under him to ſupply the Duties of his Place:* And the ſame Clauſe is in *Regino, l.* 1. *c.* 254. and *Regino* puts it among the *Articles of Enquiry*, as to the Clergy, *If any had more Churches than one without Presbyters to aſſiſt him.* And in their old *Admonition* to them at *Viſitations* it is to the ſame purpoſe, but in others it is left out. *Thomaſſin* is of opinion, that the former enquiry related to thoſe who had *Chapels*, and not to more *Churches*, becauſe then there were none that had Titles upon anothers Benefice; but theſe Words are expreſs as to more Churches. It's true, there were no ſuch *Titles* then; for a *Title* in the old Canon Law, was the Relation which a Clergyman ſtood in to the Biſhop of his Dioceſs, being one of his Clergy; and ſo the *Greek Canoniſts* underſtand a Man's not being ordained *without a Title, and not having two Churches*; *i. e.* not to have Relation to two *Dioceſſes*, and ſo *ſine Titulo* is without being owned by ſome Biſhop; and this was that which they thought ought to be ſtrictly obſerved; and to which purpoſe many Canons were made, both ancient and later; and if any deſerted their Biſhop, they were liable to Deprivation. Afterwards the Word, *Title*, came to be applied to Parochial Churches; but there were ſome who found

out, that the Ancient Canons had another Senſe. Thence in the Council of *Placentia* in the *Canon Sanctorum Diſt.* 70. *c.* 2. it was decreed, *That one might have two Churches in the ſame Dioceſs, but not two Preferments in ſeveral Cathedrals.* And in the Council of *Clermont, A. D.* 1095. the reaſon is given, *becauſe according to the Canons no Man could have two Titles*; and every one was bound to hold to the *Title* to which he was firſt ordained. But after all, the Council of *Nantz* ſhews plainly, that mere parochial *Titles* were then allowed, if well provided for, by ſuch perſons as the Biſhop of the Dioceſs approved. Now this very much alters the State of the caſe; for then the Obligation is *Real*, and not *Perſonal*.

Concil. Nanet. c. 8.

3. It was agreed by the Ancient Canons, that where there was an Incompetency of Maintenance, they allowed an Union for Support; now that is but the Biſhop's Act in joyning what had been divided, ſuppoſing a ſufficient Subſiſtence. And a reaſonable Diſtance with the Biſhop's Allowance, hath the ſame Equity; *i. e.* the Biſhop's Act may unite two ſmall Benefices for a Support, not by a perpetual Union, but ſo long as he ſees cauſe, which our Law doth ſtill allow, under ſuch a Value. But it is rather a Diſpenſation than an Union; for the Rights continue diſtinct. In the Court of *Rome* there were Prerogative Unions *ad Vitam*, which were very ſcandalous, and are owned by the beſt Canoniſts to be deſtructive of all Order, and invented to defeat the Canons againſt Pluralities. But the Unions which the Law allows, are only thoſe where two diſtinct Benefices are made one for a competent Subſiſtence; and then if the Union be reaſonable, the Diſpenſation within due Diſtance is ſo too. *Balſamon* ſaith, *In the* Greek *Church Pluralities are not forbidden, if they be near, and under the ſame Biſhop*; but they did not allow the ſame Man to be under two Biſhops. In the *Capitulars* that Clauſe is added, that no Man ſhall have more Livings than one, *ſi Facultas ſuppetit*, if it affords a reaſonable Subſiſtence.

Concil. Tolet. 16. c. 4. C. 10. Q. 3. c. Unio.

Compegius de Unione. *n.* 1, 8, 10, &c. Azor. p. 2. *l.* 6. c. 28. Flam. Pariſ. de Reſign. *l.* 11. c. 3. *n.* 49.

Addit. 2. *n.* 10.

And therefore in caſe of Incompetency of Maintenance, of a good Proviſion for Curates, and of publick Service, the ſeverity of the Ancient Canons is with Reaſon abated, and a perſon is ſuppoſed to undertake the Cure, with thoſe Meaſures which the Law and Canons allow. But every Man who regards the doing his Duty out of Conſcience, will conſider how much lies upon himſelf; and that the original Intention of the Church and Laws was, That no Man ſhould undertake more than he was willing and ready to diſcharge, as far as one Man's Abilities could go. For, in great Cities, one great Pariſh requires more than ſeveral Churches in the Country; and in ſuch caſes an equitable Conſtruction muſt be put upon ſuch Canons, which require perſonal performance of theſe Duties.

OF

OF THE MAINTENANCE OF THE *PAROCHIAL CLERGY*, BY LAW.

THE Subject I intend now to conſider, is the Incouragment which the *Parochial Clergy* have by Law for the doing their Duties: Which are the *Manſe*, the *Oblations*, and the *Tithes*.

I. The *Manſe*, or *Houſe* and *Glebe*. In the Canons of *Egbert* it is ſaid, *Can.* 25. *That an entire Manſe ought to belong to every Church, without any other than Eccleſiaſtical Service.* By a *Manſe*, Mr. *Selden* ſaith in the old Charters the ſame is meant *as a Caſat or Hyde of Land. Bignonius* and *Sirmondus* ſay, *So much Glebe as was an Imployment for an Husbandman and two Servants. Spelman* ſaith, *It takes in the Houſe too. Lynwood* ſaith, *As much Land as would imploy a Yoke of Oxen*; and ſo the *Gloſs* on the *Canon Law*. But in another place the *Gloſs* ſaith, *The Manſe is the original Endowment of the Church, without which it cannot be ſupplied:* And without which it could not be conſecrated. For the Endowment was firſt to be produced before the building. *Collatâ primitùs donatione ſolenni*, are the Words of the Canon Law. And the ſame appears by *Concil. Valent.* 3. *c.* 9. *Concil. Bracar.* 2. *c.* 5. *Vit. Udalrici c.* 7. *Regino l.* 1. *c.* 23, 24. which is there explained to be *a ſubſtantial Suſtenance* for thoſe who were to attend the Service of that Church. And in the Acts of Conſecration of a Parochial Church in *Baluzius*, the Biſhop in the firſt place declares himſelf ſatisfied with the Endowment, *unde dignè domus dei ſuſtentaretur*. And upon this the *original Right of Patronage*, was founded, not upon *the Soil*, which gave no Title, where there was not a Church built and endowed with a competent Subſiſtence. So that all *Advowſons* or *Rights* of *Preſentation* in private *Patrons*, were at firſt *Appendant* to Manors, and not in *Groſs*; becauſe the Right came from the Endowment out of the Manor: And the Name of *Patron* in the ſenſe of the *Feudal Law*, is the ſame with Lord of the Fee, and ſo *Beneficium* is a *Feudal* Term; and till the *Feudal Law* prevailed, the Name of *Patron* is rarely uſed in this Senſe. And when it came to be uſed, the *Patrons* in *France* would have brought thoſe who had their *Benefices* to a kind of *Feudal Service*, and to have received *Inveſtiture* from them. This Mr. *Selden* drives at, as though the *Patrons* had the Right of Inveſtiture belonging to them, becauſe ſome ſuch Practice is often complained of in the *French* Canons, and as often condemned, not meerly by Eccleſiaſtical Canons, but by as good Laws as any were then made. It cannot be denied that

Baluz. ad Capit. 1148.
Selden of Tythes, p. 53.
Bignon. ad Form. Marc. p. 980.
Sirmond. ad Capit. p. 768.
Lynw. *f.* 44. Extr. de Cenſib. c. 1.
C. 23. Q. 8. c. 24.
De Conſecr. Diſt. 1. *c.* 9.
C. 16. Q. 7. c. 26.
Baluz. Append. ad Reginon. p. 622.
Ext. de Eccleſ. ædific. c. ad Audientium.

Seld. 85, 86.

bad Practices are the occaſion of making good Laws; but doth it follow that thoſe Practices which were againſt Law, were the Law of that time? Yet this is Mr. *Selden*'s way of arguing; he grants, *That there were Laws made but they were little obeyed.* Muſt we therefore conclude thoſe illegal Practices to have been the ſtanding Law, and the Laws themſelves to be illegal? There were two things aimed at by thoſe *Patrons.* 1. To keep the Clergy in a ſole dependance on themſelves, without Regard to the Biſhop's Authority. 2. To make ſuch Bargains with them as they thought fit, both theſe were thought neceſſary to be redreſſed by Laws, ſince the Canons were ſlighted by them. And if the Practice be good againſt Law in one caſe, why not in the other alſo? Why is not *Simony* juſtified, as well as the *Patron*'s abſolute Power over the Incumbents? But the Laws were ſevere againſt both. For in the time of *Lud. Pius*, *A. D.* 816. there was a ſolemn Aſſembly of the Eſtates of the Empire, where ſeveral Eccleſiaſtical Laws were paſſed, and among the reſt, theſe two: 1. *That no Presbyters ſhould be put in or put out of Churches, without the Authority and Conſent of the Biſhops; and that the Biſhops ſhould not refuſe thoſe who were preſented, if they were* probabilis Vitæ & Doctrinæ, *i. e.* ſuch as the Biſhops could not object againſt either for Life or Learning. 2. *That every Church ſhould have an entire* Manſe *belonging to it, free from any Feudal Service; but if they had other Eſtates of their own, for them they were to anſwer to the Lords of the Manor, as others did.* And from hence this came into the Collections of *Ivo*, *Regino*, *Burchardus*, and *Gratian*, and paſſed for a Law generally received. As to the former, a new Sanction was added to it in another Aſſembly at *Worms*, *A. D.* 829. *c.* 1. and repeated in the *Capitulars*, *l.* 5. *c.* 98. *Addit.* 4. *c.* 95. and the like to the latter, *l.* 5. *c.* 100. *Capit. A.* 829. *c.* 4.

F. 89.

Capit. 816. *c.* 9. Capit. 1, 84, 141.

Ivo p. 3. *c.* 55, 174. Regino *l.* 1. *c.* 24. Burch. *l.* 3. *c.* 52. C. 23. *q.* 8. *c.* 24, 25.

But it ſeems there were ſome ſtill continued obſtinate in their former Practices, and therefore theſe Laws were re-inforced in another Aſſembly, *A. D.* 869. in the time of *Carolus Calvus*, who mentions the Laws of his Father and Grand-father to the ſame purpoſe, *c.* 9. and there takes notice of the Contrivances made uſe of to defeat the Intention of thoſe Laws; and the bottom of all is there ſaid to be *abominable Simony.* Which ſhews, what it was which theſe *Patrons* aimed at, by claiming *Inveſtiture* without the Biſhop. And it was then judged neceſſary, that the Biſhop's Conſent was required to prevent this Miſchief. But ſtill ſome *Patrons* required *Feudal Service* for the Glebe they had given to the Church; but the Law commands them to reſtore it free from ſuch Service, *Capit. l.* 5. *c.* 100. *Addit. l.* 4. *c.* 98. 163. And after much ſtruggling, *Hincmarus*, who lived at that time, ſaith, *That theſe Laws were obſerved.* The *Patron*'s Right by Virtue of the Endowment, was not diſputed; but an Arbitrary Power, as to the Incumbents, was utterly denied them; and they were put under the Biſhop's Care, who was to receive Complaints againſt them, and to proceed according to the Churches Canons. But I am apt to think that all this ſtir in *France* did not ariſe from the pretence of original Donation and Endowment of Churches, but from the Infeodation of *Church-Lands* and *Tithes*, by *Charles Martel* (as an old *MS.* in *Fileſacus* ſaith) and others in *France* whoſe cuſtom it was *to give them in Recompence to their Souldiers*, who then looked on them as their own, and were hardly brought to any reaſonable allowance for the Clergy which ſupplied them. Theſe were called *Beneficia* in the *Capitulars*, and they were to pay *Nonæ & Decimæ*, i. e. a Fifth part out of them, which was obtained

Concil. Labb. T. 8. p. 1815.

Fileſaci Opuſ. *p.* 846, *&c.* Fragment. de Majoribus Pal.] Du Cheſn. T. 1.

Capit. *l.* 1. 157. Regin. *l.* 1. 45, 45, 46, 47.

tained with much Difficulty, as appears by the many Laws made about them. In the Council at *Leptins*, *A. D.* 743. *Carolomannus*, Son to *Charles Martel*, owns the letting out ſome of the Church-Lands *ſub Precario & Cenſu*, upon a reſerved Rent, *Can.* 2. *Capit. l.* 5. *c.* 3. but then it was barely for Life. But the conſequence was, That it was very hard to recover either the Lands or the reſerved Rents, and they put in Clergymen, and put them out as they pleaſed, becauſe they held theſe Lands as beneficiary Tenures from the Crown. So that it was the Work of more than an Age to put the Church there in any tolerable Condition. But this ſeems to be very much miſtaken, when it is brought to prove the Right of Patronage from the Endowment, as to the Diſpoſal of Benefices.

But the Right of Patronage by the firſt building and endowing the Church, is owned by the Civil Law in *Juſtinian*'s *Novels*, 123. *c.* 18. and two things were there required; 1. A ſufficient Maintenance for the Clergy who were nominated. 2. The Biſhop's Satisfaction as to their Fitneſs, about which he ſpeaks in another *Novel*, 56. *Tit.* 12. *c.* 2. And he elſewhere requires, that before any Churches were built, the Biſhop ſhould ſee that there were ſufficient Maintenance for thoſe who were to officiate, *Novel.* 66. *Tit.* 22.

The ſame Right obtained here upon the ſame Grounds, as appears by the Baron's Anſwer to *Gregory* IX. who affirm, That they had it ever ſince Chriſtianity was founded here. They mean, ever ſince parochial Churches were endowed by their Anceſtors; for there could be no ſuch Right of Patronage before. And ſuch *Patrons* were here called *Advocati Eccleſiæ*, as appears by *Joh. Sarisbur. Ep.* 6. 119. and the *Jus Advocationis*, as our Lawyers tell us, is a Right which a Perſon hath to preſent to a vacant Benefice in his own Name; which is agreeable to what *Bracton* and *Fleta* had ſaid long before.

1Inſt.17.*b.*

But it doth not appear by them how the Names of *Patron* and *Advocate* came to be ſo applied. Among the *Romans*, ſaith *Aſconius Pedianus*, the *Patron* was he that pleaded the cauſe of another; the *Advocate*, he that appeared in Court on his behalf. But this doth not reach to the *Jus Advocationis* which we are now about. In the Ninety ſeventh Canon of the *African Code*, an Allowance is made for the Churches to have *Advocates* to ſolicite their Cauſes at Court. From hence the greater Churches and Monaſteries had their proper *Advocates* appointed them by the King, as *Bignonius* obſerves; and in the old Charters of *Aub. Miræus*, ſeveral ſuch *Advocates* are appointed; and it appears to have been an honorary Title, and great Men were pleaſed with it. *Miræus* ſaith, it was accounted *a conſiderable Honour* at that time. And ſo by degrees the Founders of Parochial Churches came to have the Title of *Patrons* and *Advocates* of them; and the Right they enjoy'd, the Right of *Advowſon* as well as *Patronage* (not as ſome ridiculouſly talk of *Advocat ſe*, or *Advocat alium*) becauſe the truſt and care of thoſe Churches, endowed by their Anceſtors, was fallen to them, and they were bound to look after, and to defend the Rights of them; and ſo *Lynwood* explains it.

Capit. *l.* 7. *c.* 392. Bignon. in Marculph. *l.* 1. *c.* 21. Aub. Miræ. Cod. Donat. *l.* 1. *c.* 136. P. Roverii Romanus, p. 614.

De Foro Compet. *f.* 50. C. 56. *q.* 7. *n.* 32.

II. The next thing to be conſidered is the *Oblations* of the People, which in thoſe elder times were ſo free and large, that (which may ſeem incredible now) there were Perſons who would build Churches on their own Land to have a Share in the Oblations, as is affirmed in one of the *Spaniſh* Councils, and there forbidden with great Severity.

Concil. Brac. 3. c. 6. De Conſecr. 1. *c.* 10.

rity. It was not, as the *Gloſs* on the Canon Law underſtands it, to make a Bargain for the Right of Patronage, but it is expreſſed to have an equal Share with the Clergy in the *Oblations* of the People.

It is obſerved by *Agobardus*, *That the Devotion of Perſons in the firſt Ages was ſo great, that there was no need to make Laws or Canons for the Supplies of Churches, ſince they were ſo amply provided for by the Liberality of the People.* Thence we read of the *Depoſita pietatis* in *Tertullian*, which were *voluntary Oblations*; and out of which were made *Diviſiones Menſurnæ* in S. *Cyprian*, and the *Sportulæ*, which were the Allowances made to the Clergy out of the common Stock; and they who received them, and not thoſe who gave them (as Mr. *Selden* fanſies) were called *Sportulantes Fratres*; and the Allowances were then ſtiled *Stipes & Oblationes*, which were ſo conſiderable, that S. *Cyprian* blamed ſome for their ſetting their Hearts too much upon them; *Stipes, Oblationes, Lucra deſiderant, quibus prius inſatiabiles incubabant*; which could not be ſaid of any meer neceſſary Subſiſtence; theſe they received *tanquam Decimas ex fructibus*, as S. *Cyprian* ſpeaks, in lieu of Tithes at that time, when the moſt of the Chriſtian Church inhabited the Cities, and gave out of their Stock to maintain the Church, and thoſe who attended upon the Service of it. But when Chriſtianity came to ſpread into the Countries, then a more fixed and ſettled Maintenance was required, but ſo as to retain ſomewhat of the Ancient Cuſtom in *voluntary Oblations*.

Agobard. de Diſpenſ. c. 20.

Tertul. Apol. c. 39.

Cypr. Ep. 34.

Ep. 66.
Ep. 64.

No ſooner was Chriſtianity ſettled in *France*, but we read of Lands given to the Church by *Clodovæus* after his Converſion; theſe are owned by the firſt Council of *Orleans* called in his time, *A. D.* 511. *and were put into the Biſhop's Hands, and to be diſtributed by him for Repairs of Churches, Maintenance of the Clergy, and other pious Uſes, Can.* 5. 14, 15. but beſides theſe, we read ſtill of *Oblations* made by the People on the Altar, both in the *Mother-Church*, and in *Parochial Churches. If in the Mother-Church one Moiety went to the Biſhop, the other to the Clergy; if in the other, only the third part to the Biſhop.*

In the ſecond Council of *Maſcon, Can.* 4. we find it required, That *all the People make an Oblation of Bread and Wine at the Altar*; and this was *A. D.* 585. but beſides, the next Canon inſiſts on the Payment of Tithes, as founded on *the Law of God*, and the *Ancient Cuſtom of the Church*, which is thereby reinforced; *unde ſtatuimus & decernimus ut mos antiquus reparetur*; which Words are not fairly left out by Mr. *Selden*, becauſe they ſhew that there was only in this Canon *a renewing of an Ancient Cuſtom*, which had obtained, but was now growing into Diſuſe. For this Council of *Maſcon* was called on purpoſe to reſtore what they found too much declining, as to Religion; and they begin with the Obſervation of the Lord's-day, and after, add this, wherein they complain of *the Neglect of that which their Predeceſſors obſerved, as founded on the Law of God.* So that there can be no doubt of the Cuſtom of paying Tithes in *France*, from the time of receiving Chriſtianity; and that this Cuſtom declined as their Religion did. In the Council of *Nantz*, about *A. D.* 658. Oblations and Tythes are mentioned together, *c.* 10. as making up the Churches Stock, which was to be divided into four Parts, to the Biſhop, and to the Clergy, and to Repairs, and to the Poor.

Selden of *Tythes*, c. 5. n. 5. p. 58.

But beſides the Oblations of the Living, it was then common to make *Oblations* at their Death; and theſe were call'd *Oblationes defunctorum*, and ſevere Canons were made againſt the Detainers of them, *Concil. Vaſ.* I. *c.* 4. *Agath. c.* 4, 13. *Q.* 2. 9, 10, 11. And ſo much appears by thoſe Canons which forbid Exactions at Funerals, *Concil. Tribur. c.* 16. *Nannet. c.* 6. where an Exception is made as to voluntary Gifts, either by the Parties deceaſed, or by the Executors. But here, in the *Saxon* times there was a Funeral Duty to be paid called *Pecunia ſepulchralis & Symbolum Animæ*, and a *Saxon Soulſhot*; this is required by the Council at *Ænham*, and inforced by the Laws of *Canutus*, *c.* 14. and was due to the Church, the Party deceaſed belonged to, whether he were there buried or not. Some take this for the Foundation of *Mortuaries*; but then the Money muſt be turned into Goods. For in *Glanvil*'s time, a Freeholder is allowed to make his Will of other things, provided that he give his firſt beſt thing to his Lord, and his ſecond to the Church. And this was not originally *pro anima defuncti*, as *Lynwood* thinks, from the Modern Canoniſts *De Conſuetud. f.* 12. but it was a Right of the Church ſettled on the Deceaſe of a Member of it, as appears by the Law of *Canutus*. Others have ſaid, That it was in lieu of Tythes ſubſtracted, and Oblations not duly made. So *Simon Langham* in his Conſtitution about *Mortuaries*, which was made to explain a former Conſtitution of *Robert Winchelſee*, becauſe the People were obſerved not to pay their Tithes and Oblations as they ought. But he did not go about to ſettle a Right which had not been before, but to prevent Suits about that which was to be taken for a *Mortuary*; and he declares, That where there was a choice of three or more, the ſecond was to be for the Mortuary, *De Sepult. f.* 93. *b.* So that *Richard Winchelſee* ſuppoſes it to be an Ancient Right. Indeed in the *Cotton MS.* of the Council of *Merton*, where this Conſtitution is extant, the Reaſon is given, That it was required by way of Compenſation for the Neglect of Tithes and Oblations. In the Synod of *Wincheſter*, in his time, a Conſtitution is made for the uniform Payment of Mortuaries in that Dioceſs, the ſecond beſt of the Goods or Chattels was to be paid in lieu of Tithes unpaid. In the Synod of *Exeter* of *Pet. Quivil*, 15 *E.* 1. the reaſon is given for the Neglect of all Parochial Duties; but there it is ſaid, That ſome pleaded Cuſtom againſt the Payment of them, and others, as to the Manner; and although this Council endeavoured to ſettle an uniform Payment, yet the Statute of *circumſpectè agatis*, leaves the whole Matter to Cuſtom, *ubi Mortuarium dari conſuevit*. From whence my Lord *Coke* infers, That *there is no Mortuary due by Law, but only by Cuſtom*. The true Inference was, That the contrary Cuſtom had altered the Law from what it was in the times of *Canutus* and *Glanvil*. But that the prevailing Cuſtom became the ſtanding Law, as to *Mortuaries*, appears by the Statute of 21 *H.* 8. *c.* 6. which limits the Payment where the Cuſtom continued, but allows Liberty for *free Oblations*: And this *free Oblation* was then called *Cors preſentè*, and was diſtinct from the *Mortuary* in lieu of Tithes as appears by the Inſtances in Sir *W. Dugdale*. But I return to other *Oblations*, which *Lynwood* diſtinguiſheth into thoſe *by way of Gift*, and ſuch as became due. For theſe latter, he inſiſts on *c. Omnis Chriſtianus* in the Canon Law, *De Conſecr. D.* 1. *c.* 69. which requires that every one who approaches the Altar, makes ſome *Oblation*. Where the *Gloſs* ſaith, it is but Counſel at other times, but a Command on the Feſtivals.

Spelm. Con. *p.* 517.

Glanvil. *l.* 7. *c.* 5.

Spelm. Concil. II. p. 433.

p. 453.
p. 391.

2 Inſt. 491.

Warwickſhire, p. 470. *&c.*

vals. For this 16 *Q.* 1. *c.* 55. is produced, *quas populus dare debet*; but it is there interpreted of the caſe of Neceſſity: *Hoſtienſis* thinks all are obliged on great Feſtivals, and that the general Cuſtom lays an Obligation; but *Lynwood* thinks the Cuſtom of particular Churches is to be obſerved.

In the Synod of *Exeter* before mentioned, *Oblations* are ſaid to be of Divine Right, and that every Pariſhioner is obliged to make them; but the time is limited to *Chriſtmas*, *Eaſter*, the *Saints day of the Church and the Dedication*, or *All-Saints*. So that four times in the Year they were required to make *Obligations* after the Age of Fourteen. And ſo *Giles*, biſhop of *Sarum debent offerre ex debito quater in anno*.

Spelm. II. p. 393.

In the Synod of *Wincheſter*, none were ſo obliged till Eighteen, and having Goods of their own.

p. 303.

But I obſerve, that in the Ancient Canons here, by the *Oblations*, ſuch things were then underſtood, as were for the Support of the Clergy: Thence ſeveral Canons were made againſt thoſe who turned them another way. So in the Council of *London* under Archbiſhop *Stratford*, *Oblations* are declared to belong only to *Eccleſiaſtical Perſons*. And ſo *Lynword* ſaith, The Goods of the Church are called *Oblations*. And in caſe the Mother-Church were appropriated, the Oblations and Obventions made in the Chapel of Eaſe, did not belong to the Convent, but to the Perſons who officiated there. Theſe were called by the Name of the *Altarage*, and were generally expreſſed under that Name in the Endowment of Vicarages; but when theſe were too ſmall for the Maintenance of the Vicar, thoſe ſmall Tithes which were joyned with them, were comprehended under that Name; and ſo it hath been reſolved in the Courts of Law upon a ſolemn Hearing.

p. 452.
p. 410.
p. 585.
Lynw. *f.* 12.
Spelm. II. p. 393.
Spel. Gloſſ. *c.* Altarage.

John de Burgo, in his *Pupilla Oculi*, ſpeaking of *Oblations*, ſaith, That perſons may be bound to them four Ways:

1. By Contract upon the Foundation of the Church, which amounts only to a Penſion upon Endowment.
2. By Promiſe either living or dying.
3. By Neceſſity, when the Parochial Miniſter cannot be ſupported without it.
4. By Cuſtom, in the greater Solemnities; but he ſaith, the Proportion and Kind are left to Diſcretion; which made *Oblations* ſink ſo low, that the Parochial Clergy muſt have ſtarved, if they had had nothing elſe to ſupport them.

Joh. de Burgo Pupill. Oculi, *f.* 118. b.

But beſides theſe, he mentions *Occaſional Oblations* upon particular Services, as at *Marriages*, *Chriſtnings*, *Funerals*, &c. concerning which we have ſeveral Conſtitutions againſt thoſe who went about to hinder them, or to reduce them to a ſmall Quantity. The Eaſter-Offerings are none of theſe voluntary Oblations, but a Compoſition for Perſonal Tithes payable at that time; of which I may have occaſion to ſpeak more afterwards. But in the *Saxon* times here were other ſorts Oblations; As (1.) the *Cyrycſceat* or Firſt fruits of Corn payable at St. *Martin's Day*, *Ina LL.* 4. 62. *Edmund. c.* 2. and is often mentioned in *Doomeſday-book*, and in *Fleta l.* 2. *c.* 47. *Malmesb. l.* 2. *c.* 11. and the Oblation of Poultry at *Chriſtmas* is mentioned in *Doomeſday*, under that Title. (2.) There was here another kind of Oblation called *Plow-Alms*, which was a Peny for every Plow between *Eaſter* and *Whitſontide*. This is mentioned in the Laws of King *Ethelred*, and required to be paid Fifteen

Spelm. II. 495, 410. Pupilla Oculi, part. 5. *c.* 21.
Spel. Conc. I. 517, 527.

days after *Eaſter*, although it be called *Eleemoſyna Aratralis*. In the Endowment of the Vicarage of *S. Ives*, *Plow-Alms* is mentioned beſides the Altarage and Obventions. Mon. I. 250.

But all theſe Oblations made a very poor Subſiſtence for the Parochial Clergy.

III. And therefore I come to the main Legal Support of the Parochial Clergy, which is in Tithes. Concerning which I ſhall proceed in this Method;

I. To conſider the Foundation in Law which they ſtand upon.

II. The Rules of Law which are to be obſerved about them.

2 Inſt. 642. I. As to the *Foundation* they ſtand upon in point of Law. My Lord *Coke* not only ſaith, That *the Parochial Right of Tithes is eſtabliſhed by divers Acts of Parliament*; but he mentions *the Saxon Laws* before the Conqueſt *for the Payment of Tithes* of *Edward* and *Guthrun*, *Ethelſtan*, Hob. R. 296. *Edmund*, *Edgar*, *Canutus*, and King *Edward*'s confirmed by *William* I. *Hobart* ſaith, That *Tithes are things of common Right, and do of Right belong to the Church, and ſince Pariſhes were erected, they are due to the Parſon (except in ſpiritual regular Caſes) or Vicar of the Pariſh.*

Regiſt. *f.* 46. In the *Regiſter of Writs*, a Book of great Authority, there is a Writ of Conſultation for Tithes, wherein they are owned *to be of common Right, as well as immemorial Cuſtom, due to the Rector within the Limits of his Pariſh.*

Moor *f.* 50. Lord chief Juſtice *Dyer* ſaith, That *Tithes can never be extinguiſhed, becauſe they are of common Right.*

Bulſtrod. 3. 243. The ſame is affirmed by Juſtice *Dodderige* in the Caſe of *Foſſe* and *Parker*.

11 R. 13. In *Pieddle* and *Napper*'s Caſe, Tithes are ſaid to be an Eccleſiaſtical Inheritance collateral to the Eſtate in Land, and of their own Nature due to an Eccleſiaſtical Perſon: And, That *all Lands of common Right* Hob. 298 44. *are to pay Tithes*. Therefore it is ſaid by *Hobart* in *Slade*'s Caſe, That *no Land can be diſcharged of Tithes although it may be diſcharged of the actual Payment*.

Rolls R. 2. 174. Poph. R. 155. In *Popham*'s Reports we read, That *it is a Maxim in Law, that all Perſons ought to pay Tithes, and all Lands ſhall be charged with them of common Right*. So that if the Judgment of ſome of the greateſt Men of the Profeſſion may be taken, nothing can be more clear and evident than the Legal Right of Tithes. But it falls out unhappily among us, that nothing hath been the Occaſion of ſo much Difference and Contention between the Incumbents and their Pariſhioners, as the Point of the Payment of Tithes. So that ſome have wiſhed them changed into ſome other way of Maintenance; but I cannot ſee any Reaſon why ſo antient, ſo legal, ſo juſt a Maintenance ſhould be changed into any other, which would leſs anſwer the End, and be liable to as many Difficulties, if not far more; but every Change of this kind, where we cannot be ſecured of the Event, is very dangerous, eſpecially when it proceeds from want of Judgment or Ill-will to the Profeſſion; both which are to be ſuſpected in this caſe. If the ill Humors of ſome People could be changed, it would ſignifie far more to the Quiet of the Clergy, than altering their legal Maintenace.

Therefore the beſt way is to enquire into the Reaſons of this Diſſatisfaction, that we may find out the proper Methods to remove it, and thereby to prevent the troubleſome and vexatious Suits about them, which make the Parochial Clergy ſo uneaſie, and their Labour often unſucceſsful with the People.

And there is a twofold Diſſatisfaction which lies at the bottom of moſt of theſe Contentions about Tithes.

1. In Point of Conſcience.

2. In Point of Law.

1. In Point of Conſcience. There is a ſort of People among us, who are very obſtinate in this Matter, and will rather chuſe to go to Priſon and lie there, than pay their Tithes. I have often thought whence ſuch a Stiffneſs ſhould ariſe in a matter of legal Right. If they had oppoſed all Determinations of Property by Law, they had been more conſiſtent with themſelves; but to allow the Law to determine the Right as to nine Parts, and not as to the tenth, is not to be reconciled. For if the Queſtion be concerning the other Parts, to whom they do belong, may not Men as well diſpute the matter of Dominion and Property in them? May they not ſay, that the Seed is our own, and the Labour and Charges our own; why then ſhall I anſwer to another for the Profit which ariſes from my Pains and Expence? If it be replied, That the Law hath given the Property of the Land to one, and the uſe to another, why may they not pretend this to be an unreaſonable Law to ſeparate one from the other, ſince Land was given for the uſe; and the original Right of Dominion was from what was neceſſary for uſe; therefore the ſeparating Right and Uſe, is an Incroachment on the Natural Rights of Mankind. And there ſeems to be more Colour for this, than for any to allow the Laws to determine the Right of nine Parts to belong to the Lord of the Soil, but the tenth by no means to go that way, which the Law of the Land hath long ſince determined it. So that the Lord of the Soil either by Deſcent or Purchaſe, can claim no Right to it; for neither did his Anceſtors enjoy it, nor thoſe who ſold the Land to a Purchaſer conſider it as his own, for then he would have had the Value of it. The tenth part then is ſet aſide in Valuation of Eſtates, as already diſpoſed of; and the Queſtion is, whether the ſame Law which ſettled the Right to the other, ſhall determine this likewiſe? Is it not a part of natural Injuſtice to detain that which by Law belongs to another? And is not the Law the Meaſure of Right in Caſes of Difference between Man and Man; Why then ſhould not the Law fairly and equally determine this matter, to whom the tenth of the Profits belongs?

But ſtill they ſay, *It is againſt their Conſcience, and they cannot do it.* Is it againſt their Conſcience to do Acts of Natural Juſtice, not to detain that from another, which of Right belongs to him? But it is in vain to argue with People, who do not judge of things by the common light of Reaſon and Juſtice, but by an unaccountable Light within them, which none can judge of but themſelves; and in matter of Intereſt Men are the worſt Judges in their own Caſe.

2. Therefore I come to thoſe who are capable of being argued with; ſuch, I mean, who are unſatisfied in the Point of Law, not in general, but in particular Caſes, from whence Suits ariſe, and thoſe are often from theſe Cauſes:

1. Not duly conſidering the juſt Meaſure and Extent of the Rules of Law for the Payment of Tithes.

2. Not attending to the Exemptions, or Diſcharges by Law from the Payment of Tithes.

The beſt way I know to prevent troubleſome ſuits about Tithes, is to enquire diligently into theſe two things:

1. The Rules of Law for the Payment of Tithes, One might have juſtly expected, that in a matter of common Right and daily Practice, and wherein the Peace and Quiet of the People is ſo much concerned, as well as of the Clergy, the Rules of Law ſhould have been plain, and clear, and liable to as few Exceptions as poſſible; but inſtead of this, there is not one general Rule in this matter, but hath ſeveral Exceptions, and different Opinions have been about them by the great Men of the Law, which hath given too much occaſion to the Multitudes of ſuits which have been in the matter of Tithes; ſo that the Clergy are not ſo much to blame, if they are unavoidably involved in ſuits by the Perplexity of the Law, and the different Reſolutions which have been made about the Caſes reported by them.

This I ſhall make appear by examining ſome of the moſt general Rules of Law, and comparing them with the Reſolutions which have been made in particular Caſes.

Law of Tithes, c. 12. p. 214.

1. One of the moſt ſtanding Rules of the Law, is, That *Tithes are only to be paid of things which do annually increaſe, ex annuatis renovantibus ſimul & ſemel.*

But is this Rule allowed in all Caſes?

2 Inſt. 651. Select. Caſes, 16.

1. From hence *Coke* concludes, That *no Tithes are to be paid of Minerals, or of what is of the Subſtance of the Earth*; and ſo *Stone*, *Turff*, *Tinn*, *Lead*, *Coals*, *Chalk*, *Pots of Earth*, are denied to be titheable. But I find, 5 *H.* 4. *n.* 65. a Petition of the Commons was denied about being ſued in the Eccleſiaſtical Courts for Tithes of *Stone* and *Slate* taken out of their Quarries. The Petition was renewed, 8 *H.* 4. and then the King's Anſwer was, That *the former Cuſtom ſhould continue.* And ſo about Tithes for Sea-Coals, 51 *E.* 3. *n.* 57. From whence it appears, that theſe things might be tithed by ancient Cuſtom, and that was not thought fit to be altered. But, 34 *Eliz.* it was reſolved in the King's-

Moor 908. C. El. 277.

Bench, That *no Tithes are due of Quarries of Slate or Stone*, in the Caſe of *Lyſle* and *Wats*. Here was no Regard to Cuſtom, and a Reaſon is given, which deſerves to be conſidered, *viz.* That *he may have Tithes of the Graſs or Corn which groweth upon the Surface of the Land where the Quarries are.* But how if there be none? As Lands where Quarries are, ſeldom afford Tithes. But the Note on the Regiſter ſaith, That

Reg. 54. 2.

if Corn doth grow there, Tithe of it would be due however. So that here we have a Rule againſt an ancient Cuſtom and Rule too. But it cannot be

F. N. B. 53. B. 241. Rolls 637. March 58.

denied, that *Fitz-Herbert* and *Brook* ſay, That *there is no Tithe of Quarries, or Coals, or ſuch things*; and it was ſo adjudged, 11. *Jac.* and 14. *Jac.* and in other Caſes ſince. And yet after all, *Rolls* yields, That *a Cuſtom in theſe caſes is to be allowed*; ſo that the general Rule is to be underſtood ſo, as there be no Cuſtom to the contrary. And as to Minerals, it is determined by a late Writer, That *by Cuſtom Tithes may be*

Law of Tithes, 214. 4 Inſt. 232. 1 Rolls, 637. Coſin's Apol. p. 38.

due of them, although they do not annually increaſe. And my Lord *Coke* mentions King *John*'s Grant to the Biſhop of *Exeter of the Tithe of his Tinn-Farm.* And a good Author aſſures us, That *in Places of Lead-Mines, the Tithe of Lead is the chief Part of the Miniſters Maintenance.* Therefore my Lord *Coke* concludes his Diſcourſe of *Tithes* with this general Rule, That *by Cuſtom a Parſon may have Tithes of ſuch things as are not titheable of common Right.*

2 Inſt. 662. 11 R. 15, 16. Rolls 1. 636.

2. From hence it is concluded, That *no Tithe can be due for Houſes, becauſe they have no annual Increaſe.* This was ſolemnly debated in Dr. *Grant*'s Caſe, 11 *Jac.* and that there was no Tithe due, was proved

by the Counſel from the *Regiſter*, *Fitz. H. N. B. Brook*, &c. But it was reſolved by the Court, That although Houſes of themſelves were not titheable, yet there might be a *Modus decimandi* on the Ground on which the Houſes ſtood, and the Houſes did not take away the Right before; and in moſt ancient Cities and Burroughs there was ſuch a *Modus* for the Maintenance of their Miniſter. I grant that there was a certain *Modus decimandi* upon Houſes, but not upon the Account of the Ground they ſtood upon; but there was a cuſtomary Duty upon Houſes in lieu of Tithes, and were accounted a ſort of *Prædial Tithes*, although they were called *Oblationes de domibus*, as *Lynwood* ſaith, and were diſtinct from perſonal Tithes, for the *Jews* were bound to pay Tithes of Houſes, but not perſonal. Such was the Rate on Houſes in *London*: But in Dr. *Layfield*'s Caſe it was denied, that there could be a Preſcription of Tithes upon Houſes, becauſe they are to be paid only for the Increaſe of things. What is now become of the former *Modus decimandi*, when a Preſcription was here inſiſted upon and denied? So that here were different opinions, a ſpecial Cuſtom was allowed upon good Reaſon; and here a Preſcription diſallowed upon ſuch a Reaſon as would have overthrown the former Cuſtom, and yet the Law was the ſame ſtill.

Lynw. de Decimis. c. Sanct. c. Negotiat.
Selden of Tithes, 244.
Cr. Car. 596.
Hob. 1. 11.

3. From hence it would follow, That if this Rule hold, things which have not an annual Increaſe would not be titheable: Then no Tithe of Saffron would be due, whoſe Heads are gathered but once in three years, nor of *Sylva cædua*, under twenty years; and yet this was allowed in Parliament at *Sarum*, ſaith the *Regiſter*, notwithſtanding it was not renewed every year. And *Rolls* ſaith, That *Tithes* ſhall be paid of Beeches, Hazle, Willows, Holly, Alder, Maple, even after twenty Years, becauſe they are not Timber. But what if Willows be uſed for Timber? Then *Hobart* ſaith, they ought to be excepted. If young Trees grow in a Nurſery, and be ſold, it is allowed that Tithes ſhall be paid of them, and theſe are not renewed every year. And what becomes now of this *general Rule*, when ſo many Exceptions are made to it?

Regiſt. 49.
Rolls 1. 640.
Hob. 219.
Cr. Car. 526.
Rolls 1. 637.
Jones 416.
Hardres 381.

4. If this Rule hold, there can be no Tithes of *After-paſture*, for the Rule is *ſimul & ſemel*. And my Lord *Coke*, ſaith, It was adjudged, 8. *Jac.* That *a Parſon ſhall not have two Tithes of Land in one year*; and he inſtances *in the Hay and After-paſture*, &c. And yet *Rolls* affirms, That *it is due by Law, unleſs there be a Preſcription to the contrary*; and he ſaith, *the Judgment was given upon the Preſcription*. And therefore he reſolves it into a *Modus decimandi*. But he mentions ſeveral Judgments *That no Tithe is due for After-paſture, where Tithe-Hay hath been paid before*; which muſt be where there was no Cuſtom to the contrary, or elſe he muſt contradict himſelf. And ſo *Yelverton* ſaith in the Caſe of *Green* and *Auſten*, That *of common Right, Tithe-Hay diſcharges the Tithe of the After-paſture.* But *Crook* ſaith, That *in that caſe the Court went upon the Preſcription, and allowed it to be good.* How could it go upon both? And Sir S. *Degge* is poſitive, that *if a Meadow affords two Crops, the Parſon ſhall have Tithe of both.* How can theſe things conſiſt? Or what Authority may we rely upon in ſuch Difference of Opinions?

2 Inſt. 652.
Rolls 1. 640.
648.
Yelv. 86.
Cr. Jac. 116.
Law of Tithes, 190. c. 3.

2. Another Rule in Law is, That *things which are* feræ Naturæ, *are not titheable*. But here we are to ſeek what things are *feræ Naturæ*? Whether ſuch things as may be tamed and kept under Cuſtody, and become a Man's Property, are *feræ Naturæ*? Is it not Felony to ſteal

2 Inſt. 651. Law of Tithes, c. 8.

Rabbets

Cr. Car. 559. Jones, 447. F. N. B. 51. Rolls 1. 651.
Rolls 1. 635.
Rolls R. 2. 2. Hetley, 147. Littleton, 3. n. 40. Rolls 1. 644.

Rabbets or *Pigeons?* If it be, they muſt be ſome Man's Property; and if they be a Man's proper Goods, how can they be ſaid to be *feræ Naturæ?* For the meaning was, That no Man was to pay *Tithes* for that which was not his own. Are not *Bees feræ Naturæ*, as much as *Pigeons* and *Rabbets?* But the *Tithe* of *Bees* is allowed to be paid by the tenth of the Honey and Wax. But *Rolls* ſaith, *That it was doubted whether a tenth Swarm were a good* Modus *for the Tithe of Bees, becauſe they are* feræ Naturæ. The Reaſon is, becauſe they are left wild, and under no Cuſtody; but if they went into ſeveral Hives belonging to the Proprietor, they might be titheable by the Hives. And ſo for Pigeons under Cuſtody in a Dove-houſe, they are a Man's Property, and therefore titheable: As it hath been ſeveral times reſolved in Courts of Law, 14. *Jac.* in *Whately* and *Fanbor*'s Caſe, in *Jones* and *Gaſtrill*'s Caſe, a Prohibition was denied; and Juſtice *Dodderidge* declared, to whom the Court aſſented, that Tithe was due both of young Pigeons and Conies. But the prevailing opinion hath been, *That if are conſumed in the Houſe, they are not titheable, but if they ſold, they are.* But are they not *feræ Naturæ* as well when they are ſold at Market, as when they are eaten at home? Why then are they titheable in one Caſe, and not in the other? If they are titheable at all, they are ſo where-ever they are ſpent; for in tithing, the Nature of the thing is to be conſidered, and not the Place of ſpending it. For upon the ſame Reaſon there would be no Tithe of Corn ſpent at home, or Pigs, Calves, *&c.* and therefore I look on the Reaſon as of worſe Conſequence, than the total denying the Payment. For who can tell how far this Reaſon may be carried in other Caſes?

March 56. Hetley 13. Rolls 1. 635, 636. Palmer 527. Cr. Car. 264, 339. Lynw. 101. Spel. II. 503. Hardr. 188. Kebl. 2. 452. 1 Inſt. 115. 6. 244. Monaſt. I. 577. 646, 1002. II. 4. 658.

But it is reſolved in many Caſes, that though they are *feræ Naturæ*, yet by Cuſtom they may be tithed; and ſo for Fiſh. Cuſtom it ſeems hath the Power of reducing things *feræ Naturæ* to the ſame Condition with other things. But as far as I can find, theſe things by our old Conſtitutions, were as titheable as other things; but the notion of their being *feræ Naturæ* being ſtarted, ſerved as a Plea againſt them, where the Cuſtom was not continued; and where it was beyond all Diſpute then they ſaid they were not titheable in themſelves, but only by Cuſtom; or not by Law, but by Cuſtom; and yet ſuch Cuſtoms make a part of our Law.

In ſeveral ancient Appropriations, Fiſh, and Pigeons, and Rabbets are expreſly mentioned, as given together with other Tithes; ſo that in thoſe times both Law and Cuſtom went together. For the Lords of Manours were not wont to give Tithes which were not otherwiſe due.

3. But what is to be done with thoſe Lands which might afford Tithe, if the Increaſe of Graſs were ſuffered, but the Owners feed Cattel upon it, and ſo there can be no Tithes, what remedy doth the Law afford in this Caſe?

Lynw. *f.* 99. F. N. B. 53. 2 Inſt. 651.

1. It is agreed that no Tithe is due, if no other Cattel be fed, but ſuch as the Owner pays Tithe for, or are imployed in plowing, or any other way which is for the Benefit of the Incumbent of that Pariſh where they are fed. For otherwiſe they are but as barren Cattel to him.

Hadres, 184.

2. That there is a certain Rate due for the Agiſtment of barren Cattel, *Jure communi*, and ſo delivered by *Hales* then chief Baron, according to the Value of the Land, unleſs Cuſtom hath determined otherwiſe. And ſo for Gueſt-Horſes, *&c.* unleſs the Inn-keeper had paid

Tithe-Hay, ſay ſome, or the Cuſtom be otherwiſe: But none for *Saddle-Horſes* for the uſe of the Owner. One of the Judges diſſenting, becauſe not intended for Husbandry. But for unprofitable Cattel the tenth part of the Bargain is due, or according to the Value of the Land, and the Owner of the Cattel is compellable to pay.

3. If profitable and unprofitable be mixed, ſo as the latter be the greater Number, then Herbage muſt be paid for them, and Tithe in kind for the profitable; but if the profitable be the greater Number, it is queſtioned whether the other are not excuſed; but no Law or precedent is produced for it: And there ſeems to be no Reaſon, if Paſturage be due for unprofitable Cattel, why they ſhould be excuſed becauſe there are more profitable, unleſs their Nuber be inconſiderable.

Poph. 142. Rolls 1. 641, 650. Bulſt. 1. 171. Rolls, 1. 641. Poph. 176, 197. Hardres 184. Law of Tithes 200.

Theſe things I have only briefly touched at, that you may the better govern your ſelves in Diſputes of this Nature; and as you are not to loſe the juſt Rights of the Church, ſo neither is it for your Intereſt or Honour to be ingaged in them, where the Law will not bear you out.

II. The next thing neceſſary to be conſidered, is, the legal diſcharges from the Payment of Tithes. For, although the Reaſon of the Payment of them be founded on the Law of God, and the Settlement of Tithes among us hath been by ancient and unqueſtionable Laws of the Land, yet the Recovery of Tithes when unjuſtly detained, can be no otherwiſe than by the Law of the Land, as it is now in force. And if theſe do allow ſeveral Diſcharges and Exemptions not to be found in the ancient Laws of Practice, we ſhall but involve our ſelves in fruitleſs Contentions, if we diſpute thoſe Limitations which the Law hath put upon the Payment of Tithes. And therefore our Buſineſs is to enquire and ſatisfie our ſelves, as well as we can, about the Nature and Extent of theſe Limitations.

Now there are four ſorts of Diſcharges of the Payment of Tithes allowed.

1. By Appropriations to Monaſteries.
2. By Privileges of particular Orders.
3. By Preſcription and real Compoſitions.
4. By Unity and Poſſeſſion.

Of theſe I ſhall diſcourſe in order, ſo as to clear the greateſt Difficulties, with reſpect to them.

1. As to *Appropriations.* By the Statute of Diſſolution, 31 *H.* 8. 13. the new Poſſeſſors are to enjoy their Parſonages appropriated, Tithes, Penſions, and Portions, and all other Lands belonging to them, diſcharged and acquitted of the Payment of Tithes, as freely, and in as ample a manner as they were enjoyned before.

32 *H.* 8. 7. It is Enacted, That no Perſons ſhall be compelled, or otherwiſe ſued to yield, give or pay any manner of Tithes for any Manors, Lands, Tenements, or other Hereditaments, which by Laws or Statutes of this Realm or diſcharged, or not chargeable with the payment of any ſuch Tithes. So that we muſt enquire into the State of Parſonages appropriated before the Diſſolution, and how the Payment of Tithes ſtood then.

I will not deny that there were Churches appropriated to Monaſteries in the *Saxon* times; but if Mr. *Selden*'s Doctrine hold good, as to the *Arbitrary Conſecration of Tithes till the twelfth Century*, thoſe Churches cannot carry the Tithes along with them, but only ſuch Glebe and Oblalations as belonged to them. For how could the Tithes paſs with the Churches, if they were not then annexed to them? But he confeſſes, *That the mention of Tithes with Churches in Appropriations, was rare, or not at all till after the* Normans. The Reaſon might be, that the Separation of Tithes from the Churches, was not known till the *Norman* times. For the *Norman* Nobility took little notice of the *Saxon* Laws about Tithes; but finding Tithes paid out of the Lands within their Manors, they thought they did well, if they gave the whole Tithes, or a Portion and ſhare of them, as they thought fit, to ſome Monaſtery either abroad at home. And this I take to be the true account of the beginning of Appropriations among us. It were endleſs to give an account of the Appropriations made by the *Normans*, for the *Monaſticon* is full of them. *William* I. gave ſeveral Churches with their Tithes to *Battle-Abby*. *William Rufus* added more. *H.* 1. to the Monaſtery of *Reading*, ſeveral Churches in like manner; and *H.* 2. more. *Hugh* Earl of *Cheſter*, gave the Tithes of ſeveral Manors to the Monaſtery of St. *Werburgh*, in the time of *William* I. Of which kind the Inſtances are too many to be mentioned; inſtead thereof, I ſhall ſet down the State of the Parochial Clergy under theſe Appropriations, which was very mean, and intended ſo to be, being ſupplied by the *Engliſh* Clergy.

Hiſt. of Tithes 370.
Mon.1.31.
417.
202.

1. Where the Churches and Tithes were appropriated to a Monaſtery, the Vicar had only ſuch a Competency as the Biſhop thought fit to allow, till Vicarages came to be endowed: For right underſtanding this matter of Appropriations, as it ſtood here in *England*, theſe things are to be conſidered.

1. That there was a Parochial Right of Tithes ſettled in the *Saxon* times: Which I infer from the Laws of *Edgar* and *Canutus*, where the Tithes are required to be paid to the Mother-Church; and if the Lord of a Manor have a Church on his own Free-land, he may retain a third part of the Tithes for the uſe of it. Theſe Laws are ſo plain and clear, that Mr. *Selden* does not deny them; and he confeſſes, *the firſt Limitation of Profits to be contained in them.* But what is to be underſtood by the *Mother-Church* to which the Tithes were given? Mr. *Selden* would have it the Monaſtery or Mother-Church; but afterwards he grants, *That a Parochial Right to Incumbents was hereby ſettled*; Which is the firſt legal Settlement of Tithes in a Parochial Manner: But theſe Laws of *Edgar* and *Canutus* were ſo ſolemnly enacted, that, as Mr. *Selden* obſerves they were particularly called, *Leges Anglicæ*, the old *Engliſh Laws* in the old *Latin MSS.* It is a commonly received Opinion among the Lawyers of the beſt Rank, *That before the* Lateran *Council there was no Parochial Settlement of Tithes here.* My Lord *Coke* found no ſuch decree of the *Lateran* Council under *Alexander* 3. 5 *H.* 2. *A.D.* 1179. and therefore he refers it to a Decretal of *Innocent* 3. As to the *Lateran* Council which *Lynwood* mentions, it plainly ſpeaks of *Feudal Tithes*, which a Perſon enjoyed by the Churches Grant, and ſuch might before that Council, be given to what Church the Perſon pleaſed. But is there no difference between *Feudal* and *Parochial Tithes*? And what Proof is there of any ancient Infeodations of Tithes here? Mr. *Selden* himſelf thinks *Lynwood* applies the Cuſtom of other Countries to his own. But as to the Parochial Right of Tithes among us, it ſtands thus: By the *Saxon* Laws the Parochial was ſettled. After the *Norman* Invaſion theſe Laws were neglected and ſlighted by the *Normans*; *H.* I. by

L. L. Saxon. Wh. *p.* 62. Spelm. Conc. 444. L. L. Canut. *c.* 8, 10, 11. Seld. of Tithes, p. 262.
p. 264.
p. 224.
2 R. 44. 2 Inſt. 641. Dyer, 84. Brook, 241. Cr. Car. 422. Palmer, 220. Selden, 293. Lynw. 81. b.
Selden, 404.

by his Charter reſtored them, *H.* 1. *c.* 11. and the very words of the Laws of *Edgar* and *Canutus* are repeated. The *Normans* went on notwithſtanding, and ſo theſe Laws were diſcontinued in Practice. But *Hadrian* 4. who was an *Engliſhman* by Birth, obſerving the diſorderly Payments of Tithes here, publiſhed a Conſtitution to require the Parochial Payment of them, as is obſerved by *P. Pithæus*, a very learned and impartial Man. After him *Alexander* 3. in a Decretal directed to the Archbiſhop of *Canterbury* and his Suffragans, complains, *That whereas the Pariſhioners had formerly paid their Tithes entirely where they ought to pay them, the contrary Cuſtom had obtained; and ſome withdrew the Tithe of Wool, Fiſh, and Mills; therefore he requires the ſtrict Payment of them to the Churches to which they were due.* The latter part only is in the Canon Law, but the former is added from the ancient Copies by *Pithæus*.

Not. in Decret. l. 3. c. 30. n. 4.

As to the *Decretal* of *Innocent* III. to which my Lord *Coke* refers, and Mr. *Selden* thinks was miſtaken for the *Lateran Council, being brought into* England *with it*; there is ſuch an Epiſtle extant in the Collection of his Epiſtles, but not put into the Canon Law, and was nothing but an Inforcement of the former Laws, and a declaring the contrary Cuſtom void, which had too much obtained ſince the *Norman* times. But in a Decretal extant in the Canon Law, *De Decim. c.* 29. he acknowledges the Parochial payment of Tithes to be due by common Right, *Cum perceptio Decimarum ad Paræciales Eccleſias de Jure communi pertineat.* Can any thing be plainer than that the Parochial Right could not depend upon his Decretal Epiſtle, when himſelf confeſſes that they were due by common Right?

Innocent. 3. Epiſt. 3. c. 114.

We do not deny that he inforced the Payment which had been ſo groſly neglected in the *Norman* times, and the moſt they would be brought to in many places, was to pay only a third part to the Pariſh-Prieſt who officiated, and gave the reſt to Monaſteries, and often appropriated the whole Tithes to them, either at home or abroad, as will abundantly appear by the *Monaſticon*; from whence it is plain, that they looked on Tithes in general, as due to the Church, as appears by very many of their ancient Charters; but they thought they did very well when they appropriated them to Monaſteries of their own Erection, or others, as they thought fit. But this Humour took ſo much among the *Norman* Nobility, and ſerved ſo many purpoſes of Honour and Devotion, as they thought (beſides Reaſon of State) that the Parochial Clergy were reduced to ſo poor a Condition, that *Alexander* IV. complained of it as *the Bane of Religion, and Deſtruction of the Church, and as a Poiſon which had ſpread over the whole Nation.* And it muſt be very ſcandalous indeed, when the Pope complained of it: For the Monks that were able, generally got their *Appropriations* confirmed in the Court of *Rome*.

Monaſt. I. 112, 114, 201, 202, 347, 590, 436. II. 50, 81.

Du Freſn. c. Appropr.

2. There was a Competency to be ſettled on the Parochial Clergy by the Biſhop's Conſent, which was required in order to the confirming an Appropriation; as may be ſeen in Multitudes of them in the *Monaſticon*, beſides thoſe which are preſerved in the Churches Regiſter. Sometimes the Endowment is expreſſed, and at other times it is reſerved in the Biſhop's Power to do it as he ſees Cauſe. But the Biſhop's were either ſo remiſs in thoſe times, or the Monks ſo powerful at *Rome*, that the poor Vicars fared ſo hardly, that in the time of *H.* 2. *Alexander* III. ſent a Reprimand to the Biſhops for favouring the Monks too much, and the

Monaſt. I. 369, 399. II. 58, 208, 656, 881. III. 32, 36. Extr. de Præb. c. de Monachis.

Hiſt. of Tithes 370.

lations as belonged to them. For how could the Tithes paſs with the Churches, if they were not then annexed to them? But he confeſſes, *That the mention of Tithes with Churches in Appropriations, was rare, or not at all till after the* Normans. The Reaſon might be, that the Separation of Tithes from the Churches, was not known till the *Norman* times. For the *Norman* Nobility took little notice of the *Saxon* Laws about Tithes; but finding Tithes paid out of the Lands within their Manors, they thought they did well, if they gave the whole Tithes, or a Portion and ſhare of them, as they thought fit, to ſome Monaſtery either abroad at home. And this I take to be the true account of the beginning of Appropriations among us. It were endleſs to give an account of the Appropriations made by the *Normans*, for the *Monaſticon* is full of them. *William* I. gave ſeveral Churches with their Tithes to *Battle-Abby*. *William Rufus* added more. *H.* 1. to the Monaſtery of *Reading*, ſeveral Churches in like manner; and *H.* 2. more. *Hugh* Earl of *Cheſter*, gave the Tithes of ſeveral Manors to the Monaſtery of St. *Werburgh*, in the time of *William* I. Of which kind the Inſtances are too many to be mentioned; inſtead thereof, I ſhall ſet down the State of the Parochial Clergy under theſe Appropriations, which was very mean, and intended ſo to be, being ſupplied by the *Engliſh* Clergy.

Mon. 1. 31.

417.

202.

1. Where the Churches and Tithes were appropriated to a Monaſtery, the Vicar had only ſuch a Competency as the Biſhop thought fit to allow, till Vicarages came to be endowed: For right underſtanding this matter of Appropriations, as it ſtood here in *England*, theſe things are to be conſidered.

1. That there was a Parochial Right of Tithes ſettled in the *Saxon* times: Which I infer from the Laws of *Edgar* and *Canutus*, where the Tithes are required to be paid to the Mother-Church; and if the Lord of a Manor have a Church on his own Free-land, he may retain a third part of the Tithes for the uſe of it. Theſe Laws are ſo plain and clear, that Mr. *Selden* does not deny them; and he confeſſes, *the firſt Limitation of Profits to be contained in them.* But what is to be underſtood by the *Mother-Church* to which the Tithes were given? Mr. *Selden* would have it the Monaſtery or Mother-Church; but afterwards he grants, *That a Parochial Right to Incumbents was hereby ſettled*; Which is the firſt legal Settlement of Tithes in a Parochial Manner: But theſe Laws of *Edgar* and *Canutus* were ſo ſolemnly enacted, that, as Mr. *Selden* obſerves they were particularly called, *Leges Anglicæ*, the old *Engliſh Laws* in the old *Latin MSS.* It is a commonly received Opinion among the Lawyers of the beſt Rank, *That before the* Lateran *Council there was no Parochial Settlement of Tithes here.* My Lord *Coke* found no ſuch decree of the *Lateran* Council under *Alexander* 3. 5 *H.* 2. *A.D.* 1179. and therefore he refers it to a Decretal of *Innocent* 3. As to the *Lateran* Council which *Lynwood* mentions, it plainly ſpeaks of *Feudal Tithes*, which a Perſon enjoyed by the Churches Grant, and ſuch might before that Council, be given to what Church the Perſon pleaſed. But is there no difference between *Feudal* and *Parochial Tithes*? And what Proof is there of any ancient Infeodations of Tithes here? Mr. *Selden* himſelf thinks *Lynwood* applies the Cuſtom of other Countries to his own. But as to the Parochial Right of Tithes among us, it ſtands thus: By the *Saxon* Laws the Parochial was ſettled. After the *Norman* Invaſion theſe Laws were neglected and ſlighted by the *Normans*; *H.* I. by

L. L. Saxon. Wh. p. 62. Spelm. Conc. 444. L. L. Canut. c. 8, 10, 11.

Seld. of Tithes, p. 262.

p. 264.

p. 224.

2 R. 44. 2 Inſt. 641. Dyer, 84. Brook, 241. Cr. Car. 422. Palmer, 229. Selden, 293. Lynw. 81. b.

Selden, 404.

by his Charter reſtored them, *H.* 1. *c.* 11. and the very words of the Laws of *Edgar* and *Canutus* are repeated. The *Normans* went on notwithſtanding, and ſo theſe Laws were diſcontinued in Practice. But *Hadrian* 4. who was an *Engliſhman* by Birth, obſerving the diſorderly Payments of Tithes here, publiſhed a Conſtitution to require the Parochial Payment of them, as is obſerved by *P. Pithæus*, a very learned and impartial Man. After him *Alexander* 3. in a Decretal directed to the Archbiſhop of *Canterbury* and his Suffragans, complains, *That whereas the Pariſhioners had formerly paid their Tithes entirely where they ought to pay them, the contrary Cuſtom had obtained; and ſome withdrew the Tithe of Wool, Fiſh, and Mills; therefore he requires the ſtrict Payment of them to the Churches to which they were due.* The latter part only is in the Canon Law, but the former is added from the ancient Copies by *Pithæus*.

Not. in Decret. *l.* 3. *c.* 30. *n.* 4.

As to the *Decretal* of *Innocent* III. to which my Lord *Coke* refers, and Mr. *Selden* thinks was miſtaken for the *Lateran Council*, *being brought into* England *with it*; there is ſuch an Epiſtle extant in the Collection of his Epiſtles, but not put into the Canon Law, and was nothing but an Inforcement of the former Laws, and a declaring the contrary Cuſtom void, which had too much obtained ſince the *Norman* times. But in a Decretal extant in the Canon Law, *De Decim. c.* 29. he acknowledges the Parochial payment of Tithes to be due by common Right, *Cum perceptio Decimarum ad Parœciales Eccleſias de Jure communi pertineat.* Can any thing be plainer than that the Parochial Right could not depend upon his Decretal Epiſtle, when himſelf confeſſes that they were due by common Right?

Innocent. 3. Epiſt. 2. *c.* 114.

We do not deny that he inforced the Payment which had been ſo groſly neglected in the *Norman* times, and the moſt they would be brought to in many places, was to pay only a third part to the Pariſh-Prieſt who officiated, and gave the reſt to Monaſteries, and often appropriated the whole Tithes to them, either at home or abroad, as will abundantly appear by the *Monaſticon*; from whence it is plain, that they looked on Tithes in general, as due to the Church, as appears by very many of their ancient Charters; but they thought they did very well when they appropriated them to Monaſteries of their own Erection, or others, as they thought fit. But this Humour took ſo much among the *Norman* Nobility, and ſerved ſo many purpoſes of Honour and Devotion, as they thought (beſides Reaſon of State) that the Parochial Clergy were reduced to ſo poor a Condition, that *Alexander* IV. complained of it as *the Bane of Religion, and Deſtruction of the Church, and as a Poiſon which had ſpread over the whole Nation.* And it muſt be very ſcandalous indeed, when the Pope complained of it: For the Monks that were able, generally got their *Appropriations* confirmed in the Court of *Rome*.

Monaſt. I. 112, 114, 201, 202, 327, 590, 436. II. 50, 81.

Du Freſn. *c.* Appropr.

2. There was a Competency to be ſettled on the Parochial Clergy by the Biſhop's Conſent, which was required in order to the confirming an Appropriation; as may be ſeen in Multitudes of them in the *Monaſticon*, beſides thoſe which are preſerved in the Churches Regiſter. Sometimes the Endowment is expreſſed, and at other times it is reſerved in the Biſhop's Power to do it as he ſees Cauſe. But the Biſhop's were either ſo remiſs in thoſe times, or the Monks ſo powerful at *Rome*, that the poor Vicars fared ſo hardly, that in the time of *H.* 2. *Alexander* III. ſent a Reprimand to the Biſhops for favouring the Monks too much, and the

Monaſt. I. 369, 399. II. 58, 208, 656, 881. III. 32, 36. Extr. de Præb. *c.* de Monachis.

Clergy too little; and therefore requires the Biſhops to take care that the Vicar had a competent Subſiſtence, ſo as to be able to bear the Burden of his Place, and to keep Hoſpitality. This was directed to the Biſhop of *Worceſter*; for it ſeems ſo long ſince the poor Vicars here were hardly provided for. And yet I have ſeen ſeveral Forms of Appropriations made by the Biſhops here, after the Conqueſt, wherein there is a twofold *Salvo*; one for the Biſhop's Right, and another for a ſufficient Maintenance for the Curate, although the Church were appropriated *ad communem uſum Monachorum*, as of *Wolſtan*, *Roger*, and of *William* in the time of *Hen.* II. when *Alexander* III. lived, and of *Walter de Grey*, *Sylveſter*, &c. But it ſeems where a competent Subſiſtence had been decreed, the Monks took the firſt Opportunity to leſſen it; which occaſioned another *Decretal* in the Canon Law, wherein any ſuch thing is forbidden, without the Biſhop's Conſent. In other Places they pleaded Cuſtom for it; thence came another Decree of the *Lateran* Council, to void all ſuch Cuſtoms by whomſoever introduced, where there was not a competent Subſiſtence for him that ſerved the Cure.

Ext. de Præb. c. Avar.

Ext. de Præb. c. Extirp.

The Monks were ſtill refractary in this matter; and becauſe the Biſhops had Power to refuſe any Perſon preſented by the Monks, unleſs they did conſent to ſuch a reaſonable Allowance as the Biſhop thought fit; therefore they grew ſullen, and would not preſent; in which Caſe another Decretal was made to give the Biſhop Power to preſent.

Extr. de Monachis, ubi ſupra.

Ext. de Supplend. Neglig. Præl. Sicut nobis.

And after all, *Clement* V. *De Jure Patron. c.* 1. reinforced the former Decretals, and injoyned the Dioceſans in the ſtricteſt manner, not to admit any perſon preſented to a Cure, where the Church was appropriated, unleſs ſufficient Allowance were made by the Biſhop's Conſent and Approbation, and all Cuſtom and Privileges to the contrary are declared to be void.

But how far doth this hold among us now, ſince the Appropriations are become Lay-Fees, and the Biſhop's Power is not mentioned in the Statute of Diſſolution? To this I ſhall give a clear Anſwer, but I doubt not ſatisfactory, to all Parties concerned. For as Neceſſity and Power, ſo ſome Mens Intereſt and Reaſon live very near one another.

1. The Statute of Diſſolution leaves all matters of Right as to perſons intereſted juſt as they were before. For by the Surrender the King was to have the Monaſteries and Tithes in as large and ample a manner as the Abbots then had them in Right of their Houſes, and in the ſame State and Condition as they then were, or of Right ought to have been: And ſo *res tranſit cum ſuo onere*. But this is not all: For there is an Expreſs *Salvo* for all Rights, Claims, Intereſts, *&c.* of all Perſons and Bodies Politick. So that if by the Law of *England* there was ſuch an Antecedent Right in the Vicar to his Allowance, and in the Biſhop to aſſign it, it is not taken away by this Statute, nor any other.

2. By the Law of *England* the Biſhop had a Right to provide a competent Maintenance for ſupplying the Cure upon an Appropriation. We are told by an unqueſtionable Authority in point of Law, that 9 *Car.* 1. this Point was brought before the *Kings-Bench*, in the Caſe of *Thornburgh* and *Hitchcot*. The Vicar complained, that the Church was appropriated, and that he wanted a competent Maintenance; a Prohibition was prayed, but denied upon this Reaſon, That the Vicar had Reaſon for his Suit, and that the ordinary might compel the Im-

Rolls, 2. 337.

propriator to make it greater; becauſe in all Appropriations that Power was reſerved to the ordinary. And ſo in the *Year-Books* it is allowed, *That the ordinary may increaſe or diminiſh the Vicar's Portion*, 40 *E.* 3. *Caſ.* 15. *f.* 28. By our Provincial Conſtitutions, the Biſhop is to take care that the Vicar have a competent Allowance; which at that time was ſet at Five Marks; but *Lynwood* obſerves, that as the Price of things roſe, ſo the Allowance was increaſed, and in Stipendiaries it was then advanced to Eight or Ten Marks; which, according to Sir *H. Spelman*'s Computation, comes to above Sixty Pounds *per Annum*. But ſome have told us, *That by ſome old Statutes, even beneficed Perſons were not by Law to have above Six marks* per Annum; for this was the Sum allowed to *Pariſh-Prieſts*; which is ſo groſs a Miſtake in any that pretend to Law or Antiquity, that it is to be wondred how they could fall into it.

Pro Conſt. de Offic. Vic. c. quoniam.

Of Tithes, p. 153. Miſcel. Parl. 183.

The Truth of the Caſe was this; the Parochial Chaplains or Prieſts were complained of, 36 *E.* 3. *n.* 23. that they could not be gotten to attend after the Plague, but at exceſſive Rates; upon this a Provincial Conſtitution was made, extant in the Parliament Rolls, wherein they are obliged to demand no more than Six Marks. But who were theſe Pariſh-Prieſts? Not ſuch as had the legal Endowments, but thoſe who depended on the Good-will of the Parſon or People, and were hired to officiate in Chapels of Eaſe, or to perform Offices for the Dead, which were ſo frequent at that time. And theſe were called *Annual Chaplains*, or *Maſſe Chaplains*, and were diſtinguiſhed from *Domeſtick Chaplains* who officiated in great Mens Houſes in their private Oratories, and from *Beneficed Perſons*, as appears by many Conſtitutions. But whatever was underſtood by the Act of Parliament then, it was repealed 21 *Jac.* 1. 28.

Birchington, *f.* 42.

Lynw. *f.* 32. Sacerdos Parochialis oppoſed to Beneficiatus.

Lynw. *f.* 131.

3. The Law of *England*, as to a competent Subſiſtence for the Vicars or Curates in appropriated Churches, is founded on very good Reaſon. For the *Tithes* were originally given for the Service of the Church, and not for the uſe of Monaſteries. And this was a hard Point for the Monks to get over, ſince the *Tithes* were given for the Maintenance of the Clergy, and they were none of the Clergy, how they came to have a Right to the *Tithes*. It is certain, that the State of the Clergy and the Monaſtick State were different; and the Offices of the Clergy and of the Monks were inconſiſtent, if they held to their Rules; how then came the Monks to take the Maintenance which belonged to the Clergy for other Offices, as though they were originally intended for them? For which there is no Colour or Pretence. This Point was debated between two great Men of their times, *S. Bernard* and *Petrus Cluniacenſis*: The former a *Ciſtertian Monk*, declared himſelf unſatisfied with the Monks taking the Maintenance of the Parochial Clergy from them, which was given on purpoſe to attend the Cure of Souls. *But*, ſaid *Petrus Cluniacenſis*, *do we not pray for their Souls?* But the Cure of Souls is another thing; and by the Canons of the Church the Monks were forbidden to meddle in Parochial Offices of *Preaching*, *Baptizing*, *Viſiting the Sick*. So that it might bear a Queſtion in Law, whether a Monaſtery were capable of an Appropriation, ſince by the Eccleſiaſtical Law, they are not an Eccleſiaſtical Body? And for that Reaſon *Hobart* ſaith, *a Nunnery is not*; and the ſame Reaſon will hold for the other.

Pet. Cluniac. Ep. *l.* 1. 21.

D. 55. c. C. 16. Q. 1. c. 4, 5, 6, 8, 10, 11.

The *Ciſtertian order* was at firſt very ſcrupulous in this matter, when Mon. I. 699. they came hither and pretended *to live only on their own Lands, and* Rolls, R. 2. 480. *diſliked Appropriations, as great Injuries to the Clergy*, and called it *Sacrilege* to take their *Tithes* away from them. This was wiſely done of them at firſt to ingratiate themſelves with the Clergy, and to get as good Mon. I. 736. Lands as they could. But after a while they abated their Zeal, and then they pretended to do nothing without the Biſhops Conſent; till at laſt they were as ready as any, and got as large Privileges to exempt their Lands from Payment of *Tithes*, under which the Clergy ſuffer to this day.

But to return to the beginning of Appropriations among us.

After the *Normans* coming, they ſtood upon no Niceties of Law, or original Grants, but they took Poſſeſſions of the *Tithes* of their Manours, and diſpoſed them as they pleaſed. The poor Parochial Clergy were *Engliſh*, whom they hated, and cared not how poor they were; the Biſhops were *Normans*, as faſt as they could make them; and the buſineſs of the great Men, was to incourage the *Norman* Monks that came over, and to build and endow Monaſteries for them *to pray for their Souls*, which they minded ſo little themſelves; and this I take to be the true Account of the beginning and increaſe of Appropriations in *England*, which at firſt were only permitted, but are confirmed by the Law ſince the Statute of Diſſolution.

II. In ſome Appropriations there were Vicarages endowed, and here the Difficulty lies in diſtinguiſhing the *Tithes* which belong to one from the other: Before the Statutes for Endowment of Vicarages, in caſe of Appropriations, 15 *R*. 2. 6. 4 *H*. 4. 12. there were Endowments made, where the Biſhops took care of it; but they were generally ſo remiſs in it, that thoſe Statutes were thought very neceſſary; and one, it ſeems, was not ſufficient. For they eluded the former by appointing Vicars out of their own Body; but the latter Statute requires, That the Vicar ſhall be a Secular Perſon, and made Spiritual Vicar, and have ſuch an Endowment as the ordinary ſhould think fit, otherwiſe the Appropriation to be void.

The Scandal of the Appropriations was made ſo great by the greedineſs of the Monks, and Eaſineſs of the Biſhops, that I find in the Parliament Rolls 2 *H*. 4. 51. a Petition of the Commons, that no Appropriations ſhould be made for the future; but afterwards they came to that Temper which is expreſſed in the Statute 4 *H*. 4.

And that before thoſe Statutes, there was no neceſſity of the Endowment of a Vicarage, is plain from the occaſion of making them; and ſo Rolls, R. 2. 99. Cr. 2. 518. it hath been agreed in the Courts of Law in the Caſe of *Britton* and *Ward*. But the main Difficulty is, to ſtate the Tithes which belonged to the Vicarage and to the Appropriation; becauſe there was no certain Limitation either as to quantity or kind, although generally the great Tithes of Corn and Hay went with the Parſonage, and the ſmall Tithes and Obventions, and Altarage with the Vicarage.

Yelv. 86. The beſt Rules I can find to be ſatisfied in this matter, are the Endowment, or Preſcription. And where the Endowment is found, yet there may be a Preſcription of Tithes not mentioned; becauſe the Biſhop had a Power reſerved to increaſe the Allowance: As in the Caſe of the Vicar of *Gillingham*, who ſued for cuſtomary Tithes not mentioned in the Endowment; and he recovered them on this Preſumption, Hardr. 328. That the Vicarage might be augmented with thoſe Tithes; and in caſe of long Poſſeſſion, it is there ſaid to have been often ſo held and ruled. Sometimes there is a Difficulty in the Senſe of the Words of the Endowment, as in the Caſe of *Barkſdale* and *Smith*, whether *Decima Garbarum in W.* implied Tithe-Hay; but it was reſolved, that although *Garba* ſeems to relate to Corn, *de omni Annonâ decima Garba Deo reddenda eſt. L. Edw. Confeſſ. c.* 8. at leaſt, to ſomething bound up; and ſo *Lynwood* applies it to Faggots; yet the Cuſtom was thought ſufficient to extend it to Tithe-Hay; and for Tithe-Wood in *Renoulds* and *Green*'s Caſe. But the greateſt Difficulty hath been about *ſmall Tithes*, which is the common Endowment of Vicarages. In the Caſe of *Ward* and *Britton*, one Point was, whether Lambs were *ſmall Tithes* or not. *Noy* pleaded Cuſtom for it. The Councel on the other ſide ſaid, That *ſmall Tithes* were ſuch as grew in Gardens; but Lambs were a ſort of *Prædial Tithes*; however, it was yielded, that Cuſtom might bring it under *ſmall Tithes*.

Cr. El. 653.
Bulſtr. 2. 27.
Palmer, 219. Cr. Jac. 516.

Another Point about *ſmall Tithes*, was about *Saffron* growing in a Corn-Field, in the Caſe of *Bedingfield* and *Freak*, and it was reſolved to be *ſmall Tithes*. But the Ground of that Reſolution was queſtioned in the Caſe of *Udal* and *Tyndal*; ſome ſaid it was, becauſe *Saffron* was *ſmall Tithes* where-ever it grew: Others, that by the Endowment, the Parſon had only reſerved the Tithe of Corn and Hay.

Cr. Eliz. 467. Moor, 909. Hutton, 78. Owen, 74. Cr. Car. 28.

But ſuppoſe whole Fields be planted with *Woad*, which grows in the Nature of an Herb, is this to be reckoned among *ſmall Tithes*? *Crook* ſeems to deliver the ſenſe of the Court ſo, in the former Caſe: But *Hutton* reports it, that it might come to be *majores Decimæ* and *Prædial*, if it came to be the main Profits of the Place. And the like may hold as to Hemp, Hops, Wool and Lambs. It's there ſaid, that all theſe new things, as Saffron, Hemp, Woad, Tobacco, *&c.* are to be reckoned among *ſmall Tithes*, unleſs there be ſome material Circumſtance to the contrary. But who is to be Judge of that? And what Proportion changes *ſmall Tithes* into *greater*? But what if the Endowment be ſo expreſſed, that only Tithes of Corn and Hay be reſerved to the Parſon? Then *Rolls* thinks all the reſt fall to the Vicar by Conſtruction of Law.

Hutton, 78.
Rolls, A. 2. 331.

By the Word *Altárage*, it was reſolved in the *Exchequer*, upon a ſolemn Hearing, 21 *Eliz.* and after confirmed in the Caſe of *Wood* and *Greenwood*, not meer Oblations are to be underſtood, but whatever Cuſtom hath comprehended under it. And I find in the Settlement of the *Altarage* of *Cokerington* by *Rob. Groſthead*, Biſhop of *Lincoln*, not only Oblations and Obventions, but the Tithes of Wool and Lamb were comprehended under it.

Littleton, 244. Hetley, 135.

II. The next Diſcharge of Tithes, is by the Privileges of particular Orders allowed by our Law. For it is to be obſerved, that no Bulls of Popes make a legal Diſcharge; but in ſuch Caſes where the Law allows them, and my Lord *Coke* thinks it cannot be inſiſted upon without danger of a *Præmunire*. For when the *Ciſtertians* had procured new Bulls to inlarge their Privileges as to their Lands in the Hands of Farmers, a Law was paſſed againſt it, 2 *H.* 4. *c.* 4. which was grounded on a Petition in Parliament ſhewing the Novelty and Miſchief of it.

Mon. II. 604. 2 Inſt. 653.
Rot. Parl. 2. H. 41.

It was affirmed by our great Lawyers, that the Pope's Act in diſſolving the Body of the Templars, which was done, 5 *E.* 2. had no effect here till the 17 *E.* 2. when the Parliament gave their Lands to the Hoſpitallers.

Mon. II. 511. Cr. 2. 578. Palm. 222. Walſingh. A. 1323.

And

The *Ciſtertian order* was at firſt very ſcrupulous in this matter, when Mon. I. 699. Rolls, R. 2. 480. they came hither, and pretended *to live only on their own Lands, and diſliked Appropriations, as great Injuries to the Clergy*, and called it *Sacrilege* to take their *Tithes* away from them. This was wiſely done of them at firſt to ingratiate themſelves with the Clergy, and to get as good Mon. I. 736. Lands as they could. But after a while they abated their Zeal, and then they pretended to do nothing without the Biſhops Conſent; till at laſt they were as ready as any, and got as large Privileges to exempt their Lands from Payment of *Tithes*, under which the Clergy ſuffer to this day.

But to return to the beginning of Appropriations among us.

After the *Normans* coming, they ſtood upon no Niceties of Law, or original Grants, but they took Poſſeſſions of the *Tithes* of their Manours, and diſpoſed them as they pleaſed. The poor Parochial Clergy were *Engliſh*, whom they hated, and cared not how poor they were; the Biſhops were *Normans*, as faſt as they could make them; and the buſineſs of the great Men, was to incourage the *Norman* Monks that came over, and to build and endow Monaſteries for them *to pray for their Souls*, which they minded ſo little themſelves; and this I take to be the true Account of the beginning and increaſe of Appropriations in *England*, which at firſt were only permitted, but are confirmed by the Law ſince the Statute of Diſſolution.

II. In ſome Appropriations there were Vicarages endowed, and here the Difficulty lies in diſtinguiſhing the *Tithes* which belong to one from the other: Before the Statutes for Endowment of Vicarages, in caſe of Appropriations, 15 *R.* 2. 6. 4 *H.* 4. 12. there were Endowments made, where the Biſhops took care of it; but they were generally ſo remiſs in it, that thoſe Statutes were thought very neceſſary; and one, it ſeems, was not ſufficient. For they eluded the former by appointing Vicars out of their own Body; but the latter Statute requires, That the Vicar ſhall be a Secular Perſon, and made Spiritual Vicar, and have ſuch an Endowment as the ordinary ſhould think fit, otherwiſe the Appropriation to be void.

The Scandal of the Appropriations was made ſo great by the greedineſs of the Monks, and Eaſineſs of the Biſhops, that I find in the Parliament Rolls 2 *H.* 4. 51. a Petition of the Commons, that no Appropriations ſhould be made for the future; but afterwards they came to that Temper which is expreſſed in the Statute 4 *H.* 4.

And that before thoſe Statutes, there was no neceſſity of the Endow- Rolls, R. 2. 99. Cr. 2. 518. ment of a Vicarage, is plain from the occaſion of making them; and ſo it hath been agreed in the Courts of Law in the Caſe of *Britton* and *Ward*. But the main Difficulty is, to ſtate the Tithes which belonged to the Vicarage and to the Appropriation; becauſe there was no certain Limitation either as to quantity or kind, although generally the great Tithes of Corn and Hay went with the Parſonage, and the ſmall Tithes and Obventions, and Altarage with the Vicarage.

Yelv. 86. The beſt Rules I can find to be ſatisfied in this matter, are the Endowment, or Preſcription. And where the Endowment is found, yet there may be a Preſcription of Tithes not mentioned; becauſe the Biſhop had a Power reſerved to increaſe the Allowance: As in the Caſe of the Vicar of *Gillingham*, who ſued for cuſtomary Tithes not menti- Hardr. 328. oned in the Endowment; and he recovered them on this Preſumption, That the Vicarage might be augmented with thoſe Tithes; and in caſe of long Poſſeſſion, it is there ſaid to have been often ſo held and ruled. Sometimes there is a Difficulty in the Senſe of the Words of the Endowment, as in the Caſe of *Barkſdale* and *Smith*, whether *Decima Garbarum in W.* implied Tithe-Hay; but it was reſolved, that although *Garba* ſeems to relate to Corn, *de omni Annonâ decima Garba Deo reddenda eſt. L. Edw. Confeſſ. c.* 8. at leaſt, to ſomething bound up; and ſo *Lynwood* applies it to Faggots; yet the Cuſtom was thought ſufficient to extend it to Tithe-Hay; and for Tithe-Wood in *Renoulds* and *Green*'s Caſe. But the greateſt Difficulty hath been about *ſmall Tithes*, which is the common Endowment of Vicarages. In the Caſe of *Ward* and *Britton*, one Point was, whether Lambs were *ſmall Tithes* or not. *Noy* pleaded Cuſtom for it. The Councel on the other ſide ſaid, That *ſmall Tithes* were ſuch as grew in Gardens; but Lambs were a ſort of *Prædial Tithes*; however, it was yielded, that Cuſtom might bring it under *ſmall Tithes*.

Cr. El. 653.
Bulſtr. 2. 27.
Palmer, 219. Cr. Jac. 516.

Another Point about *ſmall Tithes*, was about *Saffron* growing in a Corn-Field, in the Caſe of *Bedingfield* and *Freak*, and it was reſolved to be *ſmall Tithes*. But the Ground of that Reſolution was queſtioned in the Caſe of *Udal* and *Tyndal*; ſome ſaid it was, becauſe *Saffron* was *ſmall Tithes* where-ever it grew: Others, that by the Endowment, the Parſon had only reſerved the Tithe of Corn and Hay.

Cr. Eliz. 467. Moor, 909. Hutton, 78.
Owen, 74.
Cr. Car. 28.

But ſuppoſe whole Fields be planted with *Woad*, which grows in the Nature of an Herb, is this to be reckoned among *ſmall Tithes?* *Crook* ſeems to deliver the ſenſe of the Court ſo, in the former Caſe: But *Hutton* reports it, that it might come to be *majores Decimæ* and *Prædial*, if it came to be the main Profits of the Place. And the like may hold as to Hemp, Hops, Wool and Lambs. It's there ſaid, that all theſe new things, as Saffron, Hemp, Woad, Tobacco, *&c.* are to be reckoned among *ſmall Tithes*, unleſs there be ſome material Circumſtance to the contrary. But who is to be Judge of that? And what Proportion changes *ſmall Tithes* into *greater?* But what if the Endowment be ſo expreſſed, that only Tithes of Corn and Hay be reſerved to the Parſon? Then *Rolls* thinks all the reſt fall to the Vicar by Conſtruction of Law.

Hutton, 78.
Rolls, A. 2. 331.

By the Word *Altarage*, it was reſolved in the *Exchequer*, upon a ſolemn Hearing, 21 *Eliz.* and after confirmed in the Caſe of *Wood* and *Greenwood*, not meer Oblations are to be underſtood, but whatever Cuſtom hath comprehended under it. And I find in the Settlement of the *Altarage* of *Cokerington* by *Rob. Groſthead*, Biſhop of *Lincoln*, not only Oblations and Obventions, but the Tithes of Wool and Lamb were comprehended under it.

Littleton, 244.
Hetley, 135.

II. The next Diſcharge of Tithes, is by the Privileges of particular Orders allowed by our Law. For it is to be obſerved, that no Bulls of Popes make a legal Diſcharge; but in ſuch Caſes where the Law allows them, and my Lord *Coke* thinks it cannot be inſiſted upon without danger of a *Præmunire*. For when the *Ciſtertians* had procured new Bulls to inlarge their Privileges as to their Lands in the Hands of Farmers, a Law was paſſed againſt it, 2 *H.* 4. *c.* 4. which was grounded on a Petition in Parliament ſhewing the Novelty and Miſchief of it.

Mon. II. 604.
2 Inſt. 653.
Rot. Parl. 2. H. 41.

It was affirmed by our great Lawyers, that the Pope's Act in diſſolving the Body of the Templars, which was done, 5 *E.* 2. had no effect here till the 17 *E.* 2. when the Parliament gave their Lands to the Hoſpitallers.

Mon. II. 511. Cr. 2. 578.
Palm. 222.
Walſingh. A. 1325.

And that the Pope could not by his Bull diſſolve a Vicarage after Cr. 2. 517. Pal. 222. they were made perpetual by the Statute; ſo that our own Law is to govern in this matter.

But what Orders had Exemption from Tithes by our Law? At firſt moſt of the Orders of Monks had it for Lands in their own Hands. Extr. de Decimis, c. 10. This by *Hadrian* IV. was reſtrained to the *Ciſtertians*, Templars and Hoſpitallers, which is owned in the Canon-Law, by a Decretal of *Alexander* III. who declares it not to be intended for Lands let out to farm.

Innocent III. reſtrains it to ſuch Lands as they were then in Poſſeſſion 2 Inſt. 652. of; but my Lord *Coke* makes the Grant to be *from* Innocent III. *in the Council of* Lateran, 17 John; but he adds, *That it extends only to the Lands which they had before*; which was all that was done then. But he ſaith, *That this Privilege was allowed by the general Conſent of the Realm*; however that were, it is certain that the *Lateran* Council made no Reſtriction to the three orders.

But what ſhall we ſay to the *Præmonſtratenſes*, of whom he ſaith, *That they were diſcharged by a Bull of* Innocent III. This point was diſ- Popham. 156. puted in the Caſe of *Dickenſon* and *Greenhow*. It was not denied, that they had obtained ſuch a Bull, but it was denied that it was ever received here. On the other ſide, it was ſaid, that their Bulls were confirmed; which doth not appear, nor that any Judgment was given in the Caſe. There is a Bull extant in the Collection of *Innocent*'s Epiſtles, to exempt the *Præmonſtratenſes* from *the Tithes of Lands in their* Innocent. 3. Epiſt. *l.* 1. Ep. 331. *own Hands*; but this was granted in the firſt Year of *Innocent* III. ſometime before the *Lateran* Council, and they might enjoy the ſame Privileges with the *Ciſtertians*, if it could be proved, that they were as generally received, which hath not yet been done. As to the *Ciſtertians* themſelves, there are conſiderable Limitations of their Privileges.

1. They muſt relate to Lands in their Poſſeſſion before the *Lateran Council*, *A. D.* 1215. 17 of King *John*. And in matters againſt common Right, the Proof in Reaſon ought to be on thoſe who pretend to particular Privilege. But it's certain the *Ciſtertian* Order hath had many Lands in *England* ſince that time (and it were no hard matter to find them out.) But, ſuppoſe they were actually diſcharged at the Diſſolution, and the Proprietaries were to enjoy them in the State they found them, is not this a ſufficient Diſcharge? Yes, if it be a legal Diſcharge; for the Statute only puts them into the ſame legal Capacity they were in before; but if they were Lands given ſince the *Lateran* Council, they were not in a Capacity to be diſcharged by Law; for it was not otherwiſe received.

2. This Privilege doth not exclude ancient Compoſitions, as to their Demeſn Lands. For theſe Privileges did not go down ſo eaſily, but where there were Rectors able to conteſt it, they brought even the *Ciſtertians*, to Compoſitions. And the Pope himſelf appointed Commiſſioners here to compound the matter: And between the Monaſtery of *Pipewel* and *Hugh Pateshul* Rector of *Eltyndon*, which ended in Compoſition of ſix Marks *per Annum* for the Tithes of their Demeſns. And another between the Vicar of *Dunchurch* and the ſame Monaſtery; and between the Rector of *Wynſwick* for the Tithes of Ten Yard-Lands in *Colds Abby*. All which I have peruſed in the Regiſter of that Monaſtery *MS.*

3. The Privilege doth not hold where the Monaſteries were under Value, and came to the King by the Statute 27 *H.* 8. unleſs they were continued, and came within the Statute of Diſſolution, 31 *H.* 8. And it ought to be proved that they continued ſeparate; for if their Lands were given to the greater Monaſteries, they did not retain the Privilege upon Diſſolution.

Coke R. 2. 47. Moor, 420. Cr. Car. 424.

But there is a much harder Point concerning the Hoſpitallers (who had the Lands of the Templars after 17 *E.* 2.) Their Lands were not given to the King by the Statute of Diſſolution, 31 *H.* 8. but 32 *H.* 8. *c.* 24. and the Clauſe of Exemption was left out of the Grant. Upon which a great queſtion hath riſen, whether their Lands are exempt or not? And Judgment was given againſt them in the Caſe of *Cornwallis*, or *Quarles* and *Spurling*. But in the Caſe of *Whiſton* and *Weſton*, it was argued, that the King had the ſame Privileges which the Hoſpitallers had. But it was replied, That other Lands given to the King after that Act, had not thoſe Privileges, as *Chanteries*, &c. It was ſaid, that it was, *becauſe they were not regular Eccleſiaſtical Bodies:* Which was a ſtrange Anſwer, conſidering what ſort of Eccleſiaſtical Bodies the *Hoſpitallers* made, when only the Grand Maſter and two Chaplains are bound to be *Eccleſiaſticks*; and in foreign Judicatures they were denied to be any part of the Clergy, being only an order of Knights under ſome particular Regulations.

Cr. 2. 58. Moor, 913. Jones, 186. Bridgm. 33. Latch. 89. Rolls R. 2. 40. Selden of Tithes, 122.

But ſuppoſe them capable of Appropriations of Tithes, yet when the Body is diſſolved, the Appropriation falls of it ſelf, unleſs continued by Act of Parliament, as thoſe of the Templars were to them; and thoſe of the Monaſteries by 31 *H.* 8. but where there is no Clauſe to continue the Appropriation, it muſt be underſtood to be left to the natural courſe of things; and ſo the Appropriation ſinks.

III. The third legal Exemption is from Preſcription, and ancient Compoſitions. This ſeems a difficult Caſe, becauſe ſomething leſs than the real value is to be taken, and the Rule in *Lynwood* is, *non valet conſuetudo, ut minus quam Decima ſolvatur*; but in all ſuch Preſcriptions and Compoſitions there is leſs than the true Value.

Lynw. f. 101.

To clear this matter, I ſhall ſhew,

1. That by our Eccleſiaſtical Law, all Compoſitions are not condemned.

2. That by the common Law all Preſcriptions are not allowed. And if theſe things be made out, it will follow, that where the Compoſitions and Preſcriptions are legal, the Clergy may with good Conſcience ſubmit to them, as they do in other matters of Law.

1. As to the Eccleſiaſtical Law, *Lynwood* himſelf makes theſe Limitations;

1. In caſe of perſonal Tithes. He grants that as to them, a Man may with a good Conſcience obſerve the Cuſtom although it be under the real Value. Now theſe are founded on the ſame Laws that *Prædial* and *mixt Tithes* are; and by the Stat. 2 *E.* 6. *c.* 13. they are reduced to a cuſtomary Payment before *Eaſter*, as it had been uſed Forty Years before: But beſides theſe there were Offerings to be compounded for, and the *Eaſter* Duties are a kind of Compoſition for perſonal Tithes.

Lynw. f. 97. b. c. Conſuet. f. 99.

2. In ſmall Tithes, the cuſtomary Payment is allowed. The Payment in *Lynwood*'s time, was 6 *ob.* for ſix Lambs, becauſe it was the Tenth of the Value at that time of a Lamb of a year old; the ſeventh Lamb

Lynw. f. 98.

was to be paid in kind, for which 3 *ob.* were to be paid back, becauſe three Lambs were wanting of the number Ten. But can any one believe that 5 *d.* was the true Value then of a Lamb of a year old? And *Lynwood* doth not ſuppoſe it to be the exact Value; but it was ſuch as the provincial Conſtitution determined, and he allows Compoſitions Lynw. f. 97. b. *ſuper minutis decimis.*

3. Compoſitions were allowed with the Biſhop's Conſent with Lay-perſons for their Tithes. As to what is paſt, there was no doubt; but for the future he ſaith, it doth not hold *ſine Judicis auctoritate*; which implies, that by his Conſent it may. And if ſo, then a *Modus decimandi* ſo qualified, is allowed by the Eccleſiaſtical Law. Such Compoſitions as theſe were entred into the Biſhop's Regiſtries, and if they were then made upon a valuable Conſideration at that time, I doubt the Force of Cuſtom will get the better of the Reaſon that may be taken from the great Difference of Valuation of things.

2. Let us now conſider what Preſcriptions and Compoſitions are not allowable at Common Law.

1. No Preſcription *de non decimando*, is allowed among Lay-perſons, becauſe none but ſpiritual Perſons are by the Law capable of Selden of Tithes, p. 409. Coke R. 2. 44. Cr. 2. 47. Rolls, 653. Moor, 531, 425. Hob. 297. Cr. El. 599. Tithes in their own Right. *A Lay-man*, ſaith Mr. *Selden*, *cannot be diſcharged of all Payment by meer Preſcription, unleſs he begins by Preſcription in a ſpiritual Perſon.* And to the ſame purpoſe our great Lawyers ſpeak. But in the famous Caſe of *Pigot* and *Hern*, a Diſtinction was found out, which may prove of dangerous Conſequence, *viz.* That although the Lord of a Manour cannot preſcribe for Tithes, becauſe he is not capable of them by our Law, yet he may preſcribe for a tenth Shock, as a *profit apprendre*, as a thing appurtenant to his Manour; and ſo he may have *decimam garbam*, but not *decimas garbarum.* Upon which Reſolution it is ſaid in the Biſhop of *Wincheſter*'s Caſe, 2 R. 45. that the Lord of a Manour may have Tithes as appurtenant to his Manour: For which there is no Foundation in our ancient Laws or Cuſtoms that I can find that is inconſiſtent with what is before acknowledged, that none but ſpiritual Perſons are capable of Tithes. But in plain Truth, this Caſe is not truly repreſented; and my Lord chief Hob. 300. Juſtice *Hobart*, a perſon of great Judgment and Learning in the Law, hath told the World, That this famous reporter hath ſometimes given his own opinion, and that ſudden, inſtead of the Reſolution of the Court, which muſt take much off from the Authority of his Reports; eſpecially when the Caſe is differently reported by others; as it falls out in this Caſe. For Serjeant *Moor*, who was of Counſel in that Caſe, ſaith, Moor, 483. That the Defendant pleaded a *Modus decimandi* in Satisfaction for Tithes, which was 6 *s. per Annum*: But as to the other point, whether ſuch an ancient *Modus* being made with the Lord of a Manour, binds the Copy-holders, it is out of our way; but ſurely there ought to be good Proof, that the *Modus* was made before the Copy-holds were granted, which is not offered, but only that *it might be ſo*; which deſerves no other Anſwer, but that it might not be ſo. And it is hard indeed, when Judgments are given upon Poſſibilities. And for the diſtinction of *Decima Garba* and *Decimæ Garbarum*, in a Compoſition for Moor, 278. Seld. p. 398. Tithes, is the ſame thing. Mr. *Selden*, as to this Caſe of *Pigot* and *Hern*, ſaith, *It was an inheritance of Tithes from immemorial time, by virtue of an ancient Compoſition:* And he would not underſtand the Judges in any other Senſe: For no kind of Infeodation of Tithes is

allowable here, he ſaith, ſo as to create in Lay-men a perpetual Right
to them (except only by the Statute of Diſſolution of Monaſteries)
unleſs it be derived from ſome ancient Grant of Diſcharge from the Parſon,
Patron and Ordinary, with a Conſideration of Recompence to
the Parſon; and that either from time immemorial, or ancient Compoſition.
And to the ſame purpoſe he ſpeaks in another place, where he P. 285.
owns, that by our Law every Parſon had a common Right to the
Tithes of all annual Increaſe (*Prædial* or *Mixt*) within the limits of
his Pariſh; and any Title or Diſcharge muſt be ſpecially pleaded.

2. Where a Preſcription is pleaded *de modo decimandi*, the actual Recompence
by Compoſition muſt be ſhewed. For, as my Lord *Coke* ſaith,
a *Modus decimandi* is intended as a yearly Sum in way of Satisfaction
for the Tithes to the Parſon; which *Rolls* calls the *actual Recompence*. Select Caſes. 43.

In the *Regiſter* the Account of the *Modus decimandi* is thus ſet down:
1. *There was a real Compoſition, as four Acres of Land for ſome ſmall* Regiſter.
Tithes. 2. *There was an Agreement in Writing, by the Conſent of Ordinary* 38. b.
and Patron.

But my Lord *Coke* ſaith, *the* Modus *may as well be for a Sum of Money* 2 Inſt.
as for Land. 490.

Suppoſe no ancient Compoſition in Writing can be produced, how
far doth a Preſcription hold?

1. It muſt be *immemorial*, or time out of mind. Here a great Point Bulſt. 2.
ariſes fit to be conſidered: Suppoſe the thing it ſelf hath been within 238.
Memory, as Improvements by Hops, Fruit-trees, *&c.* doth not a Compoſition
bind in this Caſe?

I anſwer, that we are to diſtinguiſh *perſonal Contracts* from *real Compoſitions*.
In the Caſe of *Hitchcock* and *Hitchcock*, there was a Contract March, 87.
between the Vicar and Pariſhioners, but it was denied to be a real
Compoſition, although confirmed by the Ordinary, and affirmed not to
be binding to the Succeſſors.

A Compoſition by a meer verbal Agreement in the Caſe of *Hawles* Hob. 176.
and *Bayfield* was declared to be neither binding to the Party nor his
Succeſſours. But in the Caſe of *Tanner* and *Small* it was declared to Yelv. 94,
hold for Years, but not for Life. 95.

My Lord *Coke* ſeems to be of Opinion, that if it be a Preſcription, 2 Inſt.
it muſt be time out of Memory of Man; but that a real Compoſition 653. Select Ca-
may be either before or within Memory of Man; but then it muſt be by ſes, 40.
Parſon, Patron, and Ordinary. 2 Inſt. 655.

It is well obſerved by Sir *Simon Degge* in his uſeful Book about theſe Leon. 1.
matters, that although real Compoſitions are ſuppoſed in Law to be 151.
the Foundation of Preſcriptions *de Modo decimandi*, where the Patron, Parſon's Coun.
Ordinary and Parſon did conſent to them; yet that the moſt of them Part. 2. c.
have grown up by the Negligence and Careleſneſs of the Clergy them- 20.
ſelves; which, I am afraid, is too true.

And he is of opinion, that no real Compoſition can be made now
to bind the Succeſſour, ſince the Statute, 13 *Eliz. c.* 10. which reſtrains
all binding Grants to one and twenty Years, or three Lives;
and if ſo, then the Conſent of Patron and Ordinary cannot make it
good.

2. It muſt be reaſonable, and therefore it hath been rejected in theſe
Caſes:

1. If

Hob. 107. Rolls, 647.

1. If it be a Preſcription to pay a certain Tithe without the Parſon's View of the nine parts, becauſe, ſaith *Hobart*, it is againſt the Law of Partition, in the Caſe of *Wilſon* and the Biſhop of *Carliſle*.

Rolls, 649. Cr. El. 276. March, 65.

2. If there be no Recompence to the Parſon, as in the Caſe of *Scory* and *Barber*, the Preſcription was founded on the Pariſhioners finding Straw for the Body of the Church.

Cr. Eliz. 786. C. Select Caſes, 45. Bulſt. 2. 238.

3. If it be for paying what was due in lieu of other Tithes; as in the caſe of ***Ingoldsby*** and ***Johnſon***, that they paid their other Tithes in lieu of Tithes of dry Cattel; or in caſe a Load of Hay be preſcribed for in lieu of Tithe-Hay, or ten Sheafs of Corn for the Tithe of all the reſt.

Hob. 40.

4. If it be not for ſomething certain and durable. For this, ſaith *Hobart*, ſhews original Weakneſs in Compoſition; being of a thing certain and durable for that which is not ſo.

Moor, 47. 420. C. R. 2. 47. Moor, 533. Hob. 298. 11 R. 14.

IV. The laſt Exemption or Diſcharge that is pleaded, as to the payment of Tithes, is unity of Poſſeſſion: This is, where a Monaſtery had the Right of Tithes by Appropriation, and had other Lands which did not pay Tithes, becauſe the owners, were to receive them, theſe were actually free at the time of Diſſolution; and the queſtion is, whether they are legally ſo by virtue of the Statute? It cannot be denied, that unity of Poſſeſſion is in it ſelf no legal Diſcharge; but whether by the Words of the Statute the Judges were divided in Opinion. But afterwards in the Caſe of *Green* and *Boſekin* the Judges allowed it, ſo it were not a meer unity of Eſtate, but of Occupation. *Hobart* ſaith, that after it had been long controverted, it was received as the common Opinion. *Coke*, that where unity of Poſſeſſion gives a diſcharge, the Title muſt be clear, the Non-payment general, and the Preſcription time out of Memory; but if the Appropriation were made in the time of *Ed.* 4. *H.* 6. it could not be diſcharged by unity; nor if it were a late Abby-preſcription.

Thus I have endeavoured to lay this matter before you as briefly and clearly as I could, from the beſt Light I could get, that I might give you ſuch Directions, that you may neither run into needleſs and vexatious Suits, nor be run down by frivolous Pretences. It is your great Advantage that you have the Law of your ſide, if you underſtand it aright; but have a care of being ſet on by ſuch, whoſe Intereſt it is to promote Suits; and I am ſure it is yours to prevent them, *if it be poſſible, and as much as lies in you.* The Churches Right is not to ſuffer by your Negligence; and you are not to make the Church to ſuffer by your Contentions. He that loves going to Law, ſeldom fails of having enough of it; he ſuffers in his Purſe, in his Reputation, in his Intereſt, and the Church ſuffers by his Means. Endeavour to gain, as much as may be, the Love of your People by a kind, modeſt, courteous and peaceable Behaviour, which is the beſt way to prevent, or to compoſe Differences. If you are forced to ſue for your Maintenance let them ſee that you are forced to it, and that you are always willing to put an end to all ſuch Diſputes, if the Churches Right be ſecured, which you are bound to preſerve.

Of the OBLIGATION to obſerve the Eccleſiaſtical CANONS and Conſtitutions, at a Viſitation *October* 29th. 1696.

IN ſpeaking clearly and diſtinctly to this caſe, there are theſe two things to be conſidered;

I. By what Authority they do oblige.

II. In what way and Manner they oblige.

I. The firſt thing to be conſidered is the Authority by which Eccleſiaſtical Canons and Conſtitutions do oblige. For, if there be not ſufficient Authority, there cannot be that Obligation on Conſcience, which ſuppoſes a legal Exerciſe of Power, or a juſt Right to command. Our obedience to the orders of our Superiours, is due by virtue of that divine Law which requires us to *be ſubject for Conſcience-ſake:* But our obedience is to be regulated *by the order of Juſtice*, i. e. it ought to be according to Law. Therefore it is neceſſary, in the firſt place, to enquire whether there be among us any ſuch things as *Eccleſiaſtical Laws*, *i.e.* ſuch Rules, which according to the Conſtitution of our Government, we are bound to obſerve.

For we are Members of a Church eſtabliſhed by Law; and there are legal Duties incumbent on us, with reſpect, not only to the Laws of God, but of the Realm. For, although our Office and Authority, as Church-men, hath a higher Original; yet the Limitation of the Exerciſe of it, is within ſuch Bounds as are allowed and fixed by the Law of the Land.

It is therefore a matter of great Conſequence to us to underſtand how far our Eccleſiaſtical Conſtitutions are grounded upon the Law of the Land, which cannot be done without ſearching into the Foundations of our Laws.

Which lie in three things: 1. Immemorial Cuſtom. 2. General Practice and Allowance. 3. Authority of Parliament.

And I ſhall endeavour to ſhew how far our Eccleſiaſtical Conſtitutions are founded on theſe.

1. *Immemorial Cuſtom.* Our greateſt Lawyers allow ancient Cuſtom to be one of the Foundations of our Laws; and my Lord *Coke* calls it *one of the main Triangles of the Laws of* England. I ſuppoſe he means *Foundations.* And another ſaith, That *the common Law of* England *is nothing elſe but the common Cuſtom of the Realm.* My Lord chief Juſtice *Hales* ſaith, That *the common Uſage, Cuſtom and Practice of the Kingdom, is one of the main Conſtituents of our Law.* *Coke* quotes *Bracton's* Authority to prove, That *Cuſtom obtains among us the force of a Law, where it is received and approved by long uſe. And of every Cuſtom,* he ſaith, *there be two eſſential Parts, time and uſage; time out of mind, and continual and peaceable uſage without Interruption.* But in caſe of Preſcription or Cuſtom, he ſaith, That *an Interruption of ten or twenty years hinders not the Title, but an Interruption in the Right;* the other is only an actual *Suſpenſion for a time.*

1 Inſt. 11. b. 115. b. 344.

Preface to 4 R. Sir John Davis Pref.

Hale's Hiſtory and Analyſis of the Law, MS.

1 Inſt. 110. b.

2 Inſt. 114. b.

It may be asked, how time and uſage come to make Laws, ſince *time hath no operation in Law*, ſaith *Grotius*?

Grot. de J. B. & P. *l.* 2. *c.* 4. Sect. 1.

Not of it ſelf, as *Grotius* there ſaith, but with the Concurrence of other Circumſtances it may.

Bract. *l.* 1. *c.* 3. L. 2. *c.* 22. *n.* 1. L. 4. *c.* 17. *n.* 5. *c.* 40. Littl. Ten. Sect. 170.

Bracton ſaith, *longa poſſeſſio parit jus poſſidendi*; and by a long and peaceable Poſſeſſion Dominion is transferred, without either Title or Delivery; which he founds on this good Reaſon, that all Claims of Right ought to have a certain limitation of time, and length of time takes away any Proof to the contrary. *Littleton* ſaith, *that time out of Memory of Man, is ſaid to give Right, becauſe no Proof can be brought beyond it.* And this he calls *Preſcription at common Law*, as it is diſtinguiſhed from *Preſcription* by the ſeveral Statutes of Limitations.

But whence is it then, that an immemorial Poſſeſſion gives Right?

Is it from the meer *Silence* of the Parties concerned to claim it? No, *Silence* gives no Conſent, where Ignorance or Fear may be the Cauſe of it. And is it a Puniſhment upon the Neglect of the Party concerned? So *Bracton* ſaith, *time doth it, per patientiam & negligentiam veri Domini.* But meer Neglect doth not overthrow Right, unleſs there be an antecedent Law to make that Neglect a Forfeiture.

Is it from a *preſumptive Dereliction?* But that ſuppoſes not bare continuance of time, but ſome kind of voluntary Act, which implies a ſort of Conſent which doth not appear in this Caſe. And it is a great Miſtake in thoſe, who think there is no *preſumtive Dereliction*, where there is not a full Conſent; for it may be, where there is the Conſent of a *mixt Will*, *i. e.* partly *voluntary*, and partly *involuntary*; when the Circumſtances are ſuch, as the Perſon rather chuſes to leave his Right, than ſubmit to the lawful Conditions of enjoying it: As if a Man would rather quit his Fee than perform the Service which belongs to it.

Is it from the common Intereſt of Mankind, that ſome Bounds be fixed to all Claims of Right? Becauſe otherwiſe that Man will be liable to perpetual diſturbance, if the Right be permitted to be claimed beyond any poſſibility of Proof.

Or is it, laſtly, that in ſuch Nations where immemorial Cuſtom obtains the force of a Law, it ſeems agreeable to the Foundations of Law, that a long continued Poſſeſſion ſhould carry Right along with it?

Glanv. Prol. Dr. and St. *c.* 7.

And this was the caſe here in *England*, as not only appears by what *Bracton* hath ſaid, but *Glanvil* makes a great part of our Law to conſiſt of reaſonable Cuſtoms of long Continuance. And St. *Germain* affirms ancient general Cuſtoms to be one of the principal Foundations of our Law; and that they have the force of Laws, and that the King is bound by his Oath to perform them. And it is worth our while to obſerve what general Cuſtoms he doth inſtance in; as the Courts of Equity and Law, the hundred Court, the Sheriffs Turn, the Court-Baron, *&c.* which depend not upon Acts of Parliament, but the ancient Cuſtom of *England*, which he calls the *common Law*. And among theſe ancient Cuſtoms, he reckons up Rights of deſcent, Eſcheats, the different ſorts of Tenures, Freeholds, and the Laws of Property, as they are received among us.

We are now to enquire, how far any of our Eccleſiaſtical Conſtitutions can be ſaid to be built upon this Foundation; and upon immemorial Cuſtom generally received.

1. I place (1.) the Diſtribution of this national Church into two Provinces, in each whereof there is an Archbiſhop with Metropolitical Power, which lies chiefly in theſe things, (1.) the right of Conſecration

tion of his Suffragans. (2.) The Right of Viſitation of every Diocеſs in ſuch way and manner as Cuſtom hath ſettled it. (3.) The right of receiving Appeals from inferiour Courts of Judicature in Eccleſiaſtical Matters. (4.) The right of preſiding in provincial Councils of the Suffragans of his Province; which by the moſt ancient Conſtitutions of this Church, were to be held once a Year; ſo it was decreed in the Council under *Theodore*, *A.D.* 673. but by the Difficulties of the times, they were diſcontinued; and ſo the Authority of examining things through the Province, came by a kind of Devolution to the Archbiſhop and his Courts. (5.) The Cuſtody of vacant Sees, by the Cuſtom of *England*, falls to the Metropolitan, if there hath been no Cuſtom or Compoſition to the contrary. And ſo it hath been upon ſolemn Debates reſolved in our Courts of common Law. *Coke* thinks that of common Right it belongs to the Dean and Chapter, but by Cuſtom to the Archbiſhop. But *Panormitan* ſaith, *There was no Pretence of common Right for them, till the time of* Boniface VIII.

Spel. Con. I. p. 153.

Rolls 2. 322. Bulſt. 3. 176. Brownl. 1. 43. Kebl. 3. 91. Panor. in c. Cum olim.

2. The ordinary Juriſdiction of every Biſhop over the Clergy of his own Dioceſs. This is as ancient as Chriſtianity among us. For no ſooner were Churches planted, but there were Biſhops ſet over them; who had from the beginning ſo much Authority, that none of the Clergy could either receive or quit his Benefice without their Conſent and Approbation; and they were all bound to give an account of their behaviour at their Viſitations; and in caſe of Contempt, or other Miſdemeanours, they were to proceed againſt them according to the Canons of the Church. I do not ſay the Dioceſſes were at firſt all modelled alike, or with the ſame bounds which they now have; which was unreaſonable to ſuppoſe, conſidering the gradual Converſion of the Nation. For at firſt there was but one Biſhop in every one of the *Saxon* Kingdoms, except *Kent*, where was but one Suffragan to the Metropolitan for ſome time, till the Kingdoms came to be united; or the Kings conſented to an Increaſe of ſeveral Dioceſſes, and uniting them under one Metropolitan, which was a work of time. But in all the *Saxon* Councils we find no mention of any Eccleſiaſtical Juriſdiction, but what was in the Biſhops themſelves, *Concil. Cloveſhoe Can.* 1, 4, 5. *Concil. Cealchyth. Can.* 1. *Egbert Canon. c.* 45, 62. The firſt who began to ſeek for Exemptions, were the Abbots, who were under the Biſhop's Juriſdiction, who was too near them; and therefore they endeavoured to get under the Pope's immediate Juriſdiction by Charters of Exemption, which the great Abbies either procured or made; and the more *ancient* the more *ſuſpicious*. But the Lord Chancellor and three chief Judges declared, that by the common Law of *England*, every Biſhop in his Dioceſs, and the Archbiſhops in Convocation may make Canons to bind within the Limits of their Juriſdiction.

Moor, n. 783.

3. The ſubordinate Juriſdiction which was lodged in the Bodies of the Clergy reſident in Cathedral Churches, and of Archdeacons in the ſeveral Dioceſſes: I cannot find either of theſe to have had any Juriſdiction here before the Conqueſt. neither were there any Courts of Juſtice out of the ſeveral Counties before; for all *Cauſes* were tranſacted in the *County Courts* and *Sheriffs Turns*, and Appeals lay from them to the Supreme Judicature of the King and the Lords. But this doth not hinder but theſe Courts may be founded on the Law of *England*. And ſo the original Juriſdiction, which of Right belonged to the Biſhop, might by decrees, and a gradual Conſent, come to be committed, as to ſome

1 Inſt. 94. Ventris, II. 189. 269. Godol. 61, 65.

ſome parts, to the Bodies of Cathedral Churches, and to the Archdeacons, who are, ſaith my Lord *Coke*, ſixty in *England*. We are told in a late Caſe of *Woodward* and *Fox*, *That there are Archdeaconries in* England *by Preſcription, which have no dependency on the Biſhop, but are totally exempt.* And for this *Godolphin* is cited, who refers to the *Gloſs* on the *Legatine Conſtitutions, f.* 27. where we read of *ſome Archdeacons having a cuſtomary and limited Juriſdiction ſeparate from the Biſhop, for which a Preſcription lies.* But this is only for ſome *ſpecial Juriſdiction*; as the Archdeacon of *Richmond* for *Inſtitutions*, which came firſt by Grant from the Biſhops; but that not being to be produced, they inſiſt upon Cuſtom and Preſcription, as the Deans and Chapters do, where the ancient Compoſitions are loſt, but none who underſtand the ancient Conſtitutions of this Church, can ſuppoſe either of them to have been original, ſince the Right to the Juriſdiction of the Dioceſs was in the Biſhop, before there were here either *Archdeacons* or *Chapters* with Juriſdiction.

Rolls R. 2. 150.

449.

In the caſe of *Chiverton* and *Trudgeon*, it was declared, that an Archdeacon might have a peculiar Juriſdiction, as to Adminiſtration, *&c.* as the Dean of S. *Paul*'s had at S. *Pancras*; and ſo the Archdeacon of *Cornwall*, as to Wills. In the caſe of *Gaſtril* and *Jones* the chief Juſtice declared, that the Archdeacon is the Biſhop's Officer, and his Authority ſubordinate to the Biſhops, and granted by them; but if ſpecial Cuſtom be pleaded, that muſt be well proved; to which *Dodderige* agreed.

De Offic. Archdiac.

Gloſſ. in Conſt. Oth. p. 27.

But we muſt diſtinguiſh between *Archdeaconries by Preſcription*, for which I can find no Foundation (being all derived by Grant from the Biſhop) and *Archdeacons* having ſome kind of *Juriſdiction by Preſcription*, which others have not; which cannot be denied. All the Power which the *Archdeacons* have by virtue of their Office, is *per modum ſcrutationis ſimplicis*, as *Lynwood* ſpeaks, *tanquam Vicarius Epiſcopi*: Whatever Power they have beyond this, is not *Jure communi*, but *Jure ſpeciali*, and depends either upon Grant or Cuſtom; which the *Gloſs* on the *Legatine Conſtitutions* calls *a limited Jiriſdiction.*

Ventris, II. 269. 4 Inſt. 339.

The *Archdeacon's Court* is declared by the Judges in *Woodward's* Caſe to have been, *time out of Mind, ſettled as a diſtinct Court, from which there lies an Appeal to the Biſhop's Court*, by the Statute, 24 *H.* 8. *c.* 12.

And ſo the *Archdeacon*'s Juriſdiction is founded on an immemorial Cuſtom, in ſubordination to the Biſhops.

As to the *Deans* and *Chapters*, I obſerve theſe things:

3 R. 75.

1. That although Eccleſiaſtical Bodies in Cathedrals were very ancient, yet we read not of any Juriſdiction peculiar to themſelves, during the *Saxon* times. My Lord *Coke* ſaith, *there were Chapters, as the Biſhop's Council, before they had diſtinct poſſeſſions. And by their Books*, he ſaith, *it appears, that the Biſhops parted with ſome of their Poſſeſſions to them, and ſo they became Patrons of the Prebends of the Church:* Such were *London, York* and *Litchfield.*

2. That ſeveral of our Chapters were founded and endowed by the Biſhops ſince the Conqueſt: Such was that of *Salisbury* and *Oſmund* out of his own Eſtate, as appears by his Chapter, and the Confirmation of *H.* 2. So was that of *Lincoln* by *Remigius*, who removed the See from *Dorcheſter* thither, and placed there a Dean, Treaſurer, Præcentor, and ſeven Archdeacons, as *Henry* of *Huntingdon* ſaith, who lived near the time. And in following times thoſe of *Exeter* and *Wells* were ſet-

tled as *Dean* and *Chapter*; for they were Eccleſiaſtical Bodies before, but not under that Denomination.

3. That ſome had the legal Rights of *Dean* and *Chapters*, as to Election of Biſhops, and Confirmation of Leaſes, *&c.* but were a Monaſtick Body conſiſting of Prior and Convent: Such were *Canterbury*, *Wincheſter*, *Worceſter*, after the Expulſion of the ſecular Canons; for the Monks not only enjoyed their Lands, but were willing enough to continue the Name of *Dean* among them: As at *Canterbury*, after *Dunſtan*'s time, *Agelmothas* is called *Dean*; in *Worceſter Wolſton* is called *Dean* when he was *Prior*; and *Winſius*, upon the firſt change, is ſaid to be placed *loco Decani*, by *Florence* of *Worceſter*. At *Norwich*, *Herbert* the Biſhop founded the *Prior* and *Convent* out of his own Poſſeſſions in the time of *William* II. and they became the *Chapter* of the Biſhop by their Foundation. Now as to theſe, it is reſolved in the *Dean* and *Chapter* of *Norwich*'s Caſe, that when the King transferred them from a *Prior* and *Convent*, the *legal Rights* remained the ſame. And in *Hayward* and *Fulcher*'s Caſe, the Judges declared, that *an Eccleſiaſtical Body may ſurrender their Lands, but they cannot diſſolve their Corporation, but they ſtill remain a Chapter to the Biſhop.* And it was not only then delivered, but ſince inſiſted upon in a famous caſe, *that it was the Reſolution of the Judges, that a ſurrender cannot be made by a Dean and Chapter, without conſent of the Biſhop, becauſe he hath an intereſt in them.*

Mon. I. 140.
Florent. A. 969.
Anderſon, II. 120.
1 Inſt. 102. b. 3 R. 75. Palmer 501.
Jones 168.
Quo Warranton, 14.

4. That *H.* 8. endowed ſome as *Chapters* to new erected Biſhopricks, as *Cheſter*, *Briſtol*, *Oxford*, &c. 31 *H.* 8. 9. 34 *H.* 8. 17. and united others, as *Bath* and *Wells*, and *Coventry* and *Litchfield*, 33 *H.* 8. 30. 34 *H.* 8. 15.

5. That where the Cuſtom hath ſo obtained, there may be a *legal Chapter* without a *Dean*; as in the Dioceſſes of S. *David*'s and *Landaff*, where there is no other Head of the Chapter but the Biſhop; but they muſt act as a diſtinct Body in Elections and Confirmations of Grants by the Biſhops.

6. That by the ancient Cuſtom of *England*, there are ſole Eccleſiaſtical Corporations as well as aggregate. A ſole Eccleſiaſtical Corporation, is, where a ſingle Perſon repreſents a whole Succeſſion, and under that Capacity is impowered to receive and to convey an Eſtate to his Succeſſors: As Biſhops, Deans, Archdeacons, Parſons, *&c.* But Parſons and Vicars are ſeized only in Right of the Church, but as to a Biſhop, *he may have a Writ of Right, becauſe the Fee-ſimple abideth in him and his Chapter; and ſo may a Dean and Maſter of an Hoſpital:* And theſe are called *Bodies Politick* by *Littleton*.

1 Inſt. 341. b. 300.

That the Exerciſe of the Biſhop's Power may be reſtrained by ancient Compoſitions, as is ſeen in the two ancient Eccleſiaſtical Bodies of S. *Pauls* and *Litchfield*. Concerning which, it is to be obſerved, that where the Compoſitions are extant, both Parties are equally bound to obſerve their parts. Thus by the Remiſneſs and Abſence of the Biſhops of *Litchfield* from their See, by going to *Cheſter*, and then to *Coventry*, the Deans had great Power lodged in them, as to Eccleſiaſtical Juriſdiction there. After long Conteſts, the matter came to a Compoſition, *A. D.* 1428. by which the Biſhops were to viſit them but once in ſeven Years, and the *Chapter* had Juriſdiction over their own Peculiars. So in the Church of *Sarum* the Dean hath very large Juriſdiction, even out of the Biſhop's Dioceſs; which makes it probable to have been very ancient; but upon conteſt it was ſettled, by Compoſi-

Sect. 645.
Sect. 413.

tion between the Biſhop, Dean, and Chapter, *A. D.* 1391. But where there are no Compoſitions, it depends upon Cuſtom, which limits the Exerciſe, altho' it cannot deprive the Biſhop of his Dioceſan Right.

4. The delegate Juriſdiction which was committed to the ſeveral Officers of the Biſhops Courts, and the manner of their Proceedings, is founded upon immemorial Cuſtom. In the *Saxon* times I find no Delegation of Eccleſiaſtical Juriſdiction; for the Biſhops ſate in Perſon in in the County-Courts, and there heard Eccleſiaſtical Cauſes, as appears by the Charter of *H.* 1. when he pretended to reſtore the *Saxon* Laws, *c.* 7. But *William* I. had ſettled the *Conſiſtory Court* by as good a Law as any that was made at that time, diſtinct from the County-Court, and required all Eccleſiaſtical Cauſes to be there heard; and his Son *H.* 1. did but make a ſhew of reſtoring the *Saxon* Laws, and the former Law came to be generally receceived, and ſo Mr. *Selden* yields, that *it grew to be a general Law*; which ſhews that it obtained the force of a Law by Conſent, as well as by Authority. The *Conſiſtory Courts* being thus ſettled, and Numbers of Cauſes there depending, and the Biſhops being then by *H.* 2. in the Conſtitutions of *Clarendon* ſtrictly tied to Attendance upon the Supreme Courts of Judicature, with other Barons, there came a Neceſſity of taking in other Perſons with a delegated Power to hear Cauſes, and to do ſuch other Acts of Juriſdiction as the Biſhops ſhould appoint. For it was allowed that *Jure communi*, the Juriſdiction was in the Biſhop; but *Jure ſpeciali, & in auxilium Epiſcopi*, it might be delegated to others. And ſo it hath been here received, and not only here, but it hath been the general Practice of Chriſtendom. As to the manner of proceeding in the Eccleſiaſtical Courts, it is the ſame in all Parts, and built on the ſame Grounds with thoſe of our Courts of Equity and Admiralty, which are as different from thoſe of the Common Law.

Selden of Tithes, p. 413.

Borde-nave, *f.* 69.

5. The ſettling parochial Rights, or the Bounds of Pariſhes depends upon an ancient and immemorial Cuſtom. For they were not limited by any Act of Parliament, nor ſet forth by ſpecial Commiſſioners; but as the Circumſtances of Times and Places, and Perſons did happen to make them greater or leſſer.

In ſome places Pariſhes ſeem to interfere, when ſome place in the middle of another Pariſh belongs to one that is diſtant; but that hath generally happened by an unity of Poſſeſſion, when the Lord of a Manour was at the charge to erect a new Church, and make a diſtinct Pariſh of his own Demeſns, ſome of which lay in the compaſs of another Pariſh. But now care is taken by annual Perambulations to preſerve thoſe Bounds of Pariſhes, which have been long ſettled by Cuſtom. But the Bounds of Pariſhes is not allowed to belong to the Eccleſiaſtical Juriſdiction.

II. The next Foundation of Law, is a *general Practice*, and *Allowance*, i. e. when things of themſelves do not oblige by the Authority of thoſe that made them; yet being generally received and allowed, they thereby become Law to us. This we have in an Act of Parliament, 25 *H.* 8. *c.* 21. wherein it is ſaid, that the People of *England* are only bound to ſuch Laws as are properly their own, being in Subjection to no Foreign Legiſlative Power. But were not many things here received for Laws, which were enacted by foreign Authority, as the *Papal* and *Legantine Conſtitutions*? True, ſay they, but it is not by virtue of their Authority, but by the *free Conſent of the*

People in the Uſe and Allowance of them: And ſo they are not obſerved as the Laws of any foreign Prince, Potentate, or Prelate, but as the cuſtomed and ancient Laws of this Realm, originally eſtabliſhed as Laws of the ſame, by the ſaid ſufferance, Conſent and Cuſtom, and no otherwiſe.

So that here we have a full and expreſs Declaration by Parliament, that ſuch Canons as have been received and allowed by ancient Cuſtom, make a part of our Laws, and continue to oblige, provided that they be not repugnant to the King's Prerogative, nor to the Laws, Statutes, and Cuſtoms of the Realm, as it is expreſſed in another Act of the ſame Parliament, 25 *H.* 8. *c.* 19.

The Eccleſiaſtical Laws, ſaith my Lord *Coke*, *are ſuch as are not againſt the Laws of the Realm*, viz. *the common Law, and the Statutes and Cuſtoms of the Realm: And according to ſuch Laws the ordinary and other Eccleſiaſtical Judges do proceed in cauſes within their Conuſance.* 1 Inſt. 344.

So that by the Acknowledment of this great Oracle of the common Law, there are *Laws Eccleſiaſtical* in force among us, and Cauſes to be judged by thoſe Laws, and Officers appointed by the Law to proceed according to them.

The *Eccleſiaſtical Laws* and *Ordinances* are owned by the Statute, 27 *H.* 8. *c.* 20. 32 *H.* 8. *c.* 7. 35 *H.* 8. *c.* 19. after the Commiſſion appointed for the Review of them, 1 *E.* 6. *c.* 2. The Eccleſiaſtical Courts are appointed to be kept by the King's Authority, and proceſs to be iſſued out in his Name in all Suits and Cauſes of inſtance between Party and Party, where the Cauſes are particularly mentioned, which belong to thoſe Courts, and no Alteration is made in them, as to their Powers, but only that the proceſs ſhould be in the King's Name.

But ſome Perſons in our Age, who love to be always ſtarting Difficulties to humour ſuch as bear Ill-will to our Conſtitution, have ſuggeſted, that although this Act was repealed, 1 Q. M. 2. yet that Repeal was taken off, 1 *Jac.* 25. *n.* 48. therefore, ſay they, this Stat. 1 *E.* 6. is revived.

But the plain and ſhort Anſwer is this, that there was no need of any Debate about the Repeal of the Statute of *E.* 6. after the firſt of Q. *Eliz.* becauſe then the Statute, 25 *H.* 8. *c.* 20. was expreſly revived, wherein the Biſhops were impowered *to act as before they might have done, according to the Laws and Cuſtoms of the Realm.* By which no leſs Men of the Law than *Coke*, *Popham*, and other Judges did think *the Stile of the Court, and manner of their Proceedings was comprehended.* C. 12. 8. And the *ancient Epiſcopal Juriſdiction is declared to be according to Law*, by the Stat. 1 *El. c.* 1. *and all foreign Juriſdiction is aboliſhed, and the Eccleſiaſtical Juriſdiction annexed to the Crown of this Realm*; which is owned by every Biſhop when he takes the *Oath of Supremacy*. How then can it be imagined, that he ſhould do any more to the Prejudice of the Crown, by the proceſs being in the Biſhop's Name, than the Lord of a Manour doth, when he keeps his Courts in his own Name? To ſuppoſe that it is owning a *foreign Juriſdiction*, is ridiculous; for the Biſhops of *England* never pretended to act as *Ordinaries*, by virtue of a Juriſdiction from the Pope, but by virtue of their Original Authority which they had by the Laws of the Realm, as to their exterior Juriſdictions. And the Authority they then acted by from the Pope, was in Caſes *extraordinary*, when they were delegated by particular Commiſſion. And if there had been a real Derogation from the King's Prerogative, in the proceſs being in the Biſhop's Name, can any Man of Senſe imagine, that it would have been permitted in ſuch jealous times as to *Supremacy*, as the latter end of *H.* 8. and the whole Reign of Q. *Elizabeth* were, wherein the Biſhops wanted not Enemies, but their Malice would have been too apparent, if they had inſiſted on ſuch Objections? But to proceed in ſhewing that the Eccleſiaſtical Laws have been owned by Acts of Parliament ſince the Reformation, 2 *E.* 6. *c.* 13. *n.* 13. *The Eccleſiaſtical Judges are required to proceed according to the King's Eccleſiaſtical Laws.*

And to the ſame purpoſe, 1 *E. c.* 2. *n.* 23.

1 Inſt. 11. 4 Inſt. 321. Proœm. to 4 Inſt.

Accordingly my Lord *Coke* frequently owns the *Eccleſiaſtical Laws and Juriſdiction*, ſo they be *bounded by the Laws of the Realm*; of which there can be no queſtion. *For deciding of Controverſies, and for diſtribution of Juſtice*, ſaith he, *there be within this Realm two diſtinct Juriſdictions*; *the one Eccleſiaſtical, limited to certain ſpiritual and particular Caſes*; *the other ſecular and general, for that it is guided by the common and general Law of the Realm.*

1 Inſt. 96.

And to the ſame purpoſe my Lord chief Juſtice *Hales* in ſeveral places in a *MS.* diſcourſes of the *Hiſtory and Analyſis of the common Law, ch.* 1. *and* 2. But here the great Difficulty lies in finding out what theſe *Canons* and *Conſtitutions* are which have been ſo received and allowed by our Laws.

Stat. de Merton. c. 9.

For it is certain, that ſeveral *Canons* made by Popes, were not received here, as in the Statute of *Merton*, about *Legitimation* of Children born before Marriage, *Stat. Mer. c.* 9. where the Lords declared *they would not alter the old Laws for a new Canon.* For *Alexander* III. in the time of *Hen.* II. had made a Canon to that purpoſe; but as *Glanvil* ſaith, it was *contra jus & conſuetudinem Regni.*

Glanvil, l. 7. c. 15.

Stat. de Bigamis, c. 5.

The Canon to take away the benefit of the Clergy from *Bigami*, was debated in Parliament how far it ſhould be received, and the ſenſe there declared, which was complained of, 51 *E.* 3. and taken away, 1 *E.* 6. *c.* 12.

The Canon againſt Inveſtiture of Biſhops by a Lay-hand, was never here received; for although *H.* 1. after a long Conteſt gave it up, yet it was reſumed by his Succeſſors.

Popham. 157.

Spelm. Concil. 2. 342.

The Canons for Exemption of the Clergy, were never fully received here. Some Lawyers ſay, it was never obſerved; I ſuppoſe they mean according to the Canons, but that they had legal Privileges here, although not a total Exemption, cannot be denied by any one verſed in our Laws from the *Saxon* times.

The Pope's Canon for the Clergy, not being taxed without his conſent, was never received, as appears by the Conteſts about it in the time of *E.* 1. and their Submiſſion afterwards.

The Pope's Canons about Appeals, Proviſoes, Diſpenſations, *&c.* were never received by ſuch a general Conſent as to make them Laws; they were ſometimes practiſed by Connivance, and the Kings, when it ſerved their purpoſes, let them alone; but as often as there was occaſion, they were conteſted and denied, and Statutes made againſt the Execution of them.

Some Canons I find diſputed, whether they were received by the Law of *England* or not.

De Filiis Presbyt. cum à jure ſit inhibit. Lynw. l. 32.

As the Canon *againſt Clergy-mens Sons ſucceeding their Fathers in their benefices immediately, without a papal Diſpenſation*, is not only a part of the Canon Law, but enter'd in our provincial Conſtitutions. But in the Caſe of *Stoke* againſt *Sykes*, it was held by *Dodderidge* and *Jones*, two learned Judges, that *this Canon was not received here.* And *Dodderidge* inſtanced in two other Canons not received; as *againſt a Man's marrying a Woman he had commited Adultery with*; and *a Lay-man's not revoking his firſt Preſentation.* Latch. 191. And Sir *John Davis* mentioned *reckoning the Months for Preſentation by Weeks, and not by the Calendar.* Popham. 157. But both theſe are diſputable Points.

For ſome ſay, as to the former, *that none but the King can revoke a Preſentation.* Leon. 1. 156. But the Canoniſts think a private Patron may vary with the Biſhop's Conſent. Hugh's Parſ. Law, c. 12.

And as to the way of *computing the Months*, it hath been differently reſolved; Lynw. f. 119. Leon. 1. 39. 6 R. 61. but in *Catesbie*'s Caſe, it was determined to be *Calendar Months* for many Reaſons. But in the ancient Reſolution in the time of *E.* II. the *Tempus ſemeſtre* was reckoned from notice to the Patron, and not from the death of the Incumbent. *Rolls* ſaith, *By our Law it is from the time the Patron might have notice, with regard to the diſtance of the Place where the Incumbent died:* Rolls A. 2. 363. Which leaves the matter uncertain. But the *Regiſter* reckons *from the Vacancy.* Reg. 42. b.

In many other caſes the foreign Canons were not received, for they allow but *four Months to a Lay-Patron*, but our Law *ſix Months*; 2 Inſt. 361. they deny *any Sale of a Right of Advowſon*, but our Law allows it, and a Separation of it from the Inheritance, which the Canon Law allows not; and ſo in other particulars, but theſe are ſufficient to my purpoſe.

It is obſervable, that after the Council of *Lions*, where the Pope was preſent, *Peckham*, Archbiſhop of *Canterbury*, called a provincial Council, wherein he mentions the difference of our Cuſtoms from all others, and a Temperament to be made ſuitable to them. Spelm. Concil. II. 329. And our Judges in the great Caſe of *Evans* and *Ayſcough*, declared, that *no Canons bind here, but ſuch as are received by the Realm.* Jones, 160. And *Dodderidge* ſaid, that *our Eccleſiaſtical Law doth not conſiſt of the Pope's Decretals, but is an Extract out of the ancient Canons, General and National.* Latch. 234. Palmer, 458. But the Judges agreed, that *when they are received, they become part of our Law.* 469.

Lord Chief Juſtice *Vaughan* ſaith, that *if Canon Law be made a part of the Law of the Land, then it is as much the Law of the Land, and as well, and by the ſame Authority, as any other part of the Law of the Land.* Vaugh. 21.

In another place, that *the ancient Canon Law received in this Kingdom, is the Law of the Kingdom in ſuch Caſes.* 132.

In a third, that *a lawful Canon, is the Law of the Kingdom, as well as an Act of Parliament.* 327.

III. I now come to the third thing, *viz. The Power of making Canons by Act of Parliament.*

This is founded on the Statute 25 *H.* 8. *c.* 19. The Words are, that *no Canons, Conſtitutions and Ordinances, Provincial or Synodal, ſhall be made, promulged and executed without the King's Royal Aſſent or Licence.*

Canons ſo made, and authorized by the King's Letters Patents, according to the form of the Statute, are ſaid by Lord Chief Juſtice *Vaughan*, to be *Canons warranted by Act of Parliament.* Vaugh. 327. And ſuch he affirms the Canons of *A. D.* 1603. to be.

But ſome have objected,

That theſe are only Negative Words, and are not an Introduction of a new Law, but a Declaration of what the Law was before. Bagſhaw's Arg. about the Canons, p. 1.

But my Lord *Coke* with far greater Judgment, limits that Expreſſion, *that what was then paſſed, was declaratory of the common Law*, to that Clauſe, that no Canons ſhould be in Force, which were repugnant to the Laws of the Realm. c. 4 Inſt. 323.

But as to the *making of new Canons*, he only ſaith, that *their Juriſdiction and Power is much limited, becauſe they muſt have licence to make them, and the King's Royal Aſſent to allow them, before they be put in Execution.* But he never imagined the Senſe of the Statute to be, that no Canons could be made but in Parliament, or that the King had not a Power to confirm new Canons made by the Convocation.

As to the Law, as it ſtood before, we muſt diſtinguiſh theſe two things;

1. *Convocations* called by the *King's Writ* to the Biſhops, and the body of the Clergy, could never aſſemble without it. But the Writ for the Convocation to ſit with the Parliament, (not together in Place, but at the ſame time) is contained in the Writ to the Biſhop, and begins with the clauſe *Præmunientes*. And it is moſt probable, that it began on the ſame Ground that the Attendance of Burgeſſes did, *viz.* That when they were brought into the Payment of Subſidies, they ought to give their Conſent. For I find, that in the time of *H.* 3. *A. R.* 39. the *inferiour Clergy* complained, *That they were taxed without their Conſent.* Annal Burton. 356.

2. *Convocations* called by the *King's Writ to the Archbiſhops*; and in this Province the Archbiſhop ſends his *Mandate* to the *Biſhop of London*, who is to ſummon all the Biſhops, *&c.* to appear at a certain Time and Place, and to act as they receive Authority from the King.

The not diſtinguiſhing theſe two *Writs*, hath cauſed ſo much Confuſion in ſome Mens Minds, about the Rights of the Convocation: For they imagine that the *Convocation*, as it treats of *Eccleſiaſtical Matters*, ſits by virtue of the firſt Writ, which is in the Biſhops Summons to Parliament; but that related to them as one of the three *Eſtates* of the Realm, whoſe Conſent was then required to their own Subſidies, which were diſtinctly granted, but confirmed by the other *Eſtates*.

But the other Writ was directed to the Archbiſhop, by which the Biſhops and Inferior Clergy were ſtrictly required to appear, and then to underſtand the King's further Pleaſure, as appears by the moſt ancient Writs for a Convocation. Which ſhews, that the Convocation, properly ſo called, is an occaſioned Aſſembly for ſuch purpoſes as the King ſhall direct them when they meet. And this was the true Foundation upon which the Statute, 25 *H.* 8. was built. For it cannot be denied, that in Fact there had been Convocations for Eccleſiaſtical Purpoſes called without the King's Writ, by virtue of the Archbiſhop's Legatine Power, which was permitted to be exerciſed here, although it were an Uſurpation upon the King's Right. So even in the time of *H.* 8. although there were a Convocation ſummoned by the King's Writ to the Archbiſhop of *Canterbury*, yet Cardinal *Wolſley*, by virtue of his Legatine Power, ſuperiour to that of the Archbiſhop, removed the Convocation to another place, and preſided in it: Which was as great an Affront to the King's as well as the Archbiſhop's Authority, as could well be imagined. But this was then patiently born: Wherefore the Statute is to be underſtood of Legal, and not of *Legatine Convocations*.

But when H. 8. was ſufficiently provoked by the Court of *Rome*, he reſolved to reſume the ancient and legal Rights of the Crown, howſoever diſuſed by modern Uſurpations. And among theſe he claimed this of ſummoning the Convocation, and directing the Proceedings therein.

The difference of theſe Writs will beſt appear by the Inſtance of the Convocation, *A. D.* 1640.

In the Year 1639. about the firſt of *February* the Parliament Writ was iſſued out to the Biſhops for calling their Clergy to Parliament; and this is only *ad conſentiendum iis quæ tunc ibidem de communi Concilio Regni noſtri contigerint ordinari.*

The other Writ for the Convocation to the Archbiſhops was iſſued out the twentieth of *February*, and had his Clauſe, *ad tractandum, conſentiendum, & concludendum ſuper præmiſſis & aliis quæ ſibi clarius exponentur ex parte meâ.*

The Parliament at that time being diſſolved, it's certain the *Convocation* ſitting by virtue of *the Writ to the Biſhops* muſt fall with it: But a great Queſtion aroſe, whether the *Convocation* ſitting *by the Writ to the Archbiſhops*, was diſſolved, or not? And the greateſt Judges and Lawyers of that time were of Opinion it was not. But thoſe were not times to venture upon ſuch Points, when People were diſpoſed to find fault, as they did to purpoſe, when the next Parliament met; who made uſe of the ſitting of this *Convocation*, and the *Canons* then paſs'd, as one of the popular Themes to declaim upon againſt the Biſhops, and to inflame the Nation againſt the whole Order.

The greateſt objection in Point of Law, was, that the Commiſſion had a Reſpect to the Convocation ſitting in Parliament time, which began 13 *April* 1640. and the Commiſſion bore Date *April* 15. the Parliament was diſſolved *May* 5. and the 12th of *May* a new Commiſſion was granted, which made void that of the fifteenth of *April*; and ſo what was done by virtue of that, muſt be done out of Parliament, ſo and not in Convocation, according to 25 *H.* 8. 19. although theſe Canons were confirmed by the King's Authority the thirtieth of *June* the ſame Year.

After the King's Reſtoration, an Act of Parliament paſſed for Reſtoring the Biſhop's ordinary Juriſdiction; wherein a Clauſe is added, *That this Act did not confirm thoſe Canons* of 1640. but left the Eccleſiaſtical Laws as they ſtood 1639. which Act being paſſed by the King's Aſſent, it voids the former Confirmation of them, and ſo leaves them without Force. But the Alteration of our Law by the Act, 25 *H.* 8. *c.* 19. lay not in this, that the Convocation by the King's Writ to the Archbiſhop, could not ſit but in Parliament time (although that in all reſpects be the moſt proper time) for there is not a Word tending that way in the Statute; but *provincial Councils* having been frequently held here, without any Writ from the King, and therein treating of Matters prejudicial to the Crown, by virtue of a Legatine Power, there was great Reaſon for the King to reſume the ancient Right of the Crown. For ſo *William* I. declared it in *Eadmerus*, that *nothing ſhould be done in provincial Councils without his Authority.* But afterwards we find *Hubert*, Archbiſhop of *Canterbury*, holding a *provincial Council againſt the King's Prohibition*; and ſeveral Writs were ſent to them to prohibit their medling in Matters of State in prejudice to the Crown, 18 *H.* 3. under penalty of the Biſhop's forfeiting their Baronies; and to the like purpoſe, 35 *E.* 1. 15 *E.* 2. 6 *E.* 3. which ſeems to be a tacit Permiſſion of theſe *provincial Councils*, provided they did nothing prejudicial to the Crown. And from ſuch Councils came our *provincial Conſtitutions*, which *Lynwood* hath digeſted according to the Method of the Canon Law, and hath therein ſhewed what part of the Canon Law hath any

13 Car. 2. c. 12.

Eadm. Hiſt. p. 6.

Hoveden. p. 806.

Spelm. II. 123.

Force here; not by virtue of any Papal or Legatine Power, but by the *general Conſent of the Nation*, by which they have been received among us.

But my buſineſs is not now with *Canons* ſo received, but with *Canons made according to the Statute*, 25 *H*. 8. 19. for it is ridiculous to imagine thoſe are only negative Words, for then they exclude the King's Power of calling a Convocation, as well as confirming the Acts of it. For to what purpoſe is the King's Writ to call them together, if being aſſembled they can do nothing?

Ventris Rep. II. 42. But I have already mentioned my Lord Chief Juſtice *Vaughan*'s Opinion, that *the* Canons *made* A. D. 1603. *are warranted by* 25 *H*. 8. *c*. 19. It was urged by the Council in the caſe of *Grove* and *Eliot*, 22 *Carol*. 2. That *no* Canons *can alter the Law, which are not confirmed by Act* of *Parliament*. But it was ſaid on the other ſide. that *theſe* Canons *had been always allowed, having been confirmed by the King*. One of the Judges ſaid, that *the King and Convocation cannot make* Canons *to bind the* Laity, *but only the* Clergy. But *Vaughan* ſaid, that *thoſe* Canons *are of Force, although never confirmed by Act of* Parliament, *as no* Canons *are*; *and yet*, ſaith he, *they are the Laws which bind and govern in* Eccleſiaſtick Affairs. *The Convocation, with the Licence and Aſſent of the King, under the Great Seal, may make* Canons *for Regulation of the Church, and that as well concerning* Laicks *as* Eccleſiaſticks; and ſo is *Lynwood*. There can be no queſtion in *Lynwood*'s time, but Eccleſiaſtical Conſtitutions were thought to bind all that were concerned in them; and the Eccleſiaſtical Laws which continue in Force by Cuſtom and Conſent, bind all; the only Queſtion then is about making new Canons, and the Power to make them, is by virtue of an Act of Parliament, to which the Nation conſented; and ſo there need no Repreſentatives of the People in Convocation. And no ſuch thing can be inferred from *Moor*, 755. for the Judges declared *the Deprivation of the Clergy for not conforming to the Canons, to be legal*; but they ſay nothing of others. But in the Caſe of *Bird* and *Smith f.* 783. the Chancellor and three Chief Judges declared, that the Canons made in Convocation by the King's Authority, without Parliament, do bind in Eccleſiaſtical Matters, as an Act of Parliament. And therefore I proceed to ſhew,

II. In what manner we are obliged to the obſervation of theſe *Canons*; concerning which I ſhall premiſe two things.

1. That I meddle not with ſuch *Canons* as are altered by Laws; for all grant, that unleſs it be in Moral Duties, their force may be taken away by the Laws of the Land.

2. There are ſome Canons, where the general diſuſe in matters of no great Conſequence to the Good of the Church, or the Rights of other Perſons, may abate the Force of the Obligation; eſpecially when the diſuſe hath been connived at, and not brought into Articles of Viſitation, as *Can*. 74. about *Gowns with ſtanding Collars, and Cloaks with Sleeves*. But the general Reaſon continues in Force, *viz*. That there ſhould be a decent and comely Habit for the Clergy, whereby *they ſhould be known and diſtinguiſhed by the People*; and for this, the ancient Cuſtom of the Church is alledged.

But here a very material Queſtion ariſes, how far Cuſtom is allowed to interpret and alter the Force of Canons made by a lawful Authority: For where Cuſtom prevails againſt a ſtanding Rule, it amounts to this, whether Practice againſt Law, is to have more Force than the Law.

And how can there be a reaſonable Cuſtom againſt a Law built upon reaſonable Grounds? But on the other ſide, if Cuſtom hath no power in this caſe, then all the ancient Canons of the Church do ſtill bind in Conſcience, and ſo we muſt not kneel at our Prayers on *Sundays*, nor between *Eaſter* and *Whitſontide*, which were thought to be made upon good Reaſon at firſt; and ſo many other Canons which have long grown into a diſuſe. So that if we do ſtrictly oblige perſons to obſerve all Eccleſiaſtical Canons made by lawful Authority, we run Men into endleſs Scruples and Perplexities; and *Gerſon* himſelf grants, *That many Canons of General Councils have loſt their Force by diſuſe, and that the obſervation of them now would be uſeleſs and impoſſible.* But on the other ſide, if meer diſuſe were ſufficient, what would become of any Canons and Conſtitutions, where Perſons are refractary and diſobedient?

Gerſon de Vit. Spirit. Lect. 4. Cor. 13.

This is a Caſe which deſerves to be ſtated and cleared. And we are to diſtinguiſh three ſorts of Cuſtoms.

1. Cuſtoms generally obtaining upon altering the reaſon of ancient Canons.

2. Cuſtoms allowed upon the general Inconveniency of modern Canons.

3. Cuſtoms taken up without any Rules or Canons for them.

1. As to general Cuſtoms againſt ancient Canons where the Reaſon is altered; I ſee no Ground for any to ſet up thoſe Canons, as ſtill in Force, among us: For this muſt create Confuſion and diſorder, which thoſe Canons were deſigned to prevent; and the Laws of the Land do certainly ſuperſede ancient Canons, wherein the neceſſary Duties of Religion are not immediately concerned. For we muſt have a care of ſetting up ancient Canons againſt the Authority of our Laws, which cannot be conſiſtent with our national Obligation, nor with the Oath of Supremacy.

2. As to Cuſtoms relating to modern Canons, if it hath any Force, as to altering the Obligation.

1. It muſt be general; not taken up by particular diſaffected Perſons to our Conſtitution; for the Cuſtom of ſuch Men only ſhews their wilful Diſobedience and Contempt of Authority; and all Caſuiſts are agreed, that Contempt of lawful Authority, is a wilful Sin: Which ſuppoſes a wilful Neglect upon knowledge and Admonition of their Duty. For Contempt is, *Nolle ſubjici cui oportet ſubjici*; and a leſſer fault committed with it, is a greater Sin than a greater Fault in it ſelf committed without it, *i. e.* by meer careleſneſs and inadvertency. But where there is an open and cuſtomary Neglect, there is a Preſumption of Contempt, unleſs ſome great and evident Reaſon be produced for it. I do not ſay the bare Neglect doth imply Contempt in it ſelf, but where there is admonition and a continuance after it, there is a down-right and poſitive Contempt. But where the diſuſe is general, not out of Contempt, but upon other Reaſons; and there is no Admonition by Superiours, but a tacit Connivence; there is a Preſumption of a Conſent towards the laying aſide the ſtrict Obligation of the Canons relating to it.

Cajet. Sum in Verb.

2. It muſt be reaſonable; *i. e.* on ſuch Grounds as may abate the Force of the Obligation. For there is a difference between a Cuſtom obtaining the Force of a Law, and a Cuſtom abating the Force of a Canon: In the former caſe the Cuſtom muſt be grounded on more evident

Soto de Juſt. l. 1. Q. 7. Art. 2. ad 2. Sayr. ClavisReg. l. 3. c. 11. n. 12. Caj. ad 1. 2. Q. 97. Art. 3. Suar. de Leg. l. 4. c. 16. n. 9. Roch. Curt. de Statut. Sect. 2. n. 20, 34. Sect. 7. n. 5, 11, 12, 13.

reaſon than is neceſſary for the latter. Wherein the Caſuiſts allow a Permiſſion of Superiours joyned with reaſonable Circumſtances, to be ſufficient.

But how can acts of diſobedience make a reaſonable Cuſtom?

Cajetan ſaith, they are to blame who began it, but not thoſe who follow it, when the Cuſtom is general.

And *Suarez* ſaith, it is the common Opinion.

The Canoniſts ſay, if a Cuſtom be againſt a Rule, the reaſon muſt be plain; if only beſides the Rule, and be not repugnant to the end and deſign, the reaſonableneſs when it becomes general, is preſumed. But if the Superiours take notice of it, and condemn it, it loſes the force of Cuſtom, unleſs a new reaſon or higher Authority appear for it.

3. But what is to be ſaid for Cuſtoms taken up without Rules or Canons; of what force are they in point of Conſcience?

1. It is certain, that no late Cuſtoms brought in by ſuch as have no Authority to oblige, can bind others to follow them. For this were to lay open a Gap to the introducing fooliſh and ſuperſtitious Cuſtoms into the Church, which would make diſtinctions without cauſe, and make way for Differences and Animoſities, which all wiſe and good Men will avoid as much as may be.

Soto, l. 1. Q. 7. Art. 2.

It is a Rule among the Caſuiſts, that voluntary Cuſtoms, although introduced with a good Mind, can never oblige others to obſerve them. And *Suarez* yields, that a bare frequent Repetition of Acts cannot bind others, although it hath been of long continuance.

Suarez. de LL. l. 7. c. 15. 10, 11.

2. If the Cuſtoms be ſuch as are derived from the primitive times, and continue in practice, there is no reaſon to oppoſe, but rather to comply with them; or if they tend to promote a delight in God's Service. As for inſtance:

Origen in Numer. Hom. 5.

Clem. Alex. Str. l. 7. Tertul. Apol. c. 16. Baſil. de Sp. Sancto c. 27.

1. *Worſhipping towards the Eaſt*, was a very ancient Cuſtom in the Chriſtian Church. I grant that very inſufficient reaſons are given for it; which *Origen* would not have Men to be too buſie in inquiring into, but to be content that it was a generally received Practice even in his time; and ſo doth *Clemens Alexandrinus* before him, who thinks it relates to Chriſt, as the Son of Righteouſneſs. *Tertullian* and S. *Baſil* own the Cuſtom, and give no Reaſon.

But of all Cuſtoms that of Contention and Singularity, where there is no plain reaſon againſt them, doth the leaſt become the Church of God.

2 Chron. 29. 25.

2. *The uſe of organical Muſick in the publick Service.* If it tends to compoſe, and ſettle, and raiſe the Spirits of Men in the Acts of Worſhip, I ſee no reaſon can be brought againſt it. If it be ſaid to be only a natural Delight, that reaſon will hold againſt *David*, who appointed it by God's own Commandment. They who call it *Levitical Service*, can never prove it to be any of the Typical Ceremonies, unleſs they can ſhew what was repreſented by it.

I come now to the Meaſure of the Obligation of the Canons in Force.

And therein a great Regard is to be had to the *Intention* of that Authority which enjoyns them; and that is to be gathered from three things;

1. The matter. 2. The Words and Senſe of the Church. 3. The Penalty.

1. As to the matter. If it be in it ſelf weighty, and tends to promote that which is good and pious, and for the Honour of God, and Service of Religion, it cannot be denied but theſe Canons do oblige in Conſcience.

Bellarmin diſtinguiſhes between Laws of the Church, which, he ſaith, are very few and pious Admonitions and good Orders, which are not intended to oblige Men to ſin, but only in caſe of Contempt and Scandal. And as to the Feaſts and Faſts of the Church, which belong to the Laws, he ſaith, they have *mitiſſimam obligationem*; ſo any one would think, who conſiders how many are exempted, and for what Reaſons.

Bell. de R. D. l. 14. c. 18.

Gerſon ſaith, that no human Conſtitutions bind as to Moral Sin, unleſs it be founded on the Law of God; as he confeſſes the Church's Authority is, as to Circumſtances; and then he thinks it obliges in Conſcience. The Subſtance of his Opinion, which hath been much diſputed and controverted by modern Caſuiſts, lies in theſe things:

De Vit. Spir. Lect. 4. Cor. 1. Coroll. 6.

1. That where Eccleſiaſtical Conſtitutions do inforce any part of the Law of God, although it be not expreſly contained therein, they do immediately bind the Conſciences of Men.
2. That where they tend to the good of the Church, and the Preſervation of Decency and Order, they do ſo far oblige, that the contempt of Authority therein, is a Sin againſt the Law of God.
3. That where the Injunctions of Authority are for no other end, but to be obeyed, he doth not think that there is any ſtrict Obligation in point of Conſcience.

And ſo far *Cajetan* agrees with him.

Cajet. Sum. 6. Contemp. &c. Clericorum.

And although the other Caſuiſts ſeem to be very angry with him, yet when they require a publick Good, and the Order of the Church to be the reaſon of Eccleſiaſtical Laws, they do, in effect, agree with him.

Now as to the matter of our Canons which reſpect the Clergy, there are two eſpecially which bind them ſtrictly.

1. The Canon about Sobriety of Converſation, *Can.* 75. Yes, ſome may ſay, as far as the Law of God obliges, *i. e.* to Temperance and Sobriety; but the Canon forbids reſorting to *Taverns, or Alehouſes, or playing at Dice, Cards, or Tables*; doth this Canon oblige in Conſcience in this manner? If it were a new thing that were forbidden, there were ſome Plea againſt the ſeverity of it; but frequenting publick Houſes is forbidden by the Apoſtolical Canons, which are of great Antiquity, by the Council of *Laodicea*, and in *Trullo*, and many others ſince.

Can. Apoſt. 54. Laodicea, 24. In Trullo, 9. Carthag. 43. Diſt. 44. 2, 3, 4. Aquiſgr. c. 14. Francſ. c. 19. Aquiſgr. 2. c. 60. Extr. de Vit. & Honeſt. Cleric. c. 15. Conc. Weſtmon. c. 2. Spelm. II. 192. Lynw. l. 3. c. 1.

And by the Apoſtolical Canon any Presbyter playing at Dice, and continuing ſo to do after Admonition, is to be deprived. The *Illiberitan Council* makes it Excommunication to play at Dice. Not meerly for the Images of the Gentile Gods upon them, as *Albaſpinæus* thinks, but becauſe the thing it ſelf was not of good Report, even among the *Gentiles* themſelves; as appears by *Cicero*, *Ovid*, *Suetonius*, &c. as giving too great occaſion for indecent Paſſions, and of the loſs of time. *Hoſtienſis* reckons up ſixteen Vices that accompany it, which a Clergyman eſpecially ought to avoid. And playing at Dice was infamous by the Civil Law.

Concil. Illib. Can. 79. Cicero Phil. 3. Ovid de A. A. l. 3. Suet. in Aug. c. 71. Hoſtienſ. Sum. D. 5. de Exceſſ. Prælat. D. de Aleat. l. 2.

Juſtinian forbids Clergymen not only playing, but being preſent at it. It was forbidden in the old Articles of Viſitation here, and in ſeveral Dioceſan Synods, *Spelm.* II. 192, 252, 298, 367, 450. So that there can be no reaſon to complain of the ſeverity of this Canon, which ſo generally obtained in the Chriſtian Church.

Cujac. Obſerv. l. 9. c. 28. C. de Epiſcop. Audient.

II. The

II. The Canons which relate to Miniſters diſcharging the ſeveral Duties, of their Function, in Preaching, Praying, Adminiſtring Sacraments, Catechizing, viſiting the Sick, *&c.* which are intended to inforce an Antecedent Duty; which we can never preſs you too much or too earneſtly to; conſidering that the Honour of Religion, and the Salvation of your own and the Peoples Souls depend upon it.

Caj. & Præcept. Navar. Man. c.23. n. 50, &c. Suarez. de L. L. l. 4. c. 18. Tolet. Summ. l. 8. c. 19. n. 3.

(2.) The next way of judging the Churches Intention, is by the Words and Senſe of the Church. *Cajetan* thinks the general Senſe is the beſt Rule. *Navarr* ſaith to the ſame purpoſe, although ſome words are ſtricter than others. *Suarez*, that the main obligation depends on the matter, but the Churches Intention may be more expreſſed by ſpecial Words of Command. *Tolet* relies moſt upon the Senſe of the Church: But the Senſe of the Church muſt be underſtood, whether it be approving, or recommending, or ſtrictly commanding, according to the Obligation of affirmative Precepts, which makes a reaſonable allowance for Circumſtances. And ſo our Church in ſome Caſes expreſly allows reaſonable Impediments. And in Precepts of Abſtinence, we muſt diſtinguiſh the Senſe of the Church, as to Moral Abſtinence, *i. e.* ſubduing the Fleſh to the Spirit; and a Ritual Abſtinence in a meer difference of Meats which our Church lays no Weight upon; and a Religious Abſtinence for a greater Exerciſe of Prayer and Devotion, which our Church doth particularly recommend at particular Seaſons, which I need not mention.

(3.) By the Penalties annexed, which you may find by reading over the Canons, which you ought to do frequently and ſeriouſly, in order to your own Satisfaction about your Duties, and the Obligation to perform them.

But ſome may think, *that ſuch Penal Canons oblige only to undergo the Puniſhment*.

To which I anſwer, that the caſe is very different in an *Hypothetical Law*, as *Suarez* calls it; when Laws are only conditional and disjunctive, either you muſt do ſo, or you muſt undergo ſuch Penalty, which is then looked on as a legal Recompence; and Eccleſiaſtical Conſtitutions, where Obedience is chiefly intended, and the Penalty is annexed only to inforce it, and to deterr others from diſobedience. For no Man can imagine that the Church aims at any Man's Suſpenſion or Deprivation for it ſelf, or by way of Compenſation for the Breach of its Conſtitutions.

And now give me leave not only to put you in mind, but to preſs earneſtly upon you the diligent Performance of thoſe Duties, which by the Laws of God and Man, and by your own voluntary Promiſes when you undertook the Cure of Souls, are incumbent upon you. It is too eaſie to obſerve, that thoſe who have the Law on their ſide, and the Advantage of a national Settlement, are more apt to be remiſs and careleſs when they have the Stream with them, than thoſe who row againſt it, and therefore muſt take more pains to carry on their Deſigns. As thoſe who force a Trade muſt uſe much more Diligence, than thoſe who go on in the common Road of Buſineſs. But what Diligence others uſe in gaining Parties, do you imploy in the ſaving their Souls: Which the People will never believe you are in earneſt unleſs they obſerve you are very careful in ſaving your own by a conſcientious Diſcharge of your Duties. They do not pretend to fineneſs of thoughts, and ſubtilty of reaſoning, but they are ſhrewd Judges whether Men mean what they ſay, or not; and they do not love to be impoſed upon by ſuch a ſort of Sophiſtry, as if they could think that they can have ſuch a Regard to their Souls, who ſhew ſo little to their own. Therefore let your unblameable and holy Converſations, your Charity and good Works, your Diligence and Conſtancy in your Duties, convince them that you are in earneſt; and they will hearken more to you, than if you uſed the fineſt Speeches, and the moſt eloquent Haranges in the Pulpit to them. Theſe, the People underſtand little, and value leſs; but a ſerious, convincing, and affectionate way of Preaching, is the moſt likely way to work upon them. If there be ſuch a thing as another World, as no doubt there is, what can you imploy your time, and thoughts, and Pains better about, than preparing the Souls of your People for a happy Eternity? How mean are all other laborious Trifles, and learned Impertinencies, and buſie Inquiries, and reſtleſs thoughtts in compariſon with this moſt valuable and happy imployment, if we diſcharge it well? And happy is that Man, who enjoys the Satisfaction of doing his Duty now, and much more happy will he be *whom our Lord, when he cometh, ſhall find ſo doing.*

§. IV.

A Discourse concerning Bonds of Reſignation of Benefices, in Point of Law and Conſcience.

155:2:C

The PREFACE.

THE *Intention of Writing and Publiſhing the following Diſcourſe, was to give a ſtop, if poſſible, to a dangerous and prevailing Practice; and ſo much the more dangerous, becauſe it is managed with ſo much Secrecy, and Perſons are often drawn into it, before they are aware of the Miſchief of it. They are told,* That there is no Law againſt it; and that there are adjudged Caſes and Precedents in Law for it; and that there is nothing amiſs in the Bond of Reſignation it ſelf: But if there be any corrupt or evil Practice after it, that makes it fit to be condemned in Equity, but not in Law. *But a general Bond of Reſignation of a Benefice upon Notice, in order to the obtaining a Preſentation to that Benefice, hath ſuch a* Simoniacal *Appearance, that any Perſon who pretends to Conſcience, cannot but think it neceſſary to examine, how far ſuch a Practice can be conſiſtent, not only with the Law, but with the Oath which he is to take againſt* all Simoniacal Contracts and Promiſes, directly or indirectly, *&c.* for or concerning the procuring or obtaining the Rectory or Vicarage of, *&c. How can any Man that enters into theſe Bonds, ſay that he doth it not in order to the* obtaining *a Preſentation? And doth not ſuch a Bond amount to a* Contract? *How then can they ſatisfie themſelves in taking this Oath after ſuch a Bond? All they can pretend, is,* that although it be a Contract for ſuch an End, yet it is no Simoniacal Contract. *But which way are we able to be ſatisfied in Point of Conſcience, what is a* Simoniacal Contract, *and what not? Is it only from the Statute,* 31 Eliz. c. 6.

ſo that what is there forbidden is Simoniacal, *and nothing elſe? But where hath that Law determined what* Simony is, *when it is never mentioned in it? It ſeverely prohibits ſome corrupt Practices as to Benefices, but it never goes about to reſtrain the Notion of* Simony *to them (as will appear in the following Diſcourſe) and the* Eccleſiaſtical Laws, *as to this matter, are left as they were before. If therefore there be ſuch a true Notion of a* Simoniacal Contract, *as is allowed by our Laws, which is not confined to that Statute, then it muſt follow, that there may be a* Simoniacal Contract, *which is not condemned by that Law; and therefore all Perſons who underſtand the Nature and Extent of our Laws, will have a care of reſtraining the Nature of a* Simoniacal Contract *to the Letter of that Statute.*

It may be ſaid, That a *Simoniacal Contract* is an ill Name put on we know not what, if we go beyond the Law of the Land; and that there muſt be ſome certain Bounds ſet to ſuch hard Words, or elſe the Snare may be greater another way; and that there is no ſuch thing as real *Simony* in the caſe; but the Word is applied to ſome indirect Practices in obtaining Benefices, but what thoſe are, the Law muſt determine. *To which I anſwer, That I am very far from going beyond the* Law of the Land *for determining this matter. For I do acknowledge, that ſince the Notion of* Simony *is extended beyond the firſt Occaſion of the Name, there muſt be a certain Rule to determine it; and that I do freely grant is* the Law of the Land. *But by it I do not mean a particular Statute made with reſpect to ſome more notorious Acts, which are puniſhable in the Courts of Common Law; but I underſtand by* the Law of England *that comprehenſive Body of Laws, which have been here received as the Meaſure of our Judgment and Actions in thoſe things which are to be determined by them.*

If a Queſtion be made, Whether a Contract made at Sea, be a good Contract? It will be no good Anſwer to ſay, It muſt be a good Contract, becauſe there is nothing in it contrary to the Rules of the Common Law. For if our Common Law ſhould happen to allow ſuch Contracts, which the Civil Law doth not, will it be Ground enough to affirm, That it is a good Contract, becauſe our Common Law doth not condemn it? No certainly: But it muſt be determined by that Law which is proper for it, and being here receiv'd for ſuch, is in ſuch Caſes the Law of the Land.

So I ſay here; the Eccleſiaſtical Law, ſo far as it is receiv'd and allow'd by the Common Law, is the Rule and Meaſure whereby the Nature of Simony *is to be determin'd; and that is allowed by our moſt learned and judicious Interpreters of our Common Law, to be of* Eccleſiaſtical Cogniſance; *only ſuch Acts as come under Statutes belong to the Courts of Common Law. And there was a general Preſumption in Law before, That no Patron was to make any Advantage to himſelf of a Right of Preſentation. And therefore my Lord* Coke *ſaith,* That a Guardian in Socage of a Manor whereunto an Advowſon is appendant, ſhall not preſent to the Church, becauſe he can take nothing for the Preſentation for the which he may account to the Heir; *from whence he infers, That* Simony is odious in the Eye of the Common Law. *And it is very well if it ſo continues; which I can hardly imagine, if theſe* Bonds of Reſignation *prevail. But if by the* Eccleſiaſtical Law, *as received here, ſuch Bonds are* Simoniacal, *being a Contract in order to the obtaining a Preſentation, then it can give little Satisfaction to any Man's Conſcience to be told,* That they are not againſt Law, *i. e. againſt the* Statute, 31 *Eliz.* c. 6.

Inſt. 156.

My Buſineſs is not here to give a full Account of the matters contained in the following Diſcourſe, but only to remove ſome general Prejudices againſt the Deſign of it. Which is truly no other than to bring this ſecret Practice into open View, and to have it fairly examin'd and diſcuſs'd. For while it is managed in this manner, there is not only Miſchief done to the Church, but to the Conſciences of Men; who are very apt to ſuſpect a Snare in all ſuch Bonds, and are very uneaſy at the Thoughts of them afterwards. If there be any better Reaſons to be given for them than I have yet ſeen, I ſhould be glad to be convinced of the Lawfulneſs of ſuch indirect Practices and private Contracts: But at preſent I think (if they be not timely prevented) they will end in unſpeakable Miſchief to the Parochial Clergy, *who are the main Eccleſiaſtical Body of the Church of* England, *and in whoſe Welfare we ought to be all concerned.*

And truly I cannot but be very tender in what relates to their Rights; *for their Work and Duty is great and laborious, if it be performed as it ought to be; and they ought not to have any new Burdens impoſed upon them, under a* Pretence *of Law, which neither they nor their Succeſſors will be able to bear.*

I am very ſenſible how much in this Age depends upon the Faithfulneſs, and Diligence, and good Reputation of the Parochial Clergy *of* England. *For I am not much afraid of any Deſigns of our open Enemies (or which may be worſe, of our pretended Friends) if we be true to our ſelves,* i. e. *if we ſeriouſly and conſcientiouſly do our Duties with reſpect to God, the People, and our own Souls. If we do not give way to unreaſonable Suſpicions, and cauſeleſs Jealouſies of one another; if we mind the Intereſt of Religion more than our own, and ſerve God, and not our own Luſts; if we ſincerely promote the beſt Ends in the World, the ſaving Souls, and doing good to Mankind, God will not be wanting to us; but he that hath ſav'd us from the* Lion and the Bear, *will likewiſe ſave us from the* Fox and the Viper; *I mean ſuch who under fair and plauſible Pretences eat through the Bowels of their Mother, and by ſecret and indirect Practices go about to ruin the Church they* profeſs themſelves *to be of, altho'* by their Works they deny it.

If I had not ſome more than ordinary Reaſon to believe ſuch things to be not only practiſed, but encourag'd by ſuch who pretend not only to underſtand our Law, but to direct the Nation in it, I ſhould hardly have undertaken a Task of this Nature. But having ſo juſt an occaſion to ſearch into this matter, as well as I could, and finding ſo much Cauſe of Diſſatisfaction as to theſe Bonds, I thought it my Duty to do what lay in me to prevent that Miſchief which is haſtning upon our Church by them. If I am miſtaken in any part of the following Diſcourſe, I ſhall be glad to be better informed; and if I am not, I hope that our Church may receive no diſadvantage by it. And as I honour the Profeſſion of the Law, and the many worthy Perſons who are and have been of it; ſo I cannot but be concerned to find ſome Pretences of Law made uſe of to ſuch ill Purpoſes and Deſigns; that if the number of Patrons that are againſt our eſtabliſhed Religion ſhould happen to exceed thoſe that are for it, by the help of theſe Bonds of Reſignation, *the Title to moſt of our* Parochial Cures *would in a little time fall into the hands of* Popiſh Prieſts; *which would much facilitate the introducing their Religion, when ſo many* Proteſtant Incumbents *would ſo eaſily be turned out, by no other means, but by theſe* Bonds of Reſignation. *And therefore it is not merely the* Intereſt *of our* Parochial Clergy, *but of our* Religion *which lies at ſtake; and this, I ſuppoſe, will be ſufficient to juſtify this Undertaking.*

Weſtminſter, July 10. 1695. E. W.

A

A Diſcourſe concerning *Bonds of Reſignation*, &c.

THE Deſign of this Diſcourſe, is to enquire into a Caſe, too commonly practiſed among us, and too little examin'd; which is concerning *Bonds of Reſignation* given by Clergymen to Patrons in order to the obtaining a Preſentation to a Benefice with Cure of Souls. This is a Caſe which reſpects both *Law* and *Conſcience:* And it is not ſo eaſie a matter, as ſome ſeem to take it for granted, to reſolve it as to either of them. For if ſuch a Practice be within the Reaſon and Intention of the Law, which forbids all *corrupt Preſentations and Reſignations*, 31 *Eliz. c. 6.* then it cannot be juſtified by Law; and if it be againſt the Scope and Deſign of the Oath againſt *Simoniacal Contracts*, then it can much leſs be juſtified in Point of Conſcience. And whether it be or not, is the Subject of this preſent Diſcourſe; which I am ſorry there is ſo much occaſion for: But ſince there are too many that practiſe it; and others too ready to defend it; and ſince it is of ſo miſchievous Conſequence to the Intereſt of the Church of *England*, if it prevails, I think it highly neceſſary to enquire more ſtrictly into this matter, than hath been hitherto done. Which I ſhall do in ſuch a manner, as to make it appear that no Conſiderations whatſoever have ſwayed me, but thoſe of *Law* and *Conſcience*; and I hope thoſe who have been drawn into ſuch Snares, will ſee cauſe to repent, (if they do it not already) and others take care how they run themſelves into ſuch Perplexities, which no Precedents in Point of Law, and no Authority in Point of Conſcience can give them Satisfaction in.

But I intend no Reflections on particular Perſons; and I cannot believe that any who have impartially weighed theſe things, can maintain the lawfulneſs of them ſo, as to wiſh them *generally practiſed.* For however there may be ſome Caſes wherein ſuch Bonds may be thought far more reaſonable than in others; yet it cannot be denied that there are far more Caſes, wherein ſuch a Practice muſt be deſtructive to the legal Rights of the Church. Suppoſe ſome Patrons to be Perſons of great Piety and Integrity, who do require theſe Bonds only to bind the Clergy the more ſtrictly to do their Duty: Suppoſe others have no Regard to their own Intereſt, but only take care of Minors, bred up with a Proſpect of ſuch Benefices which they are not yet capable of: (which are the moſt reaſonable Conſiderations inſiſted upon in the adjudged Caſes:) but what are theſe to the multitude of moſt unjuſt and unreaſonable Conſiderations, which may be made the Conditions of theſe Bonds? For the Bonds are ſuppoſed to be general, and ſo the Patrons left at liberty to impoſe their own Conditions. And, are there no ſuch kind of Patrons among us, who may be too juſtly ſuſpected to mind their own Intereſts above the Churches Good? And therefore will take all ways to leſſen the Profits of Benefices in their Diſpoſal, as far as they are told that the Law permits them? Such I mean, who have no Reſtraint but what the Law lays upon them, having no Senſe of Honour or Conſcience in theſe matters. And if it once paſs for an allowed Doctrine in Law, that *Bonds of Reſignation* are lawful, what ſhall ſtop ſuch Men from putting very unreaſonable Conditions upon their Incumbents, or elſe they may preſently call them to an Account for the Forfeiture of the Bonds? If then there be no effectual courſe ſo much as offer'd againſt very hard and unreaſonable Terms; how can ſuch Bonds be thought Juſt and Reaſonable?

It may be ſaid, *That if the Conditions be ſuch as are allowed by Law, then the Bonds are lawful, otherwiſe not.* But this by no means clears the Difficulty. For the main Queſtion is, whether ſuch Bonds be lawful, where the Conditions are not expreſſed, but meer notice of three or ſix Months? And theſe are the general Bonds of Reſignation: And ſuch, I think, I may with Reaſon affirm to be againſt both Law and Conſcience. But ſuppoſe there may be Conditions of both kinds required, but it is not expreſſed in the Bonds what they are: What a miſerable Slavery muſt the Clergy be under, who give general Bonds, and know not what Conditions will be required? And then they muſt go to Law, and be at greater Charge and Trouble than they can well bear, to know whether the Conditions required of them be ſuch as the Law allows or not? So that the general allowance of Bonds of Reſignation upon Notice, although the Law be left to determine the particular Conditions, is that which we have Reaſon to look upon as very hard and unjuſt, and inconſiſtent with the Nature and Deſign of that Relation which the Law ſuppoſes between Patrons and Incumbents, as will appear more afterwards.

There are two things chiefly inſiſted on by thoſe who plead for theſe Bonds of Reſignation.

I. That there is no Law againſt them.

II. That there have been Caſes adjudged for them: And both theſe I ſhall carefully examine.

I. That there is no Law againſt them. There are two Laws to be conſider'd in this matter.

1. The Law againſt Simoniacal Contracts, 31 *Eliz.*

2. The Law which requires every Incumbent to make an Oath againſt Simony.

1. As to the Law againſt Simoniacal Contracts: The Statute is expreſly againſt *preſenting to a Benefice for a Summ of Money, Reward, Gift, Profit, or Benefit, directly or indirectly, or entring into Bond or Covenant for that Purpoſe,* 31 Eliz. c. 6. n. 5. Wherein theſe things are obſervable:

(1.) That it is not a meer *Summ of Money* which is here forbidden, *but any Benefit whatſoever directly or indirectly.*

(2.) That not meer *doing* the thing but *entring into Bond or Covenant to do it* is within the Reach of this Law.

(3.) That the Penalty is againſt ſuch *who do preſent for, or by Reaſon of any Promiſe or Agreement for any Benefit whatſoever: Or thoſe who do accept ſuch Preſentations on thoſe terms:* i. e. ſo as it becomes the Motive of ſuch Preſentation or Acceptance.

(4.) That the ſame Law declares, *n.* 8. againſt *corrupt Reſigning or Exchanging the Benefice he enjoys, for any Summ of Money or Benefit whatſoever.*

(5.) That the Eccleſiaſtical Cenſures ſtill remain in Force againſt theſe Offences: Which ſuppoſes that this Law doth not ſuperſede the Eccleſiaſtical Laws here in being, *n.* 9.

So that here are two material Queſtions to be reſolved upon this Statute.

[1.] Whether ſince the making this Statute, there be any Simoniacal Contract, but what is againſt the Purport of it?

[2.] Whether a Bond of Reſignation, upon which a Benefice is given and accepted, be within the Deſign of it?

[1.] As to the former; it is obſervable, that the words *Simony* or *Simoniacal Contract*, are never mentioned in this Statute. For, if they had, the Judges would have had ſufficient Reaſon to have declared what was *Simony*, and what not. We are told indeed by the Reverend and Cr. Car. 361. Learned Judges in the Caſe of *Mackaller* and *Todderick*, That the *Conſideration to have Money to procure one to be Rector of a Church, is a Simoniacal Contract, and an unllawful Act condemned by all Laws: And that the Common Law before the Statute,* 31 Eliz. *took notice of it.* But they do not declare how far the Common Law could take notice of it, before that Statute, any farther than that it was not a thing allowed by it. For certainly it was then of Spiritual Cogniſance; and the Perſons guilty of it were to be proceeded againſt by the Eccleſiaſtical Laws. And conſequently, the Notion of *Simony* is to be taken from thence, and not meerly from this Statute: So that if accepting a Benefice upon giving a Bond of Reſignation were *Simoniacal* before, it doth not ceaſe to be ſo by this Statute. Indeed *corrupt Reſignation* of a Benefice hath not the ſame Penalty by this Statute with *corrupt Acceptance* of it at firſt: For that is a Diſability, and the other double the Value. But hereby we ſee that the one is againſt the Law, as much as the other. So far then it is clear by this Statute, that any *corrupt Reſignation* is againſt Law: And if the enquiry be after the Penalty, the Statute muſt determine that. But if the Queſtion be, whether Reſignation upon a Bond given before hand in order to a Preſentation, be a *Simoniacal* Act or not, as done in Purſuance of a *Simoniacal Contract?* In that the Statute gives no Rule, but only declares the Penalties of ſome particular Acts, which are there expreſſed.

Thoſe who would have nothing now to be *Simony*, but what is there forbidden, muſt firſt prove that the Intention of the Law was to limit and determine the Nature of Simony; which (as is already obſerved) is not ſo much as mentioned in it. The Reaſon of the Law as to Penalties is one thing, and the Nature of a *Simoniacal Contract* another. If a Queſtion be put, whether a *Simoniacal Contract* be void in Law or not? 3 Inſt. 153. Marg. My Lord *Coke* ſaith, *that the Statute doth not make the Bond, Covenant, Promiſe, or other Aſſurance, void, but the Preſentment,* &c. *and ſo it was adjudged,* 40 Eliz. This is ſomewhat ſtrange Doctrine, that a *Preſentment* ſhould be *void* by reaſon of a *Simoniacal Bond*, and yet that Bond not be void *in Law*. For that which makes another thing void, one would think ſhould be void in it ſelf; eſpecially ſince he F. 156. ſaith in the ſame Chapter, *that Simony is odious in the Eye of the Common Law.* But not ſo very *odious*, if a *Simoniacal Contract* be a good Contract according to the Common Law. But he diſtinguiſheth between *Malum in ſe againſt the Common Law*, and *Malum prohibitum by Statute Law.* How doth this clear the Point? The Preſentation is void, being prohibited by the Statute: But is not a Simoniacal Contract *Malum in ſe*, againſt the Common Law? How then comes this not to be void? Eſpecially ſince it is *contractus ex turpi cauſâ:* And for that reaſon my Lord Hob. f. 167. Cr. Car. 361. *Hobart* held it void in Law; and ſo the Court held in *Mackaller*'s Caſe. But ſuppoſe my Lord *Coke* in the right, as to a Simoniacal Contract, that it is not void at Common Law: it follows from thence, that the conſideration of Law and Conſcience is different in this matter. For I ſuppoſe none will deny that a Simoniacal Contract is unlawful in point of

Conſcience; and yet he aſſerts it not to be void in Law. Why then may not Bonds of Reſignation, although not within the compaſs of this Statute, yet be unlawful in point of Conſcience, as well as a Simoniacal Contract be unlawful in point of Conſcience, and yet be good by the Common Law? Either therefore Simony, as odious as it is in the Eye of the Law, muſt not be *Malum in ſe againſt Common Law*, as my Lord *Coke* ſpeaks; or if it be, there muſt be another Rule of Conſcience in this matter from this Statute. I would fain know what was *Simony* at *Common Law* before this Statute; and whether that which was ſo before doth not continue ſo ſtill, if it be not taken away by it? For if there be no *Simony* now, but what is expreſſed in that Statute, then it muſt declare what is *Simony*, and what not. *Simony*, ſaith my Lord *Coke*, *is deſcribed by this Act*, 31 Eliz. and he ſaith in his Margin, *Injuſtum eſt illa vendere, quæ gratis diſtribui debent*; which is a very good Illuſtration of it. But the Queſtion is, What is meant by *Selling?* Whether it be merely for a Sum of Money paid down, or ſecured by Bond or Covenant? Or whether it doth not take in any kind of Benefit or Emolument accruing to the Perſon who beſtows it, which hinders it from being a free Gift? The Caſuiſts ſay, *Nomine emptionis & venditionis intelligitur omnis contractus non gratuitus.* But can that be called a free Gift, where there is a Bond of Reſignation of ſuch a thing, whereof the Poſſeſſion and Reverſion bear a Price, and have a real Value? We need not run to *Simon Magus* to underſtand what *turpe Commercium* is. There were many Laws among the old *Romans*, againſt purchaſing any publick Offices; and they thought it a great Reproach to them for any Price to be ſet upon them; as the great *Roman* Maſter ſaid, *Pretium quod habet, hoc ipſo vileſcit.* By the Laws *Acilia* and *Calpurnia*, all that were convict of giving Money for Offices, were under a Diſability or Incapacity of any for the future; and the *Mercatores Poteſtatum* were infamous by their Laws. *Ariſtotle* thought it a matter of very ill Conſequence to any Government to have any thing of Money given for Offices, becauſe it taught Men to ſet a greater Value on Money than Vertue. Theſe Conſiderations, ſetting aſide the Story of *Simon Magus*, were great enough to induce the Chriſtian Church to be extremely nice and tender in this matter of Benefices; and not only to forbid the direct Sale of them for Money, but any indirect Trafficking, which might take off the entire Freedom of the Preſentation of Perſons to them. I know to how little purpoſe it would be, to reckon up all the Canons which have been made in the Chriſtian Church from the Apoſtles Times downwards againſt *Simony*, becauſe ſome will ſay, *That the Eccleſiaſticks were always true to their own Intereſt.* But let us ſet aſide all Prejudice in this matter, and conſider it impartially. If any Offices in the World ought to be free from the Suſpicion of *ſordid Trafficking*, certainly thoſe of the Church ought, from the Nature and Deſign of their Imployments. The Queſtion then will come to this, Whether giving a Bond of Reſignation, in order to the procuring a Benefice, be ſuch a Trafficking or not? And we have three Rules to judge by.

Sylveſt. v. Simon.

Sigon. de Judic. l. 2. c. 30.

Quintil. l. 1.

V. Ciceron pro Planco

Dion. l. 36.

Lamprid. in Alex. Sever.

Ariſt. Pol. l. 2. c. 12.

1. The Nature and Reaſon of the thing: Whether ſuch Actings be not inconſiſtent with that Freedom which ought to be uſed, both in Giving and Taking Eccleſiaſtical Benefices? So that if there were no Laws either Eccleſiaſtical or Civil in the caſe, whether there be not ſomething in theſe Tranſactions unbecoming the Deſign and Dignity of the Employment?

2. The Eccleſiaſtical Law of *England*, which hath been from time to time received here, and allow'd by a general Conſent, and ſtill continues in force, where it is not repugnant to any Laws of the Realm; which cannot be pretended in this caſe.

3. The Statute-Law, which doth not abrogate the Eccleſiaſtical Law as to *Simony*; it only enacts ſome particular Penalties on ſome more remarkable Simoniacal Acts as to Benefices and Orders, but never once goes about to repeal any Eccleſiaſtical Laws about Simony, or to determine the Nature and Bounds of it.

[2.] But let us come more cloſely to the Statute it ſelf, to ſee whether theſe Bonds of Reſignation be not againſt the Deſign of it. The Words are, *If any Perſon for any Sum of Money, Reward, Gift, Profit or Benefit, directly or indirectly, or for or by reaſon of any Promiſe, Agreement, Grant, Bond, Covenant, or other Aſſurance of or for any Sum of Money, Gift, or Profit whatſoever, directly or indirectly, ſhall preſent*, &c. Now we ſuppoſe a Patron to preſent one to a Benefice without any Money, or Bond for Money; but he declares before his preſenting him, That he muſt enter into a Bond to Reſign his Benefice upon Six Months Notice, under a ſevere Penalty; to which he ſubmits on the Condition of obtaining his Benefice. After this, the Patron demands ſuch a Portion of Tythes; or a Conſent for him to incloſe, to the apparent Benefit of the Patron, and Diminution of the Profits of the Living. The Queſtion is, Whether ſuch a Bond be within the Deſign of this Statute? All that can be ſaid is, That no ſuch Conſideration is expreſſed in the Bond, which is in general Terms; which implies, That if the Conſideration had been expreſſed in the Bond, it had been plainly againſt the Law. But ſuppoſe it be left out of the Bond, is not the penal Sum of the Forfeiture of the Bond ſufficient to make the poor Incumbent comply with the Terms propoſed afterwards? If none but juſt and reaſonable things had been intended, why were they not clearly expreſſed in the Bond it ſelf, ſo as to prevent any Fear or Jealouſy of worſe Deſigns? Have no ſuch things ever been practiſed, or heard of among us? If there had not, doth it not look like a Contrivance to deceive the Law, and to hamper the Conſciences of thoſe who take Benefices? And whatever is done *in fraudem Legis*, is againſt Law; for it fruſtrates the main Intention and Deſign of a Law without breaking the Letter of it; which is the worſt way of defeating a Law.

But we are told, *That our Courts of Law are to judge according to the Law, and not according to an equitable Conſtruction of the Intention and Deſign of it.* If it be really ſo, it doth only ſhew that ſuch Courts are under a ſtrange Limitation, which are tied up to the Letter of a Law, againſt the main Scope and principal End of it. But by the Judges Oath, 18 *E.* 3. *n.* 2. 20 *E.* 3. *n.* 1. they are bound *to do equal Law and Execution of Right to all the King's Subjects*, &c. What is here meant by *equal Law?* Is it to purſue the Letter of the Law againſt the Reaſon and Deſign of it?

There are two ſorts of *Equity* to be conſider'd among us.

1. An *Equity* founded upon a reaſonable Conſtruction of Law, according to the Intention of it.

2. An *Equity* for which the Common Law hath made no Proviſion; as in Caſes of *Fraud*, *Accident* and *Truſt*; which is the true Foundation of the *Court* of *Equity* in *Chancery*, viz. to ſupply the Defects of our Law in thoſe Caſes.

The Queſtion now is, Whether the Judges at Common Law are ſo tied up to the bare Letter of it, that they cannot take in ſuch Caſes, which are according to the Reaſon of a Law, but not within the Words of it? And my Lord *Coke* allows this ſort of *Equity.* For, ſaith he, *Equity is a Conſtruction made by the Judges, that Caſes out of the Letter of a Statute, yet being within the ſame Miſchief or Cauſe of making the ſame, ſhall be within the ſame Remedy that That Statute provideth.* 1 Inſt. 24. b. Theſe are remarkable Words of this great Oracle of the Law, and ought to be well weighed and conſidered in all ſuch Caſes as this. And he afterwards ſaith, That *Equity is the Reaſon of the Law, which weighs Caſes according to their due Meaſures*; and ſo gives *in paribus rationibus paria Jura & Judicia.* If then theſe Bonds of Reſignation are within the Reaſon of this Law, and tend to the ſame Miſchief, they ought to have the ſame Remedy; and it cannot be made any juſt Plea for them, that they are not within the Letter of the Law.

II. I now come to conſider the *Oath* againſt *Simony*, which every Incumbent is bound to take, which runs in theſe Words; "I, *A. B.* do "ſwear that I have made no Simoniacal Payment, Contract or Promiſe, "directly or indirectly, by my ſelf or by any other, to my Knowledge "or with my Conſent, to any Perſon or Perſons whatſoever, for or "concerning the procuring or obtaining of the Rectory or Vicarage; "nor will at any time hereafter perform or ſatisfy any ſuch kind of "Payment, Contract or Promiſe made by any other without my Know"ledge or Conſent.

Simony, ſaith my Lord *Coke*, *is the more odious, becauſe it is ever accompanied with Perjury; for the Preſentee is ſworn to commit no Simony.* 3 Inſt. 156.

Here are too things fit to be conſidered.

1. That the Oath is not meerly againſt direct *Simony*, but againſt any *Simoniacal Contract* for obtaining a Benefice.

2. That this Oath is not limited to the Statute, 31 *Eliz.* nor made in purſuance of it, but was in being long before; and therefore muſt have its Interpretation from the *Eccleſiaſtical Law*, as it was here received, and not from the Words of the Statute, which do not mention a *Simoniacal Contract.* Noy, 25. We muſt then enquire what was a *Simoniacal Contract* by our *Eccleſiaſtical Law.*

In our Provincial Conſtitutions, which were received as part of our Law relating to Eccleſiaſtical Matters, there is one about an Oath to be taken by every one preſented before the Biſhop, C. de. Jurejur. Preſent. Stat. *That for the obtaining the Preſentation, he had neither promiſed nor given any thing to him that preſented him; nec aliquam propter hoc inierit pactionem, nor enter'd into any Bond or Covenant for that end*; not a Covenant to pay a Sum of Money, but to obtain the Preſentation. *Propter hoc*, ſaith *Lynwood*, Lynw. f. 56 *ſc. ut præſentetur*; and he declares it before, that whatever is done with an Intention to induce the Patron to preſent, is *Simoniacal*; and whatever Compact any enter into for that purpoſe, is a *Simoniacal Contract.* Nay he goes ſo far as to ſay, the doing any thing with that Deſign to obtain a Benefice, makes it a *Mental Simony*; (which reaches not to the Oath, and requires no more but Repentance) but if there be a Bargain between the Patron and the Party to be preſented, he declares it to be a *Simoniacal Contract.* He puts the Queſtion, If a Perſon offers to ſerve a Patron for a Year or two, with that Intention to obtain the Preſentation to ſuch a Benefice by it, Whether ſuch a one can with a ſafe Conſcience take the Oath? He anſwers, Negatively. If this were his principal Deſign, and there were a Bond or Covenant between them to that purpoſe; for this were *Simony*. From whence it follows, that any Bond or Covenant enter'd into for that End, to obtain a Preſentation, was *Simoniacal* according to the Senſe of our Law Eccleſiaſtical.

In the time of Archbiſhop *Courtney*, the Form of the Oath was more full and expreſs, as it is extant in the Archbiſhop's Regiſter called *Morton*, and in *Spelman's Councils:* For there is this Clauſe added, *That neither themſelves, nor any Friends of theirs are under any Bonds about the Reſignation or Exchange of their Benefices.* Here the Oath is expreſſed againſt any *Bonds of Reſignation.* But why is this Clauſe left out ſince? Becauſe it was ſuppoſed to be ſufficiently implied in the other Words; ſince this was at leaſt an indirect *Simoniacal Contract.*

It may be ſaid, " That Men are not now tied up to the Canoniſts
" Opinions about *Mental* and *Conventional Simony:* For our Law owns
" nothing but *Real Simony, i. e.* either actual Payment, or a Bond to
" pay ſuch a Summ of Money to obtain a Preſentation: And if there
" be no Contract for that end, it is no *Simoniacal Contract* according to
" our Law.

This is all that can be ſaid in this Caſe; but I think it can give no conſidering Man Satisfaction. For the Intention of the Law, in being ſo ſtrict and ſevere againſt all *Simoniacal Contracts*, was twofold:

1. To preſerve the Dignity of the ſacred Function; which could never be upheld, if mean and ſordid Trafficking were allowed as to Benefices. For the People can never have any due Reſpect or Veneration for a Perſon, whom they ſuſpect to have come into his Place among them by indirect Practices; although it be not the Payment of ſo much Money. For they have ſo much Senſe as to know, that what is valuable by Money, is as good as Money, according to its Proportion: And if a Man gives a Bond to Reſign his Living upon Notice; they know how much this abates of the Value of it to him, when he holds it on ſuch a precarious Title; and that he gives ſo much to obtain the Living as it is of leſs Value to him, than if he had it without any ſuch Bond. He that is forced by a Bond to reſign his Benefice, muſt part with what is really valuable to him, as much as the Poſſeſſion of it for ſo many years, as he might otherwiſe enjoy it, would come to: And he that gives a Bond to that purpoſe to obtain a Preſentation, doth oblige himſelf to give to the Patron ſo much as that Intereſt can be valued at. Is not a free unconditional Intereſt in a Benefice really more valuable, than that which depends on the Pleaſure of another? If it be, then he that gives a Bond of Reſignation, doth give ſomething really valuable in Money, to obtain the Preſentation. And how can this be excuſed from *Simony?* Yes, ſome may ſay; *Simony* is only a frightful word uſed by *Eccleſiaſticks* to deterr People from making the beſt of their own: whereas the true Notion of *Simony* is only *buying the Gifts of the Holy Ghoſt:* But what Relation is there between the *Gifts of the Holy Ghoſt* and a *Benefice?*

I do not think there are any ſo weak, as to imagine *the Gifts of the Holy Ghoſt* can be purchaſed with Money given to Patrons; and if they could, the dealers in ſuch Bargains would not think them worth their Money; which they could lay out upon things of greater value to them. But here lies the true State of the Caſe. It hath been the Wiſdom and Charity of Princes and other Perſons of Eſtates, to make Endowments of Parochial Churches for the Support and Incouragment of thoſe in Holy Orders to attend upon the Service of God in them: And the Law of the Land hath ſo annexed the Spiritual Duty with the Temporal Advantage, that no one can be capable of the latter, that is not obliged to the other. So that the Right of diſcharging a Spiritual Truſt, and the Right of enjoying the Profits go together. But to prevent the unſpeakable Miſchief of purchaſing the Profits which are devoted to ſuch a Spiritual Uſe, this hath been called by the deteſtable Name of *Simony*; and very ſevere Laws have been made, not only againſt the giving of Money, but the uſing of any indirect Means to obtain a Preſentation. Becauſe ſuch things do leſſen the Eſteem of thoſe who uſe them; and not only thereby make them more uncapable of doing Service, but expoſe the Sacred Function it ſelf to Contempt.

2. Another great end of theſe Laws, is to keep the Clergy from Oppreſſion and Slavery. I am far from going about to leſſen the Juſt and legal Rights of Patrons, who by our Laws enjoy ſome Privileges, which are not allowed them in other Countries, where the Eccleſiaſtical Law is ſtricter than here in *England*: As in the Liberty of ſelling the Rights of Advowſons; their Trial at Common Law; the ſix Months for Patrons, *&c.* But for our right underſtanding the preſent matter, it muſt be conſider'd, as to the Rights of Patrons, that it was not an Original and Abſolute Right to diſpoſe of Benefices as they pleaſed; but a limited Truſt repoſed in them, to put in fit Perſons to diſcharge the Duties of their Places. It is very well known to all Perſons who have looked into theſe Matters, that in the firſt Settlement of this *Church of England*, the Biſhops of the ſeveral Dioceſſes had them under their own immediate Care; and that they had the Clergy living in a Community with them, whom they ſent abroad to ſeveral Parts of their *Dioceſſes*, as they ſaw occaſion to imploy them; but that by Degrees, they ſaw a neceſſity of fixing Presbyters within ſuch a Compaſs, to attend upon the Service of God among the People that were the Inhabitants: That theſe Precincts, which are ſince called *Pariſhes*, were at firſt much larger, and caſt into ſuch Diviſions in each Dioceſs, as probably make up the ſeveral *Deanaries* ſince: That when Lords of Manours were inclined to build Churches for their own Conveniencies, they found it neceſſary to make ſome Endowments, to oblige thoſe who officiated in their Churches to a diligent Attendance: That upon this, the ſeveral Biſhops were very well content to let thoſe Patrons have the Nomination of Perſons to thoſe Churches, provided they were ſatisfied of the fitneſs of thoſe Perſons, and that it were not deferred beyond ſuch a limited time. So that the Right of Patronage is really but a limited Truſt; and the Biſhops are ſtill in Law the Judges of the fitneſs of the Perſons to be imployed in the ſeveral parts of their Dioceſſes. But the Patrons never had the abſolute diſpoſal of their Benefices upon their own Terms; but if they did not preſent fit Perſons within the limited time, the Care of the places did return to the Biſhop, who was then bound to provide for them. Some pretend, *that before* 2 Inſt.
the Lateran *Council*, *there was no time of Lapſe to the Biſhop, if the Patron* 361.
did not preſent; but that the Biſhop was to provide one to ſerve the Cure in the mean time, and the Patron might preſent when he would. But this is certainly a miſtake, however it be aſſerted by perſons of great Authority. My Lord *Coke* cites *Bracton* and *Fleta* for it: But I can find nothing like it in either of them. *Bracton* indeed ſpeaks of the time of Bract. l. 4.
lapſe by the *Council of Lateran*, which was to be *after ſix Months*, if a 341.
Diſpute hapned about the Title; and this Conſtitution is extant in the *Decre-*

Ext. de Jure Patron. c. 22. Fleta l. 5. c. 14. Selden of Tithes, c. 12. 389. Abridgment, c. 354. Ext. de Officio Jud. Ordin. c. 4. Eugen. 2. in Synod. Rom. c. 24. Leo 4. in Synod. Rom. c. 25. Ed. Holſt. Regiſtr. f. 42. Cuſt. Norm. Art. 69.

Decretals: And the ſame Words are uſed by *Fleta:* but not a Word in either of them of any *unlimited Power which Patrons had before*, as far as I can find. Which made me wonder at ſuch a *Maxim*, as I find by ſeveral father'd on *Bracton*, *Ante Concilium Lateranenſe nullum currebat tempus contra Præſentantes.* But *Rolls* very fairly reports it juſt as it is in *Bracton*; yet afterwards he recites Mr. *Selden*'s Words. Before this *Lateran Council Alex.* had ſent a Conſtitution hither, which allow'd the Biſhops, in caſe any difference hapned about the Patronage, to ſequeſter the Profits, without fixing the Time: Which is all the Foundation I can meet with for this famous *Maxim.* But before this we may obſerve ſeveral Canons of Councils, which limited the Patrons to *three Months.* Theſe Canons were never receiv'd in *England*; which, if I miſtake not, had always the Privilege of *ſix Months* for *Patrons.* This I ground upon the *Regiſter*, a Book of great Authority, and conſiderable Antiquity, where it is ſaid expreſly, *That the Biſhops have not the Right of Lapſe till ſix Months are paſſed*; which is ſaid to be *ſecundum legem & conſuetudinem Regni Angliæ, according to the ancient Cuſtom and Law of* England. And the like was obſerved in the old Cuſtoms of *Normandy.*

But by the ancient Law of *England*, notwithſtanding the *Right* of *Patronage*, the Biſhop of the *Dioceſs* had theſe Rights reſerved to him:

1. The Right of *Admiſſion* of the Perſon preſented.
2. The Right of *Lapſe*, or beſtowing the Benefice, if the Patron fail'd his ſix Months.
3. The Right of making an *Avoidance*, by *Deprivation or Reſignation.*

Spelm. Concil.

Matth. Paris. A. D. 1239. p. 513.

1. The Biſhop hath by Law the *Right of Admiſſion* of the Perſon preſented by the *Patron.* For here from the time of Chriſtianity being received among the *Saxons*, at leaſt as far as we can trace any Footſteps of the Settlement of a *Parochial Clergy*, it was expreſly provided for *That no Presbyter ſhould be fixed in any Place, without the Conſent of the Biſhop.* For this we have a Canon of *Theodore* Archbiſhop of *Canterbury*, preſerved by *Egbert* Archbiſhop of *York* (each the Seventh in their Sees, but at ſome diſtance of time) in his Collection of *Canons:* the words are, *Statutum eſt ut ſine Authoritate & Conſenſu Epiſcoporum, Presbyteri in quibuſlibet Eccleſiis non conſtituantur, nec inde expellantur & ſi quis hoc facere tentaverit, Synodali Sententiâ feriatur.* So that by the Original Conſtitution of this Church the Biſhops had the Power of fixing Presbyters in Churches, and of removing them if there were occaſion, and no other perſons could do it without them. This doth by no means infringe the Right of Nomination or Preſentation of fit Perſons to the Biſhop: but it implies that no ſuch Preſentation was ſufficient, unleſs the Biſhop did firſt approve and conſent to the Perſon. Wherein the ancient Right of Patronage here in *England* did conſiſt, we cannot have a better account, than from the Words of all the Nobility of *England* in their Remonſtrance to *Gregory* IX. when he attempted to incroach upon them by Papal Proviſions: *Cum igitur à primâ Chriſtianitatis Fundatione in Angliâ, tali fuerint hactenus progenitores noſtri gaviſi libertate, quod decedentibus Eccleſiarum Rectoribus, Eccleſiarum Patroni Perſonas idoneas eligentes ad eaſdem, Dioceſanis præſentaverunt ab eiſdem Eccleſiarum Regimini præficiendas.* Theſe are Words of great Weight, and do plainly ſhew, that the Right of Patronage conſiſted in the Nomination of fit Perſons to the Biſhop of the Dioceſs for any vacant places: But that the Biſhops were, if they approved them, to put

them into the poſſeſſion of them. In the time of *Innocent* III. the King wrote to the Pope, *That the Nobility and Biſhops of* England *did inſiſt upon it, as their Right by the ancient Cuſtom, to build Churches on their own Lands: And the Pope yielded it to the Laity, provided that they had the Conſent of the Biſhop of the Dioceſe, and that the Rights of former Churches were not prejudiced thereby.* But ſaith Mr. *Selden, they challenged it without Licence.* What to do? *To build Churches on their own Lands*; but not a Word of putting in any Incumbents by their own Power, without the Biſhop's Conſent and Approbation. Nay it appears that they could not build Churches on their own Lands without the Biſhop's allowance. Mr. *Selden* would fain have it believed, *That the Right of Preſentation to the Biſhop of the Dioceſe came in by the Canon Law about A.D.* 1200. But the Inſinuations of that kind, as they are frequent in his *Book of Tythes*, ſo they do ſhew his want of Skill or Ingenuity at that time, as much as any one part of it. But I need go no farther than this Letter of the Nobility to the Pope, who were extreamly jealous of their Rights of Patronage, and yet they challenged nothing thereby, but a Right of Nomination of a fit Perſon to the Biſhop of the Dioceſe, not a word of Inveſtiture or Collation by the Patron, which Mr. *Selden* talks of. He doth not deny, *That after A.D.* 1200. *it was the undoubted Law of* England *for the Patrons to preſent to the Biſhops.* But I ſay, it was the Law of *England* before ever the *Decretals* were made; it was the Original and Fundamental Law of the *Engliſh Church*, and as ancient as the Right of *Patronage.* In the ſame Epiſtle they deſire the Pope to leave them to their ancient Liberty, which was *Perſonas Idoneas præſentare.* But who is to be Judge of the *Fitneſs of the Perſons?* For that we have a full Declaration of the ancient Law and Cuſtom of *England*, in *Artic. Cleri*, c. 13. *De Idoneitate Perſonæ præſentatæ ad Beneficium Eccleſiaſticum, pertinet Examinatio ad Judicem Eccleſiaſticum, & ita eſt hactenus uſitatum, & fiat in poſterum.* Upon which my *Lord Coke* ſaith, *That the Examination of the Ability and Sufficiency of the Perſon belongs to the Biſhop, who is the Eccleſiaſtical Judge; and in this Examination he is a Judge, and not a Miniſter, and may and ought to refuſe the Perſon preſented, if he be not Perſona idonea.* And that this was no new Law, appears by the Words, *That it had been hitherto ſo uſed, and ſhould be ſo for the time to come.* And ſo *Coke* truly ſaith, That *this Act was but a Declaration of the Common Law and Cuſtom of the Realm.* So that the Biſhops Power of *Examining and Judging the Fitneſs of the Perſon preſented*, is a part of the *Common Law of* England.

Innocent Epiſt. 151

Selden of Tythes, 361

387.

83, 86, 387.

2 Inſt. 632.

15 H. 7. 8. It is declared by all the Judges, *That the Biſhop in the Examination of a Clerk, is a Judge and not a Miniſter: And if he misbehaves himſelf, he is to be puniſhed as a Judge.*

18 H. 7. *Keilway* ſaith, *That the Biſhop may refuſe for Inſufficiency, and is to give notice to the Patron.*

It was reſolved by the Court in *Specot's* Caſe, *That the Court is to give Credit to the Biſhop acting Judicially*; but then it is ſaid, *That the Plea muſt be ſpecial and certain.*

5 R. 57.

And ſo *Coke* ſaith, That in a *Quare Impedit* brought againſt the Biſhop for Refuſal of his Clerk, *he muſt ſhew the cauſe of his Refuſal ſpecially and directly.*

But it was the Opinion of Lord Chief Juſtice *Anderſon, That in things not triable at Common Law, a General Plea was ſufficient.* But when the Caſe came to the *Queen's-Bench*, 32 *Eliz.* it was there ſaid, That the

Anderſ. 190. Leon. 3, 200.

Ext. de Jure Patron. c. 22. Fleta l. 5. c. 14. Selden of Tithes, c. 12. 389. Abridgment, c. 354. Ext. de Officio Jud. Ordin. c. 4. Eugen. 2. in Synod. Rom. c. 24. Leo 4. in Synod. Rom. c. 25. Ed. Holſt. Regiſtr. f. 42. Cuſt. Norm. Art. 69.

Decretals: And the ſame Words are uſed by *Fleta:* but not a Word in either of them of any *unlimited Power which Patrons had before*, as far as I can find. Which made me wonder at ſuch a *Maxim*, as I find by ſeveral father'd on *Bracton*, *Ante Concilium Lateranenſe nullum currebat tempus contra Præſentantes.* But *Rolls* very fairly reports it juſt as it is in *Bracton*; yet afterwards he recites Mr. *Selden*'s Words. Before this *Lateran Council Alex.* had ſent a Conſtitution hither, which allow'd the Biſhops, in caſe any difference hapned about the Patronage, to ſequeſter the Profits, without fixing the Time: Which is all the Foundation I can meet with for this famous *Maxim.* But before this we may obſerve ſeveral Canons of Councils, which limited the Patrons to *three Months.* Theſe Canons were never receiv'd in *England*; which, if I miſtake not, had always the Privilege of *ſix Months* for *Patrons.* This I ground upon the *Regiſter*, a Book of great Authority, and conſiderable Antiquity, where it is ſaid expreſly, *That the Biſhops have not the Right of Lapſe till ſix Months are paſſed*; which is ſaid to be *ſecundum legem & conſuetudinem Regni Angliæ, according to the ancient Cuſtom and Law of* England. And the like was obſerved in the old Cuſtoms of *Normandy.*

But by the ancient Law of *England*, notwithſtanding the *Right* of *Patronage*, the Biſhop of the *Dioceſs* had theſe Rights reſerved to him:

1. The Right of *Admiſſion* of the Perſon preſented.

2. The Right of *Lapſe*, or beſtowing the Benefice, if the Patron fail'd his ſix Months.

3. The Right of making an *Avoidance*, by *Deprivation or Reſignation.*

1. The Biſhop hath by Law the *Right of Admiſſion* of the Perſon preſented by the *Patron.* For here from the time of Chriſtianity being received among the *Saxons*, at leaſt as far as we can trace any Footſteps of the Settlement of a *Parochial Clergy*, it was expreſly provided for *That no Presbyter ſhould be fixed in any Place, without the Conſent of the Biſhop.* For this we have a Canon of *Theodore* Archbiſhop of *Canterbury*, preſerved by *Egbert* Archbiſhop of *York* (each the Seventh in their Sees, but at ſome diſtance of time) in his Collection of *Canons:* the words are, *Statutum eſt ut ſine Authoritate & Conſenſu Epiſcoporum, Presbyteri in quibuſlibet Eccleſiis non conſtituantur, nec inde expellantur & ſi quis hoc facere tentaverit, Synodali Sententiâ feriatur.* So that by the Original Conſtitution of this Church the Biſhops had the Power of fixing Presbyters in Churches, and of removing them if there were occaſion, and no other perſons could do it without them. This doth by no means infringe the Right of Nomination or Preſentation of fit Perſons to the Biſhop: but it implies that no ſuch Preſentation was ſufficient, unleſs the Biſhop did firſt approve and conſent to the Perſon. Wherein the ancient Right of Patronage here in *England* did conſiſt, we cannot have a better account, than from the Words of all the Nobility of *England* in their Remonſtrance to *Gregory* IX. when he attempted to incroach upon them by Papal Proviſions: *Cum igitur à primâ Chriſtianitatis Fundatione in Angliâ, tali fuerint hactenus progenitores noſtri gaviſi libertate, quod decedentibus Eccleſiarum Rectoribus, Eccleſiarum Patroni Perſonas idoneas eligentes ad eaſdem, Dioceſanis præſentaverunt ab eiſdem Eccleſiarum Regimini præficiendas.* Theſe are Words of great Weight, and do plainly ſhew, that the Right of Patronage conſiſted in the Nomination of fit Perſons to the Biſhop of the Dioceſs for any vacant places: But that the Biſhops were, if they approved them, to put

Spelm. Concil.

Matth. Paris. A. D. 1239. p. 513.

them into the poſſeſſion of them. In the time of *Innocent* III. the King wrote to the Pope, *That the Nobility and Biſhops of* England *did inſiſt upon it, as their Right by the ancient Cuſtom, to build Churches on their own Lands: And the Pope yielded it to the Laity, provided that they had the Conſent of the Biſhop of the Dioceſe, and that the Rights of former Churches were not prejudiced thereby.* But ſaith Mr. *Selden, they challenged it without Licence.* What to do? *To build Churches on their own Lands*; but not a Word of putting in any Incumbents by their own Power, without the Biſhop's Conſent and Approbation. Nay it appears that they could not build Churches on their own Lands without the Biſhop's allowance. Mr. *Selden* would fain have it believed, *That the Right of Preſentation to the Biſhop of the Dioceſe came in by the Canon Law about A.D.* 1200. But the Inſinuations of that kind, as they are frequent in his *Book of Tythes*, ſo they do ſhew his want of Skill or Ingenuity at that time, as much as any one part of it. But I need go no farther than this Letter of the Nobility to the Pope, who were extreamly jealous of their Rights of Patronage, and yet they challenged nothing thereby, but a Right of Nomination of a fit Perſon to the Biſhop of the Dioceſe, not a word of Inveſtiture or Collation by the Patron, which Mr. *Selden* talks of. He doth not deny, *That after A. D.* 1200. *it was the undoubted Law of* England *for the Patrons to preſent to the Biſhops.* But I ſay, it was the Law of *England* before ever the *Decretals* were made; it was the Original and Fundamental Law of the *Engliſh Church*, and as ancient as the Right of *Patronage.* In the ſame Epiſtle they deſire the Pope to leave them to their ancient Liberty, which was *Perſonas Idoneas præſentare.* But who is to be Judge of the *Fitneſs of the Perſons?* For that we have a full Declaration of the ancient Law and Cuſtom of *England*, in *Artic. Cleri*, c. 13. *De Idoneitate Perſonæ præſentatæ ad Beneficium Eccleſiaſticum, pertinet Examinatio ad Judicem Eccleſiaſticum, & ita eſt hactenus uſitatum, & fiat in poſterum.* Upon which my *Lord Coke* ſaith, *That the Examination of the Ability and Sufficiency of the Perſon belongs to the Biſhop, who is the Eccleſiaſtical Judge; and in this Examination he is a Judge, and not a Miniſter, and may and ought to refuſe the Perſon preſented, if he be not Perſona idonea.* And that this was no new Law, appears by the Words, *That it had been hitherto ſo uſed, and ſhould be ſo for the time to come.* And ſo *Coke* truly ſaith, That *this Act was but a Declaration of the Common Law and Cuſtom of the Realm.* So that the Biſhops Power of *Examining and Judging the Fitneſs of the Perſon preſented*, is a part of the *Common Law of* England.

Innocent Epiſt. l. 1

Selden of *Tythes*, 361

387.

83, 86, 387.

2 Inſt. 632.

15 *H.* 7. 8. It is declared by all the Judges, *That the Biſhop in the Examination of a Clerk, is a Judge and not a Miniſter: And if he misbehaves himſelf, he is to be puniſhed as a Judge.*

18 *H.* 7. *Keilway* ſaith, *That the Biſhop may refuſe for Inſufficiency, and is to give notice to the Patron.*

It was reſolved by the Court in *Specot*'s Caſe, *That the Court is to give Credit to the Biſhop acting Judicially*; but then it is ſaid, *That the Plea muſt be ſpecial and certain.*

5 R. 57.

And ſo *Coke* ſaith, That in a *Quare Impedit* brought againſt the Biſhop for Refuſal of his Clerk, *he muſt ſhew the cauſe of his Refuſal ſpecially and directly.*

But it was the Opinion of Lord Chief Juſtice *Anderſon, That in things not triable at Common Law, a General Plea was ſufficient.* But when the Caſe came to the *Queen's-Bench*, 32 *Eliz.* it was there ſaid, That the

Anderſ. 190. Leon. 3, 200.

Articuli Cleri mention a *reaſonable Cauſe*; which, ſay they, muſt be Special; for *cauſa vaga & incerta non eſt rationabilis.* But the main point is, Who is to judge what is a *reaſonable Cauſe?* And I cannot but think that *Anderſon*'s Opinion is the trueſt and moſt reaſonable. If it be for a matter triable at Common Law, that Court is to judge; but if not, I do not ſee how it can be avoided, but the Biſhop muſt judge; and his Judgment of *Inſufficiency* muſt be taken, as well as in any Certificate whatſoever. For if the Law truſt him with the Judgment of a matter proper for him to judge of, other Courts which have no Cognizance of it, muſt give Credit to ſuch a Certificate; or elſe they muſt take upon them to judge in matters that are not of their Cognizance, which is to confound the Juriſdiction of Courts. I grant the Judgment of the Biſhop is not concluſive; but the Appeal then lies to the Supreme Eccleſiaſtical Court, and the *Metropolitan* is to be Judge of the Sufficiency of the Perſon.

“ But is not this a great Prejudice to the Right of Patrons, if the Biſhops are to judge of the Fitneſs of Perſons preſented; and ſo the Patrons Preſentation may ſignify nothing, if the Biſhop pleaſes?

This is a Truſt which the Law repoſes in the Biſhop, and it lies upon his Conſcience to act ſincerely in this matter; and in caſe of *Examination of fit Perſons*, a Truſt muſt be placed ſomewhere; and in whom more properly than in the Biſhop of the Dioceſe, to whom the Care of it doth eſpecially belong, and that by as plain Law as any we have. Are not all Judges truſted in matters that come before them? But this is no deciſive Judgment; for an Appeal lies according to the Nature of the matter. And this is no other Truſt than hath been allowed in all other Chriſtian Nations, where the Rights of Patronage are
Novel. 53. *Tit.* 12. c. 2. 123. c. 18. owned. *Juſtinian* owns it ſeveral times in his *Novels*, not only that the Biſhops are to examine and approve thoſe who are nominated by Founders of Churches; but *if they find them unworthy, they may put*
Cap. *l.* 1. *c.* 84. *l.* 5. 98. Addit. 4 95. *others in their room.* By the *Capitulars*, or old Eccleſiaſtical Laws of *France*, the Lay-Patrons are not only to preſent to the Biſhop ſuch as were *Probabilis Vitæ & Doctrinæ*, but if upon Examination they found them otherwiſe, it was in their power to reject them. As to the Ca-
Ext. de Jure Patr. *c.* 29. non-Law there can be no Diſpute in this Point: But if the Biſhop refuſed, an Appeal did lie to the Pope; and if he were unjuſtly refuſed the Biſhop was bound to provide for him: but during the Appeal, the Patron might preſent another; whom if the Biſhop approved, the Ap-
Rebuff. de Nomin. *n.* 10. peal did fall. *Rebuffus*, a noted Lawyer, ſaith, *That it is a damning Sin in a Biſhop, not to examine the Fitneſs of thoſe who are preſented by Patrons.*
Fra. de Roye de Jure Patr. Proleg. *c.* 25. And a late learned *French* Canoniſt ſaith, *Thoſe are to blame who lay the Fault of ſo many unworthy Men being in Places on the Lay-Patrons*; *For,* ſaith he, *the Biſhops are to blame, who are bound to examine, and if they ſee Cauſe, to reject them.* So that we have not only our own Law, but the General Conſent of the Chriſtian World, where the *Right of Patronage* is allow'd, as to the Biſhop's Right of *Examining* and *Judging the Fitneſs* of Perſons preſented to Benefices.

2. The *Right* of *Collation* upon *Lapſe* belongs to the Biſhop, notwith-
Hob. 154. ſtanding the *Right* of *Patronage.* It is ſaid by Lord *Hobart*, *That a Lapſe is not an Intereſt naturally, but a meer Truſt in Law*: And afterwards, *That the Ordinary, or he that is to preſent by Lapſe, is as a kind of Attorney made by Law, to do that for the Patron, which it is ſuppoſed he would do himſelf, if there were not ſome Lett*; *and therefore the Collation by*

Lapſe is in the Right of the Patron, and for his Turn. This ſeems to me to be a miſtaken Notion of a *Lapſe*; for the true Queſtion is, Whether upon a *Lapſe* the Ordinary doth collate *Jure pleno*, or *Jure devoluto?* Some *French* Lawyers held the latter; but *Car. Molinæus* and others utterly reject that Opinion, for this Reaſon; becauſe *Churches* and *Dioceſſes* were *Jure communi* under the Care of the Biſhops; but it was by *particular Indulgence*, that the *Patrons* had the Right of Preſentation: which being neglected, things do return to *common Right*; and therefore the Biſhop hath a true Intereſt, and acts not in the Right of the Patron, but his own.

De Roye de Jure Patr. p. 95. 145.

It's true, there is a *Devolution* afterwards by our Law: for as the Author of the *Doctor and Student* ſaith, *The Law of the Realm is, that if a Benefice falls void, then the Patron ſhall preſent within ſix Months; and if he do not, that then the Ordinary ſhall preſent; but yet the Law is farther in this caſe, That if the Patron preſent before the Ordinary put in his Clerk, that then the Patron ſhall enjoy his Preſentment; and ſo it is, though the time ſhould fall to the Metropolitan. For,* as he ſaith, *by our Law, if the Biſhop doth not collate within ſix Months, then the Metropolitan preſents.* But this is by a Right of *Devolution*, and then why not the other?

Dr & Stud. c. 36. 125.

The Anſwer is, That the Biſhop is *Ordinary* of the *Dioceſs*, and therefore it comes to him of *common Right*; but it falls to the Archbiſhop, not as *Ordinary*, but as *Superior*; to whom the *Right of Devolution* falls upon the *Inferior*'s Neglect. For, although in ſome reſpects, and in the excepted Caſes, the *Archbiſhop* may be ſaid to be *Ordinary of the whole Province*; yet that is not ſo much in reſpect of *Immediate Juriſdiction*, which *Hobart* and others ſay, *was by Virtue of the Legatine Power which was annexed to his See.* But the Archbiſhop hath a Power as *Metropolitan*, to ſupply the Defects of the *Suffragans* of his Province; and ſo this *Right of Collating* upon defect of the *Ordinary*, comes to him by *Right of Devolution*.

Hob. 17. Brownl. 21. 27.

But how then comes the King to his Right after the Metropolitan's Neglect? That is, ſay our Lawyers, *Becauſe the King is Patron Paramount of all the Benefices within the Realm.* The meaning is, That the King by Right of his Crown is to ſee that all Places be duly ſupplied with Perſons fit for them; and if all others whom the Law hath entruſted, do neglect their Duties, then by the natural Order and Courſe of Government it falls to the Supreme Power, which is to ſupply Defects, and to reform Abuſes.

Dr.&Stud. 124. Plowd. C. 12. 498. b

3. The Biſhop hath the Right of making an Avoidance by Deprivation or Reſignation. For, as he hath the Power of putting-in, ſo the Law hath lodged in him the Judicial Power of proceeding againſt Offenders, and hath not left that to the Judgment of the Patron. If we enquire, Who by our Law is made the proper Judge of a beneficed Perſon, whether he behaves himſelf ſo as to deſerve to loſe his Benefice? Will any one ſay, that the Law hath put this into the Patron's hands? Yet all thoſe who juſtifie theſe Bonds of Reſignation, muſt in effect ſay, that the Patrons are the proper Judges; for they have the real Power of Deprivation in their hands, and may execute it when they pleaſe. Which is ſuch an Arbitrary Juriſdiction, as would be thought intolerable in other Hands.

In all Cauſes of *Deprivation* of a Perſon actually poſſeſſed of a Benefice, theſe things muſt concur.

1. A Monition or Citation of the Party to appear.
2. A Charge given him, to which he is to anſwer, called the *Libel*.

Articuli Cleri mention a *reaſonable Cauſe*; which, ſay they, muſt be Special; for *cauſa vaga & incerta non eſt rationabilis.* But the main point is, Who is to judge what is a *reaſonable Cauſe?* And I cannot but think that *Anderſon*'s Opinion is the trueſt and moſt reaſonable. If it be for a matter triable at Common Law, that Court is to judge; but if not, I do not ſee how it can be avoided, but the Biſhop muſt judge; and his Judgment of *Inſufficiency* muſt be taken, as well as in any Certificate whatſoever. For if the Law truſt him with the Judgment of a matter proper for him to judge of, other Courts which have no Cognizance of it, muſt give Credit to ſuch a Certificate; or elſe they muſt take upon them to judge in matters that are not of their Cognizance, which is to confound the Juriſdiction of Courts. I grant the Judgment of the Biſhop is not concluſive; but the Appeal then lies to the Supreme Eccleſiaſtical Court, and the *Metropolitan* is to be Judge of the Sufficiency of the Perſon.

" But is not this a great Prejudice to the Right of Patrons, if the Bi-
" ſhops are to judge of the Fitneſs of Perſons preſented; and ſo the
" Patrons Preſentation may ſignify nothing, if the Biſhop pleaſes?

This is a Truſt which the Law repoſes in the Biſhop, and it lies upon his Conſcience to act ſincerely in this matter; and in caſe of *Examination of fit Perſons*, a Truſt muſt be placed ſomewhere; and in whom more properly than in the Biſhop of the Dioceſe, to whom the Care of it doth eſpecially belong, and that by as plain Law as any we have. Are not all Judges truſted in matters that come before them? But this is no deciſive Judgment; for an Appeal lies according to the Nature of the matter. And this is no other Truſt than hath been allowed in all other Chriſtian Nations, where the Rights of Patronage are owned. *Juſtinian* owns it ſeveral times in his *Novels*, not only that the Biſhops are to examine and approve thoſe who are nominated by Founders of Churches; but *if they find them unworthy, they may put others in their room.* By the *Capitulars*, or old Eccleſiaſtical Laws of *France*, the Lay-Patrons are not only to preſent to the Biſhop ſuch as were *Probabilis Vitæ & Doctrinæ*, but if upon Examination they found them otherwiſe, it was in their power to reject them. As to the Canon-Law there can be no Diſpute in this Point: But if the Biſhop refuſed, an Appeal did lie to the Pope; and if he were unjuſtly refuſed the Biſhop was bound to provide for him: but during the Appeal, the Patron might preſent another; whom if the Biſhop approved, the Appeal did fall. *Rebuffus*, a noted Lawyer, ſaith, *That it is a damning Sin in a Biſhop, not to examine the Fitneſs of thoſe who are preſented by Patrons.* And a late learned *French* Canoniſt ſaith, *Thoſe are to blame who lay the Fault of ſo many unworthy Men being in Places on the Lay-Patrons; For,* ſaith he, *the Biſhops are to blame, who are bound to examine, and if they ſee Cauſe, to reject them.* So that we have not only our own Law, but the General Conſent of the Chriſtian World, where the *Right of Patronage* is allow'd, as to the Biſhop's Right of *Examining* and *Judging the Fitneſs* of Perſons preſented to Benefices.

Novel. 53. *Tit.* 12. *c.* 2. 123. *c.* 18.

Cap. *l.* 1. *c.* 84. *l.* 5. 98. Addit. 4. 95.

Ext. de Jure Patr. *c.* 29.

Rebuff. de Nomin. *n.* 10.

Fra. de Roye de Jure Patr. Proleg. *c.* 25.

2. The *Right* of *Collation* upon *Lapſe* belongs to the Biſhop, notwithſtanding the *Right* of *Patronage.* It is ſaid by Lord *Hobart*, *That a Lapſe is not an Intereſt naturally, but a meer Truſt in Law:* And afterwards, *That the Ordinary, or he that is to preſent by Lapſe, is as a kind of Attorney made by Law, to do that for the Patron, which it is ſuppoſed he would do himſelf, if there were not ſome Lett; and therefore the Collation by Lapſe*

Hob. 154.

Lapſe is in the Right of the Patron, and for his Turn. This ſeems to me to be a miſtaken Notion of a *Lapſe*; for the true Queſtion is, Whether upon a *Lapſe* the Ordinary doth collate *Jure pleno*, or *Jure devoluto*? Some *French* Lawyers held the latter; but *Car. Molinæus* and others utterly reject that Opinion, for this Reaſon; becauſe *Churches* and *Dioceſſes* were *Jure communi* under the Care of the Biſhops; but it was by *particular Indulgence*, that the *Patrons* had the Right of Preſentation: which being neglected, things do return to *common Right*; and therefore the Biſhop hath a true Intereſt, and acts not in the Right of the Patron, but his own.

De Roye de Jure Patr. p. 95. 145.

It's true, there is a *Devolution* afterwards by our Law: for as the Author of the *Doctor and Student* ſaith, *The Law of the Realm is, that if a Benefice falls void, then the Patron ſhall preſent within ſix Months; and if he do not, that then the Ordinary ſhall preſent; but yet the Law is farther in this caſe, That if the Patron preſent before the Ordinary put in his Clerk, that then the Patron ſhall enjoy his Preſentment; and ſo it is, though the time ſhould fall to the Metropolitan.* For, as he ſaith, *by our Law, if the Biſhop doth not collate within ſix Months, then the Metropolitan preſents.* But this is by a Right of *Devolution*, and then why not the other?

Dr & Stud. c. 36. 125.

The Anſwer is, That the Biſhop is *Ordinary* of the *Dioceſs*, and therefore it comes to him of *common Right*; but it falls to the Archbiſhop, not as *Ordinary*, but as *Superior*; to whom the *Right of Devolution* falls upon the *Inferior*'s Neglect. For, although in ſome reſpects, and in the excepted Caſes, the *Archbiſhop* may be ſaid to be *Ordinary of the whole Province*; yet that is not ſo much in reſpect of *Immediate Juriſdiction*, which *Hobart* and others ſay, *was by Virtue of the Legatine Power which was annexed to his See.* But the Archbiſhop hath a Power as *Metropolitan*, to ſupply the Defects of the *Suffragans* of his Province; and ſo this *Right of Collating* upon defect of the *Ordinary*, comes to him by *Right of Devolution*.

Hob. 17. Brownl. 21. 27.

But how then comes the King to his Right after the Metropolitan's Neglect? That is, ſay our Lawyers, *Becauſe the King is Patron Paramount of all the Benefices within the Realm.* The meaning is, That the King by Right of his Crown is to ſee that all Places be duly ſupplied with Perſons fit for them; and if all others whom the Law hath entruſted, do neglect their Duties, then by the natural Order and Courſe of Government it falls to the Supreme Power, which is to ſupply Defects, and to reform Abuſes.

Dr.&Stud. 124. Plowd. C. 12. 498. b.

3. The Biſhop hath the Right of making an Avoidance by Deprivation or Reſignation. For, as he hath the Power of putting-in, ſo the Law hath lodged in him the Judicial Power of proceeding againſt Offenders, and hath not left that to the Judgment of the Patron. If we enquire, Who by our Law is made the proper Judge of a beneficed Perſon, whether he behaves himſelf ſo as to deſerve to loſe his Benefice? Will any one ſay, that the Law hath put this into the Patron's hands? Yet all thoſe who juſtifie theſe Bonds of Reſignation, muſt in effect ſay, that the Patrons are the proper Judges; for they have the real Power of Deprivation in their hands, and may execute it when they pleaſe. Which is ſuch an Arbitrary Juriſdiction, as would be thought intolerable in other Hands.

In all Cauſes of *Deprivation* of a Perſon actually poſſeſſed of a Benefice, theſe things muſt concur.

1. A Monition or Citation of the Party to appear.
2. A Charge given him, to which he is to anſwer, called the *Libel*.

3. A Competent Time aſſigned for the Proofs and Anſwers.

4. A Liberty for Counſel to defend his Cauſe, and to except againſt the Proofs and Witneſſes.

5. A Solemn Sentence after hearing all the Proofs and Anſwers.

Theſe are the Fundamentals of all Judicial Proceedings in the *Eccleſiaſtical Courts*, in order to a *Deprivation*; and if theſe things be not obſerved, the Party hath juſt Cauſe of Appeal, and may have a Remedy by a Superior Court. And theſe Proceedings are agreeable to the common Juſtice and Reaſon of Mankind; becauſe the Party accuſed hath the liberty of Defence, and the Right of Appeal. But there is nothing of all this, in Bonds of Reſignation; for the Patron takes the Advantage of the Forfeiture of the Bond, and ſo without any Trial, or Proof, or Sentence, deprives him of his Benefice.

Some who are no Friends to the Eccleſiaſtical Courts, would have *no Deprivation of a Benefice, but by Proceedings at Common Law; becauſe it is a Freehold.* Suppoſe that it were ſo (which ſeems contrary to the Courſe of the Law; for the Biſhop in a Plea to a *Quare Impedit*, ſaith, *Nihil clamat præter Inſtitutionem & Deſtitutionem Clericorum*; and *Eccleſiaſtical Deprivations* have been ſtill allow'd at Common Law, if they have been according to the Eccleſiaſtical Laws) but taking it for granted, that a Deprivation of a *Freehold* ought to be at Common Law: what then? What, without an Indictment, and without a Trial by a Jury? No hearing of the Cauſe, no Witneſſes examined, no Counſel to be heard, no Judgment by his Peers? And can this be agreeable to the Fundamental Laws of *England*, to have Men forced out of their *Freeholds* in ſuch an Arbitrary manner? What would they think, if other *Free-hold-Eſtates*, which hold of a Superior Lord, were made ſo Arbitrary, as to depend upon the Will of the Lord ſo, as to be turned out upon ſix Months notice? Let us ſee *Bonds of Reſignation* practiſed upon ſuch Eſtates; and then we ſhall ſoon find what Clamours will be made againſt them, as overthrowing the Fundamental Rights and Liberties of the People. Is there not the ſame Reaſon in this Caſe? Is there not greater? Becauſe theſe Benefices are not Freeholds which are held of the Patrons, but they have only a Right to preſent fit Perſons to them. But it may be, that the Defenders of theſe Bonds will deny Benefices to be *Freeholds* by the Law of *England*. It is eaſie to gueſs what ſome Men would have them to be, by theſe *Bonds*; I am ſure far enough from *Freeholds*. But ſuch private Tranſactions cannot alter the Nature of Things; and we are now enquiring, What Benefices are, by the Law of *England?* It is diſputed at Common-Law, in whom the Freehold of the Glebe-land of a Benefice is, during the Voidance? And it is agreed, That it is neither in the Patron nor Ordinary; becauſe it was given to the Incumbents and their Succeſſors. And therefore they tell us, it is then *in Abeyance*; which is a pretty way of expreſſing, That the Law takes care that it ſhall come to the next Incumbent, notwithſtanding the Diſcontinuance by Death of his Predeceſſor; and I think it had been as well ſaid, That it was in the Law, although not in any Perſon. But it is not diſputed, but that as ſoon as another Incumbent is in poſſeſſion, the *Freehold* is in Him; for thoſe are *Littleton*'s Words, *Sect.* 647. And my Lord *Coke* ſaith, *That the Incumbent cannot be look'd on, as a meer Tenant for Life: becauſe he may have ſuch Writs, which none can have but a Tenant in Fee-ſimple or Fee-tail; and he may receive Homage, which a Tenant for Life cannot do.* And for this he goes as far back as the time of *E.* 1. But long before that in *Glanvil*'s time,

1 Inſt. 341.

Glanvil, *l.* 13. *c.* 20.

time, which was of *H.* 2. it is ſaid. *That he that is poſſeſſed of a Benefice by Inſtitution from the Biſhop, and judged fit by him, ſhall enjoy it for his Life, although the Right of Advowſon be diſputed.* Which is ſeveral times affirmed by my Lord *Coke* upon good Reaſon. In one place he ſaith, 1 Inſt. 343. *b.* *That at the Common Law, if a Church be once full, the Incumbent could not be removed* (excepting juſt Cauſe of Deprivation) *and Plenarty generally was a good Plea in a* Quare Impedit, *or Aſſiſe of* Dare in Preſentment: *And the Reaſon of this was, to the intent the Incumbent might apply himſelf to his Spiritual Charge.* 2. *The Law intended, That the Biſhop that had Cure of Souls within his Dioceſs would admit and inſtitute an able Man for the Diſcharge of his Duty and his own; and that the Biſhop would do right to every Patron in his Dioceſs.* In another place he ſaith, 2 Inſt. 357. *That by the Order of Common Law, if one had preſented unto a Church whereto he had no Right, and the Biſhop had admitted and inſtituted his Clerk, this Incumbent could not be removed for divers Reaſons:* 1. *For that he came into the Church by a Judicial Act of the Biſhop.* 2. *That by the Common Law, in every Town and Pariſh there ought to be* Perſona Idonea: *and when the Biſhop had admitted him able, which implied that he was* idonea perſona, *then the Law had his final Intention,* viz. *That the Church ſhould be ſufficiently provided for.* 3. *That the Incumbent having* Curam animarum, *might the more effectually and peaceably intend ſo great Charge; the Common Law provided, That after Inſtitution he ſhould not be ſubject to any Action, to be removed at the Suit of any common Perſon, without all reſpect of Age, Coverture, Impriſonment, or* Non-ſane-memory; *and without regard of Title, either by Deſcent or Purchaſe, or of any Eſtate.* Are theſe things conſiſtent with *Bonds of Reſignation?*

But it may be ſaid, *That here is no Deprivation ſuppoſed, but a voluntary Reſignation; and what hurt is there, if it be a Man's own Act?*

I anſwer, That we are not only to conſider the Act of the Perſon, but the Intereſt and general Concernment of the Church in it. For in all matters of ſuch a publick Nature, we are not to regard ſo much the Conſent of the Party, as the Nature and Conſequence of the Act it ſelf. If it be an illegal thing, and tend to ſubvert the Rights of the Church, it cannot make it legal to ſay, that it was his own Act. Now as to this kind of Reſignation, we are to conſider theſe two things:

1. That if the Reſignation be not into the hands of the Biſhop, it is an illegal Act, and void of it ſelf.

2. That if it be into the Biſhop's hands, he hath the Power in Law to accept it or not.

1. That the Reſignation muſt be into the hands of the Biſhop. For a Reſignation into the hands of the Patron, is by the *Canon Law* declared to be null and void of it ſelf. So *Innocent* IV. *ad c.* 6. *de rerum per.* And this is grounded on the Text of the *Canon Law,* C. 17. Q. 2. c. *Gonſaldus*; and on the Appendix to the *Lateran Council* under *Alex.* III. *De Renunt. tit.* 15. *c. pen.* where it is declared, *to be an unworthy thing, and contrary to the Canons, to reſign into the Hands of Patrons.* And *Alex.* III. forbids it abſolutely under an *Anathema. De Renunt. c.* 4. which is confirmed by *Innocent* III. *c.* 8. in the *Decretals.* v. Flamin. Pariſ. de Reſignat. *li* 7. c. 1. *n.* 9. But we are to conſider eſpecially, how far this part of the Canon Law was receiv'd; and we can have no better a Judge in this Caſe than *Lynwood,* who ſaith poſitively, that *Renuntiatio facta in manus Laici etiam ſponte non tenet*; *i. e.* a Reſignation made into the hands of a *Lay-Patron,* if it be never ſo free, doth not hold: and therefore he ſaith, it muſt be made into the hands of him who hath the *Ordinary Juriſdiction,* and therefore hath power to admit. Lynw. *f.* 55. c. Ne lepra.

He obſerves two things very material as to the point of Reſignation:

1. That a voluntary Reſignation, though not to the *Ordinary*, deprives the party of the Poſſeſſion; ſo as he cannot recover, although he be not wholly deveſted of the Property, or Right to the thing: *Quia ſine conſenſu Superioris non tenet Reſignatio:* And this is founded on that Fundamental Reaſon, that the Care of the Dioceſs belongs to him, who hath the ordinary Juriſdiction, who was the Biſhop: But as *Lynwood* obſerves, by *Cuſtom and Compoſition*, this is put into other hands; as in places of exempt Juriſdiction. And ſo where the power of granting Inſtitution is lodged by the *Biſhop's Conſent*, and a *Preſcription* upon it; there is a Power likewiſe of receiving a *Reſignation:* But not in any, who have only a delegated Power from the Biſhop. For there is a difference in Law and Reaſon between an *ordinary Power* depending on an ancient *Preſcription* and *Compoſition* (as it is in ſeveral places in the *Deans and Chapters* within certain Precincts) and an *ordinary Power* in a *Subſtitute*, as a *Chancellor* or *Vicar-General*. For although ſuch an Officer hath the ſame Court with the Biſhop, ſo that the legal Acts of the Court are the Biſhop's Acts, by whoſe Authority he ſits there; ſo that no Appeal lies from the Biſhop's Officer to himſelf, but to the Superiour: And although a *Commiſſary* be allowed to have the power of the *Ordinary* in *Teſtamentary Cauſes*, which were not originally of *Spiritual Juriſdiction*, as it is ſaid in *Henſlow*'s Caſe, with which *Lynwood* agrees: Yet in Acts of Spiritual and voluntary *Juriſdiction* the Caſe is otherwiſe. For the Biſhop by appointing a *Chancellor*, doth not diveſt himſelf of his own *ordinary Power*; but he may delegate ſome parts of it by *Commiſſion* to others, which goes no farther than is expreſſed in it. For it is a very great Miſtake in any to think, that ſuch who Act by a *delegated Power*, can have any more Power than is given to them, where a *ſpecial Commiſſion* is required for the Exerciſe of it. For by the *general Commiſſion* no other Authority paſſes, but that of *hearing Cauſes:* But all Acts of voluntary Juriſdiction require a *ſpecial Commiſſion*, which the Biſhop may reſtrain as he ſees Cauſe. For as *Lynwood* ſaith, *nothing paſſes*, virtute officii, *but the hearing of Cauſes:* So that other Acts depend upon the Biſhop's particular Grant for that purpoſe. And the Law no where determines the bounds of a *Chancellor's Power* as to ſuch Acts; nor can it be ſuppoſed ſo to do, ſince it is but a delegative Power: And it is in the Right of him that Deputes, to Circumſcribe and Limit it. Neither can *Uſe* or *Cuſtom* inlarge ſuch a Power, which depends upon another's Will. And however, by modern Practice, the Patents for ſuch places have paſſed for the Life of the Perſon to whom they were firſt granted; yet it was not ſo by the ancient *Eccleſiaſtical Law of* England. For *Lynwood* affirms, that a grant of Juriſdiction ceaſes by the Death of him who gave it: *per mortem deputantis ceſſat Poteſtas Officialium:* (or elſe it could never paſs into the Dean and Chapter *ſedevacante*; or to the Guardian of the Spiritualities.) And he gives a good Reaſon of it; *Nè invitus habeat Officialem ſibi fortaſſis odioſum.* It's true, that by the Statute 37 *H.* 8. *c.* 17. meer Doctors of Law are made capable of Exerciſing *all manner of Eccleſiaſtical Juriſdiction.* But it doth not aſſign the Extent of their Juriſdiction, but leaves it to the Biſhops themſelves, from whom their Authority is derived. And the Law ſtill diſtinguiſhes between *Poteſtas Ordinaria* and *Delegata:* For the former ſuppoſes a Perſon to act in his own Right, and not by Deputation; which, I ſuppoſe, no Chancellors or Officials will pretend to. But how far now, a Commiſſion to exer-

6. De Appel. c. Roman. Lynw. f. 54.

c. R. 41. De Teſtam. v. Stat. v. Approbat.

6. De Officio Vicarii, c. 2.

De Sequeſtr. v. Officiales.

Bracton, l. 5. c. 2. Fleta, l. 6. c. 37. 1 Inſt. 56. Cowel. v. Ordin.

exerciſe Juriſdiction doth hold, when the Perſon who gave it is dead, is not my preſent buſineſs to enquire: But in *Sutton*'s Caſe it ſeems to be taken for granted by the Counſel, that a Chancellor's Patent, con- Cr. Car. 65. firmed by Dean and Chapter, doth give a Man a Freehold for Life, if he be capable of doing his Duty; otherwiſe he may be deprived for Inſufficiency, as Doctor *Sutton* was. But *Noy* ſaith, *That the Court was* Noy, 91. *in doubt, how far the Act of the Predeceſſor could bind the Succeſſor as to the Profits.* And in the Prebend of *Hatcherly*'s Caſe, *Dodderidge* declared, 152. *That Eccleſiaſtical Juriſdiction in judicial Acts may be executed by Subſtitute: But a Grant of it is not good, but during the Biſhop's Life; and ſhall not bind the Succeſſor.* And *Coke* thought it a very hard thing, *That the Succeſſor ſhould not remove him, but be bound to anſwer for the Acts and Offences of a Commiſſary, which he never put in.* But theſe things belong not to our preſent buſineſs, any farther than to ſhew, that however in ſome Caſes the Biſhops may ſubſtitute others, yet as to *Reſignations* of *Benefices*, for all that I can find, the Law only takes notice of the *Biſhop* himſelf.

Lynwood obſerves, that there is a difference to be made between the *Reſignation* of a *ſimple Benefice*, i. e. where there is no cure of Souls, and of ſuch a one that hath ſuch a Cure going along with it. In the former Caſe he ſaith, *That a Reſignation may be to the prejudice of the Party, without the Biſhop's Conſent*: But in the latter, where it may be *to the prejudice of others* as well as of himſelf, it hath no force without the *Biſhop's Ratification: In hoc caſu neceſſaria eſt Ratihabitio Epiſcopi.* So that no *Reſignation* of a *Cure of Souls* can be of any Validity without the *Biſhop's Acceptance.* In the ſame Caſe of *Smith* againſt *Foanes*, it was reſolved and agreed by all upon Evidenceat Bar, *That a Reſignation to a Proctor, does not make the Church void, until it be accepted by the Bi-* Noy, 157. *ſhop, and acknowledged before him.*

2. But ſuppoſe the *Reſignation* be made into the hands of the Biſhop, is he bound to *Accept* it? By what Law? For what Reaſon? Muſt he not enquire into the Reaſon and Inducements of the *Reſignation*, whether it be *corrupt* or not? No *Biſhop* can be bound to accept a corrupt *Reſignation*; and whether it be ſo or not, he is bound to enquire: And if he be not ſatisfied, by what Law can he be required to do that, which he cannot do with a good Conſcience? If the Law hath truſted him with accepting a *Reſignation*, it hath likewiſe truſted him with judging, whether it be fit to be accepted or not. In *Gayton*'s Caſe it is plain, *That the Biſhop may refuſe a Reſignation before a Publick Notary, when there* Owen, 12. *was a Condition annexed to it, which the Law doth not annex.* For in this Caſe, the Condition was, *That if ſuch or ſuch a Perſon were not preſented within ſix Months, the Reſignation ſhould be null:* Which *Coke* then ſaid, *made it void*, becauſe *Reſignations ought to be free:* And this is a Judicial Act, to which a Condition cannot be annexed, no more than an ordinary may admit upon Condition.

But it may be objected, that in caſe of *Donatives* the *Reſignation* muſt be into the Patron's Hands, as in *Gayr*'s and *Fairchild*'s Caſe: Why Yelver. 60. then may not a *Reſignation* be good to a Patron in other Benefices, ſince Moor, 765. thoſe are as really *Benefices* as the other?

The difference is, that there is no *Preſentation* to the Biſhop in *Donatives.* For, it is agreed by the Judges in that Caſe, *That if there were* Cr. 2. 63. 1 Inſt. 344. *a Preſentation once made to the Biſhop, it ceaſes to be a Donative, and becomes always Preſentable.* So that the Caſe of *Donatives*, is very different; for we ſay, that where-ever the Biſhop hath a Right to admit, it is his Right

to

He obſerves two things very material as to the point of Reſignation:

1. That a voluntary Reſignation, though not to the *Ordinary*, deprives the party of the Poſſeſſion; ſo as he cannot recover, although he be not wholly deveſted of the Property, or Right to the thing: *Quia ſine conſenſu Superioris non tenet Reſignatio:* And this is founded on that Fundamental Reaſon, that the Care of the Dioceſs belongs to him, who hath the ordinary Juriſdiction, who was the Biſhop: But as *Lynwood* obſerves, by *Cuſtom and Compoſition*, this is put into other hands; as in places of exempt Juriſdiction. And ſo where the power of granting Inſtitution is lodged by the *Biſhop's Conſent*, and a *Preſcription* upon it; there is a Power likewiſe of receiving a *Reſignation:* But not in any, who have only a delegated Power from the Biſhop. For there is a difference in Law and Reaſon between an *ordinary Power* depending on an ancient *Preſcription* and *Compoſition* (as it is in ſeveral places in the *Deans and Chapters* within certain Precincts) and an *ordinary Power* in a *Subſtitute*, as a *Chancellor* or *Vicar-General*. For although ſuch an Officer hath the ſame Court with the Biſhop, ſo that the legal Acts of the Court are the Biſhop's Acts, by whoſe Authority he ſits there; ſo that no Appeal lies from the Biſhop's Officer to himſelf, but to the Superiour: And although a *Commiſſary* be allowed to have the power of the *Ordinary* in *Teſtamentary Cauſes*, which were not originally of *Spiritual Juriſdiction*, as it is ſaid in *Henſlow*'s Caſe, with which *Lynwood* agrees: Yet in Acts of Spiritual and voluntary *Juriſdiction* the Caſe is otherwiſe. For the Biſhop by appointing a *Chancellor*, doth not diveſt himſelf of his own *ordinary Power*; but he may delegate ſome parts of it by *Commiſſion* to others, which goes no farther than is expreſſed in it. For it is a very great Miſtake in any to think, that ſuch who Act by a *delegated Power*, can have any more Power than is given to them, where a *ſpecial Commiſſion* is required for the Exerciſe of it. For by the *general Commiſſion* no other Authority paſſes, but that of *hearing Cauſes:* But all Acts of voluntary Juriſdiction require a *ſpecial Commiſſion*, which the Biſhop may reſtrain as he ſees Cauſe. For as *Lynwood* ſaith, *nothing paſſes*, virtute officii, *but the hearing of Cauſes:* So that other Acts depend upon the Biſhop's particular Grant for that purpoſe. And the Law no where determines the bounds of a *Chancellor's Power* as to ſuch Acts; nor can it be ſuppoſed ſo to do, ſince it is but a delegative Power: And it is in the Right of him that Deputes, to Circumſcribe and Limit it. Neither can *Uſe* or *Cuſtom* inlarge ſuch a Power, which depends upon another's Will. And however, by modern Practice, the Patents for ſuch places have paſſed for the Life of the Perſon to whom they were firſt granted; yet it was not ſo by the ancient *Eccleſiaſtical Law of* England. For *Lynwood* affirms, that a grant of Juriſdiction ceaſes by the Death of him who gave it: *per mortem deputantis ceſſat Poteſtas Officialium:* (or elſe it could never paſs into the Dean and Chapter *ſedevacante*; or to the Guardian of the Spiritualities.) And he gives a good Reaſon of it; *Nè invitus habeat Officialem ſibi fortaſſis odioſum.* It's true, that by the Statute 37 *H.* 8. *c.* 17. meer Doctors of Law are made capable of Exerciſing *all manner of Eccleſiaſtical Juriſdiction.* But it doth not aſſign the Extent of their Juriſdiction, but leaves it to the Biſhops themſelves, from whom their Authority is derived. And the Law ſtill diſtinguiſhes between *Poteſtas Ordinaria* and *Delegata:* For the former ſuppoſes a Perſon to act in his own Right, and not by Deputation; which, I ſuppoſe, no Chancellors or Officials will pretend to. But how far now, a Commiſſion to exer-

6. De Appel. c. Roman. Lynw. f. 54.

c. R. 41. De Teſtam. v. Stat. v. Approbat.

6. De Officio Vicarii, c. 2.

De Sequeſtr. v. Officiales.

Bracton, l. 5. c. 2. Fleta, l. 6. c. 37. 1 Inſt. 56. Cowel. v. Ordin.

exerciſe Juriſdiction doth hold, when the Perſon who gave it is dead, is not my preſent buſineſs to enquire: But in *Sutton*'s Caſe it ſeems to be taken for granted by the Counſel, that a Chancellor's Patent, confirmed by Dean and Chapter, doth give a Man a Freehold for Life, if Cr. Car. 65. he be capable of doing his Duty; otherwiſe he may be deprived for Inſufficiency, as Doctor *Sutton* was. But *Noy* ſaith, *That the Court was* Noy, 91. *in doubt, how far the Act of the Predeceſſor could bind the Succeſſor as to the Profits.* And in the Prebend of *Hatcherly*'s Caſe, *Dodderidge* declared, 152. *That Eccleſiaſtical Juriſdiction in judicial Acts may be executed by Subſtitute: But a Grant of it is not good, but during the Biſhop's Life; and ſhall not bind the Succeſſor.* And *Coke* thought it a very hard thing, *That the Succeſſor ſhould not remove him, but be bound to anſwer for the Acts and Offences of a Commiſſary, which he never put in.* But theſe things belong not to our preſent buſineſs, any farther than to ſhew, that however in ſome Caſes the Biſhops may ſubſtitute others, yet as to *Reſignations* of *Benefices*, for all that I can find, the Law only takes notice of the *Biſhop* himſelf.

Lynwood obſerves, that there is a difference to be made between the *Reſignation* of a *ſimple Benefice*, i. e. where there is no cure of Souls, and of ſuch a one that hath ſuch a Cure going along with it. In the former Caſe he ſaith, *That a Reſignation may be to the prejudice of the Party, without the Biſhop's Conſent:* But in the latter, where it may be *to the prejudice of others* as well as of himſelf, it hath no force without the *Biſhop's Ratification: In hoc caſu neceſſaria eſt Ratihabitio Epiſcopi.* So that no *Reſignation* of a *Cure of Souls* can be of any Validity without the *Biſhop's Acceptance.* In the ſame Caſe of *Smith* againſt *Foanes*, it was reſolved and agreed by all upon Evidence at Bar, *That a Reſignation to a Proctor, does not make the Church void, until it be accepted by the Bi-* Noy, 157. *ſhop, and acknowledged before him.*

2. But ſuppoſe the *Reſignation* be made into the hands of the Biſhop, is he bound to *Accept* it? By what Law? For what Reaſon? Muſt he not enquire into the Reaſon and Inducements of the *Reſignation*, whether it be *corrupt* or not? No *Biſhop* can be bound to accept a corrupt *Reſignation*; and whether it be ſo or not, he is bound to enquire: And if he be not ſatisfied, by what Law can he be required to do that, which he cannot do with a good Conſcience? If the Law hath truſted him with accepting a *Reſignation*, it hath likewiſe truſted him with judging, whether it be fit to be accepted or not. In *Gayton*'s Caſe it is plain, *That the Biſhop may refuſe a Reſignation before a Publick Notary, when there* Owen, 12. *was a Condition annexed to it, which the Law doth not annex.* For in this Caſe, the Condition was, *That if ſuch or ſuch a Perſon were not preſented within ſix Months, the Reſignation ſhould be null:* Which *Coke* then ſaid, *made it void*, becauſe *Reſignations ought to be free:* And this is a Judicial Act, to which a Condition cannot be annexed, no more than an ordinary may admit upon Condition.

But it may be objected, that in caſe of *Donatives* the *Reſignation* muſt be into the Patron's Hands, as in *Gayr*'s and *Fairchild*'s Caſe: Why Yelver. 60. then may not a *Reſignation* be good to a Patron in other Benefices, ſince Moor, 765. thoſe are as really *Benefices* as the other?

The difference is, that there is no *Preſentation* to the Biſhop in *Donatives.* For, it is agreed by the Judges in that Caſe, *That if there were* Cr 2. 63. 1 Inſt. 344. *a Preſentation once made to the Biſhop, it ceaſes to be a Donative, and becomes always Preſentable.* So that the Caſe of *Donatives*, is very different; for we ſay, that where-ever the Biſhop hath a Right to admit, it is his Right to accept of a *Reſignation*. But in this Caſe, the Biſhop is ſuppoſed to have nothing to do in the *Admiſſion* or *Inſtitution* of the Perſon. If it be asked, *How the Biſhops came to loſe their Right of receiving the Preſentation to theſe Benefices?* I anſwer, That they ſeem to me to have come 1 Inſt. 344. one of theſe two ways: 1. *By Royal Licence*; So my Lord *Coke* ſaith, *That the King may not only found a Church, or Free Chapel Donative himſelf,* Regiſt. 40. 3. *but may Licence any Subject to do the ſame.* But the *Regiſter* ſuppoſes a *Royal Foundation*, and not a meer *Royal Licence*, and that it muſt be proved to be *ancient* too; and therefore a *new Licence* will not come up to the *Regiſter*. 2. By *peculiar Privilege*; as when a Lord of a Manor in a great Pariſh, having his Tenants about him at a remote diſtance from the Pariſh-Church, offers to build and endow a Church there, provided that it ſhould belong entirely to him and his Family, to put in ſuch Perſons as they ſhould think fit, if they were in Holy Orders. It's very poſſible that the Biſhops at that time, to encourage ſuch a Work, might permit them to enjoy this Liberty; which being continued *time out of mind*, is turned into a *Preſcription*. If theſe *Donatives* had been common, the Miſchief would have been more viſible; but being ſo few in compariſon, they have been leſs taken notice of. And they are to be diſtinguiſhed from thoſe called *Sine-Cures* and *Exempt-Juriſdictions*.

For *Sine-Cures* in Truth are *Benefices preſentable*, but by means of *Vicarages* endowed in the ſame places, the Perſons who enjoy them have by long Cuſtom been excuſed from Reſidence, which is the moſt can be ſaid for them. And ſuch *Sine-Cures*, if they be reſigned, it muſt be into the Biſhop's hands.

Exempt-Juriſdictions are not ſo called, becauſe under no *Ordinary*; but becauſe they are not under the *Ordinary* of the *Dioceſe*, but have one of their own. Theſe are therefore called *Peculiars*, and they are of ſeveral ſorts.

1. *Royal Peculiars*, which are the *King's Free Chapels*, and are exempt from any Juriſdiction but the King's; and therefore ſuch may be *Re-* Lynw. f. 64, 80. Roll's Abrid. 2. 356. Coke, 12, 41, 42. *ſigned* into the King's hands as their proper *Ordinary*, either by *ancient Privilege* or *inherent Right*. But how far *Reſignations* may be made to the King as *Supreme Ordinary*, as in *Goodman*'s Caſe, it is not here a place to examine.

2. *Archbiſhops Peculiars*; which are not only in the Neighbour *Dioceſſes*, but diſperſed up and down in remoter places: For it appears by Ead. Hiſt. in Anſelm. p. 22. *Eadmerus, That where-ever the Archbiſhop had an Eſtate belonging to him, he had the ſole Juriſdiction as Ordinary.*

3. *Deans and Chapters Peculiars*; which are places wherein by *ancient Compoſitions* the Biſhops have parted with their *Juriſdiction* as *Ordinaries* to thoſe Societies, whoſe Right was not *Original*, but derived from the Biſhop; and where the *Compoſitions* are loſt, it depends upon Roll's Abr. 2. 357. *Preſcription*, as in the *Deans* and *Chapters* of St. *Paul*'s and *Litchfield*, which are mentioned in the Books, 11 *H*. 4. 9.

4. *Peculiars* belonging to *Monaſteries*; for the richer *Monaſteries* were very uneaſy, until they had obtained either from the *Biſhops* or from the *Popes* (which proved the moſt effectual, but more chargeable way) an *Exemption* from Ordinary Juriſdiction. Thoſe *Churches*, which the *Monaſteries* had gotten to be annexed to themſelves, were called *Appropriations*; but how far theſe were exempt from the *Ordinaries* Juriſdiction is not fully underſtood, and therefore I ſhall endeavour to explain it.

C. 16. Q. 2. c. Sanc. 1. *Appropriations* did not at firſt imply any *Exemption* from the *Ordinary*. For it was expreſly provided in the Canon Law, That no Perſons ſhould be put into ſuch Churches without *Inſtitution from the Biſhop*; to whom the *Incumbents* were to be anſwerable in all *Spiritual Matters*, as in all *Temporal* to the *Abbots*. And in the oldeſt *Appropriations* which I have ſeen, there is a *Salvo per omnia Jure Epiſcopali*; which Words are inconſiſtent with an *Exemption*.

2. The Forms of *Appropriation* were different afterwards. For altho' none could be made without the Biſhop's Conſent, yet that Conſent was expreſſed in different ways, and had different Effects.

If the Biſhop only confirmed the Lay-Patron's Gift, then nothing but the *Right of Patronage* paſſed, and his Juriſdiction remained. If the Biſhop joined in the Donation in theſe Words, *Concedimus vobis talem Eccleſiam*, then he paſſed away his *Temporal Rights* as to that Church. If the Biſhop granted the Church *Pleno Jure*, then the *Canoniſts* ſay, he paſſed his *Dioceſan Right*; which conſiſted in Rights which the Biſhop had diſtinct from his *Epiſcopal Juriſdiction*; which it was thought he could not part with by any Act of his, for that were to diveſt himſelf of his Order.

Ext. de Donat. c. paſtor. Lynw. f. 80

3. *Appropriations*, confirmed by the *Papal Authority*, were allowed to carry with them *Exemptions* from the *Ordinary*. And therefore the *Monaſteries* which could bear the Charge, did not think themſelves free from their *Ordinaries*, till they had obtained *Bulls* for that purpoſe; and then they took themſelves to be free in their *Conventual Churches*, as well as their *Chapels*, or *Oratories* on their own Lands.

4. All *Papal Exemptions* are taken away by Act of Parliament, 31 *H*.8. *c*. 13. and the *Churches* ſo exempted are put under *the Juriſdiction of the Ordinary of the Dioceſe, or ſuch Commiſſioners as the King ſhall appoint*. So that no *Papal Exemption* can now be pleaded as to *appropriated Churches*, how clear and full ſoever the Charters of *Exemption* were. This is a thing ſo little taken notice of, that I ſhall ſet down the Words, §. 23. *Be it further enacted, That ſuch of the ſaid Monaſteries*, &c. *and all Churches and Chapels, to them, or any of them belonging, which before the Diſſolution*, &c. *were exempted from the Viſitation or Viſitations, and all other Juriſdiction of the Ordinary or Ordinaries within whoſe Dioceſe they were ſituate or ſet, ſhall from thenceforth be within the Juriſdiction and Viſitation of the Ordinary or Ordinaries, within whoſe Dioceſe they or any of them be ſituate and ſet; or within the Viſitation and Juriſdiction of ſuch Perſon or Perſons, as by the King's Highneſs ſhall be limited or appointed, this Act or any other Exemption, Liberty or Juriſdiction to the contrary notwithſtanding.*

Therefore no Perſons who enjoy the Eſtates belonging to *Monaſteries*, can now plead an *Exemption* by virtue thereof from the *Ordinary's Juriſdiction*; nor that they have a Power to put in and put out as they pleaſe, without any regard to the Biſhop's Authority.

But ſuppoſe there were no Endowment, and that the Churches were built on the Site of the *Monaſteries*, and ſo were ſupplied by their own Body; then ſuch Perſons are wholly at their Will, and they may turn them out as they pleaſe. I anſwer;

I confeſs the Condition of ſuch Stipendiaries is as bad as of thoſe who hold their Benefices under *Bonds of Reſignation*; for Tenures at the Will of the Lord, are the worſt of any. But it is to be hoped, that ſuch Perſons who enjoy ſuch Eſtates as were originally deſigned for the Support of the *Parochial Clergy*, (however at firſt fraudulently perverted by the Combination of the *Monks* and *Popes*) will at the leaſt take Care that the Cure of Souls be duly provided for in ſuch places. For that Burthen goes along with the Churches Revenue, in whoſe Hands ſoever it be; and ſo they are both in Law and Conſcience to ſee the Places well ſupplied. And by the Statutes of Diſſolution, as they do injoy the Rights, ſo they are bound to provide for the Churches; and where they were *Parochial*, to ſee that there were a fixed Incumbent with a competent Maintenance; which the Law always took a particular care of.

II. It is time now to conſider the *Precedents*, which have been produced to ſhew that theſe *Bonds of Reſignation* are not againſt Law.

Cr. 2.248. The firſt is of *Jones* and *Laurence*, 8 *Jac.* A Bond was given to reſign the Benefice he was preſented to, within three Months upon Requeſt: and it was alledged in Court, That it was a *Simoniacal Contract, and againſt Law.* On the other ſide it was ſaid, *That there doth not appear any Simony upon the Condition; and therefore Judgment was given for the Bond.* But a Writ of Error was brought in the *Exchequer-Chamber*; and the principal Error inſiſted on, was, *That this Condition was againſt Law.* But the Judges of the *Common Bench*, and *Barons of the Exchequer* held, *That the Obligation and Condition are good enough. For a Man may bind himſelf to reſign upon good and valuable Reaſons, without any Colour of Simony; as to be obliged to reſign, in caſe of Plurality or Non-reſidence; or if his Son be at Age. But if it had been for a Leaſe of the Glebe or Tythes, or a Sum of Money, that had been Simony,* &c. and ſo the Judgment was affirmed.

To this Precedent I anſwer, That the Reaſon of the Judges is inſufficient. For it comes to this: The Bond is good becauſe there may be good Reaſon for it. May it not be ſaid on the other ſide, The Bond is naught, becauſe there may be a very bad Reaſon for it? And a Bond that may be turned to ſo very ill Uſes, it cannot but ſeem ſtrange to me, that the Judges ſhould affirm it to be a good Bond. If the particular Reaſons had been made the Conditions of the Bond, they might have judged upon them; but the Bond was general, and no Condition in it but Notice. Therefore the Judgment muſt be, That a Bond is reaſonable, if no bad Conditions appear in it; which makes the Incumbent a Slave to the Patron, and overthrow the juſt Rights and Liberties of the Clergy; and lays them open to Perjury, when they give ſuch a Bond meerly to obtain a Preſentation. And they very well knew that none could be poſſeſſed of a Benefice without an Oath againſt all *Simoniacal Contracts, either directly or indirectly.* Why did not the Judges declare, that it was *Simony* within their Oath? *But they were only to judge of the Law.* And how could they judge this not to be a *Simoniacal* Bargain? *Becauſe there was no Simoniacal Condition in it.* But what is a *Simoniacal Condition?* Where hath the Common Law determin'd it? And by what Rule? Yes, ſay they, *A Leaſe for Tythes, or a Bargain for Money, had been Simony.* But how come they to determine that no other Contracts are *Simoniacal*; when they own, *That Simony is not under their Cogniſance?* Did they ever offer to adviſe with the *Civilians?* What was a *Simoniacal Contract*, according to the Eccleſiaſtical Law? Not the leaſt mention of this; and therefore I cannot but think this a Judgment without ſufficient Reaſon to ſupport it.

Cr. 2.274. The ſame Cauſe came on again the next Year; and there it is declared, *That it was not Simony, but good Policy to tie him to reſign; and if it were, it is not material.* Here are two good Points declared: 1. *That Bonds of Reſignation are good Policy.* To what End? To inſnare Men's Conſciences; to make the Church a Prey to corrupt Patrons; to keep Men from doing their Duties, leaſt they ſhould diſpleaſe their Patrons, If this be *good Policy*, let it rather paſs for that, than for *good Law.*

2. *That it is not material as to the goodneſs of the Bond, whether it be Simony or not.* Then it ſeems a *Simoniacal* Contract holds good in Law; which, I think, was no *good Policy* for Judges to declare.

But we are told, That 15 *Jac.* in the Caſe of *Paſchal* and *Clerk*, it was ſaid by the Court upon Evidence, *That if the Patron takes a Bond of Reſignation at three Months warning, it was Simony within the Statute.* And for this we are referr'd to the *Roll.* 2051. I wonder this Judgment is not hitherto diſproved, *if the Roll be falſified*; and if not, here is Judgment againſt Judgment.

Noy, 22.

But again, in the Caſe of *Babington* and *Wood*, it was reſolved on the ſame Grounds with that of *Jones* and *Laurence*, and ſo deſerves no new Conſideration: and ſeveral other Judgments are ſaid to have been given ſince on the ſame Grounds.

But let us compare this Caſe with ſuch as have been adjudged to be *Simony* in the Courts of Common Law.

Cr. Car. 180. Hutton, 110. Jones, 220. Keble, 2. 446.

In the Caſe of *Byrte* and *Manning*, The Court held, *That if a Man enter'd into a Contract to procure a Preſentation, in Conſideration of the Marriage of his Son, that had been a Simoniacal Contract.* Why is not a *Bond of Reſignation*, as much *Simony*, as a Conſideration of Marriage; when both are made equally the Conditions of obtaining a Preſentation?

Cr. Car. 426.

If a *Simoniacal Contract be made, and the Perſon preſented not at all privy to it, he is to incur the Penalty of it*; but if a Man be *privy* to a *Bond of Reſignation* in order to a Preſentation, he ſhall not be guilty. And yet in the one Caſe, a Man ſwears with a good Conſcience, which I think he cannot in the other.

Cr. Eliz. 789. C. 12.100. Cr. 2.385. Noy, 25. Bulſtrod. 3. 90.

In the Caſe of *Winchcomb* and *Pulleſton*, it was declared to be *Simony, to purchaſe the next Preſentation, when the Incumbent was ſtill alive, but in a Fit of the Strangury.* And yet this was not within the Letter of the Law; for the Living was not actually void. Therefore ſuch Acts, as are againſt the Deſign and Reaſon of the Law, are forbidden by it. And the like was affirmed by *Juſtice Hutton* in the Caſe of *Sheldon* and *Bret.* In a late Judgment in Chancery, *Bonds of Reſignation* at pleaſure to Patrons by their Clerks, are *damned in Equity, when any ill Uſe is made of them.* But why ſhould any ſuch *Bonds be allowed in Law*, which are liable to ſuch ill Uſes?

Hob. 165. Winch, 63. Rep. Chancery, 2. 399.

I conclude with the Words of my Lord *Coke*, *That the Common Law doth deteſt Simony, and all corrupt Bargains for Preſentation to any Benefice; and its deſign is, that a fit Perſon for the Diſcharge of the Cure ſhould be preſented freely without Expectation of any thing.* How then can *Bonds of Reſignation* be agreeable to Law?

1 Inſt. 17. *b.*

Having thus diſpatch'd the main Point againſt all *General Bonds*, which are made the Conditions of obtaining a Preſentation; there remain only ſome *Quæry*'s to be reſolved.

(1.) Suppoſe a *Bond be required only to tie Men up to do their Duties, and to keep them from Non-Reſidence.* I anſwer, (1.) That the Patron is to blame to pitch upon a Perſon to diſcharge ſuch a Cure, of whom at the ſame time he diſcovers ſuch a Miſtruſt as to need a *Bond* to make him do his Duty. And if a Man makes no Conſcience of his Duty without a *Bond*, I doubt he will make very little with it. If he could make him a good Man by his *Bond*, it were of great Uſe; but if he be not, he may do the more Miſchief by continuing in his Place by the force of a *Bond*. So that I look on ſuch *Bonds*, as apt to raiſe Scruples in good Men's Minds, and to do no good upon bad ones.

2. That all wiſe and good Patrons will conſider the general Miſchief,

more than a particular Inconvenience. And what greater Miſchief can come to our Church, than to have *Bonds of Reſignation* brought into requeſt? For, beſides *corrupt Patrons as to Bargains*; what Advantage will *corrupt Patrons as to Religion* make of it? who by that means will be able to turn out the Incumbents upon notice given, when opportunity ſerves them; as is before obſerved in the Preface.

(2.) Suppoſe *it be a very equitable Caſe, as for a Minor, is a Bond of Reſignation unlawful?*

I anſwer, That there may be a *lawful Truſt*, in ſuch a Caſe I do not queſtion; but whether the Perſon who takes this *Truſt*, can enter into a *Bond*, and take the *Oath*, I very much queſtion, upon the Reaſons already mentioned. For there may be a *confidential Simony*, as the *Caſuiſts* call it; and the way to prevent it, is, ſay they, That the *Truſt* be *ſine pretii, pacti, modi, vel conditionis interventu.* For the taking of a *Bond* argues a *Miſtruſt*; and is therefore contrary to the Nature of a *Truſt*.

Navarr. Man. c.23. n. 109.

(3.) Suppoſe *the Biſhop himſelf requires a Bond of Reſignation, as to a Prebend of his Church, If the Prebendary quit the Dioceſs; is ſuch a Bond juſtifiable, or not?*

The Biſhop is, no doubt, bound to take all poſſible care of the Good of his Dioceſs, and to make his Preferments ſerviceable to that End. But if a Man knows beforehand, that without this Condition he cannot obtain it, and with it he may, he runs into a Snare by giving a *Bond* for that End; and after, taking the Oath againſt any *Simoniacal Contract, directly or indirectly.* I do think theſe *Bonds* of ſo bad a Nature and Tendency, that I do wiſh that no Countenance or Incouragement be given to them; eſpecially by ſuch, whoſe Example may encourage others to do that for bad Deſigns which they do for good. And Wiſe and Good Men will always ſhew the greateſt Regard to that, which ſerves the moſt Publick Intereſt, and prevents the moſt growing Miſchief.

(4.) Suppoſe *the Incumbent of a Living makes an Agreement with another Clergyman, that he ſhall have a Leaſe of his Benefice from three Years to three Years; upon which he takes a Sum of Money, and gives a Bond of Reſignation before Harveſt, and is to procure a Preſentation from the Patron; is this Simony, or not, by our Law?*

Here the Patron is only ſuppoſed barely to know and to conſent, (which is hardly to be ſuppoſed in ſuch kind of Caſes) and that the Terms are only between the two Parties, (for I will not ſuppoſe the *Biſhop* acceſſary to ſuch Bargains) the Queſtion is, Whether the Incumbent can with a ſafe Conſcience part with his *Benefice* on ſuch Terms? and whether the other can give a valuable Conſideration for his Intereſt in it, if the Patron conſents?

I anſwer, That the Law is as expreſs againſt *corrupt Reſignation, as againſt corrupt Bargains for a Preſentation*; only the Penalty is not ſo great. The Words of the Act are, *That if any Incumbent of any Benefice with Cure of Souls, ſhall corruptly reſign or exchange the ſame, or corruptly take for, or in reſpect of the Reſigning or Exchanging of the ſame directly or indirectly any Penſion or Sum of Money or Benefit whatſoever; that then as well the Giver as the Taker,* &c. *ſhall loſe double the Value of the Money ſo given, and double the Value of one Years Profit.* 31 Eliz. *c.* 6.

It may poſſibly be ſaid, That this is a diſtinct Clauſe from the other, and hath another kind of Penalty; and ſo cannot reach Perſons in point of Conſcience as the other doth. But this is a ſtrange way of dealing with Laws. For there is the ſame Penalty in the former Clauſe; only there is added a *preſent Avoidance*, and a *Diſability in Law*; ſuppoſing theſe two left out, the one ſtands upon the ſame Foot with the other. And I would know, Whether if theſe were gone, they could not as well make a Bargain for a Preſentation, as for ſuch a Reſignation? And is there nothing of Conſcience, or Honour, or a Regard to the Dignity of the Sacred Function in the Caſe? No Reverence to Laws made on purpoſe to deter Men from ſuch ſordid Practices? Is a Benefice to be look'd on as a meer Livelihood, to be bought and ſold as other Eſtates are? Is there no Senſe of any Spiritual Employment going along with it? No Regard to the Charge and Truſt that attends it? If nothing of a Spiritual Nature is to be conſidered in a Benefice, then there can be no ſuch thing as *Simony*; and then their Hearts are at eaſe, and they may publiſh Papers for *Preſentations* as well as for *Reſignation* of *Incumbents*. But I will not ſuppoſe ſuch hard things of Perſons who pretend to be in Holy Orders; but this I muſt put them in mind of, that there is an Oath to be taken, and a very ſtrict one, againſt all *Simoniacal Contracts, either directly or indirectly.* And is wilful Perjury a thing to be ſlighted by any, eſpecially by Church-men, and in order to a Cure of Souls? I have already mentioned my Lord *Coke*'s Saying, *That Simony is the more odious, becauſe it is ever accompanied with Perjury, for the Preſentee is ſworn to commit no Simony*; and for this he refers to *Lynwood.* And I have already ſhewed how *Simony* is to be underſtood according to him. If a ſolemn Oath comes to be ſlighted, and made little or nothing of, how can ſuch Men pretend to Religion or Conſcience? But it may be ſaid, That *Simony is to be determined by the Law*; *and the Law makes a Bargain with the Patron to be Simony, and not with the Incumbent.* I have ſaid enough already to ſhew, that the Statute doth not determine what *Simony* is, but only inflicts a ſevere Penalty on ſome ſorts of it; and therefore it may be *Simony*, although not expreſly againſt the Words of the Law. But the Words of the Law are expreſs againſt corrupt Reſignations; and I would fain know, whether a Reſignation for Money be not a corrupt Reſignation? And ſuppoſing the Patron innocent, can any Man of common Senſe or Honeſty take the Oath, who comes in upon ſuch Terms, That *he hath made no Simoniacal Contract or Promiſe to any Perſon or Perſons whatſoever, concerning the procuring or obtaining the Rectory or Vicarage*, &c. Is not this Bargain in order to the procuring or obtaining the Preſentation? Let it be with whom it will, if it be for this end, it is *Simoniacal*; or elſe it will be hard to determine what *Simony* is. And as to ſuch kind of *Bonds* of *Reſignation* between Parties, without the Patron's Privity, how can they ſignify any thing, if the Biſhop do not accept the Reſignation? Which I have ſhewed before muſt be into his Hands. But theſe Men ſeem to ſet the Biſhop quite aſide, or to ſuppoſe him very weak and inconſiderate. All they look at is the point of Law; and they may ſay, *They have adviſed with Council, and they have told them, that there is nothing againſt Law in this Practice.* How? Not againſt Law? Did they ask them, whether this were not *a corrupt Reſignation* within the Statute? *No*; *but whether it were Simony or not?* I hardly ſuppoſe any Man that underſtands what *Simony* is by our Law, would go ſo far; but they might ſay, *It doth not void the Living, nor bring a Diſability on the Perſon*; and ſo far they ſaid as the Statute doth. But is this all which Men of Conſcience, and who take the Care of Souls, are to enquire after? What! nothing but whether *the Benefice will be void or not?* Or, *whether the King may preſent or not?* Are theſe all the Conſiderations, even of Clergymen, in ſuch Caſes? Such kind of Practices, which

3 Inſt. 156.

which ſavour only of this World, are thoſe which give ſuch Advantages againſt our Profeſſion, in ſuch an Age of Infidelity as ours. Do not you ſee, ſay they, that they mind nothing but their bare Intereſt as to this World, and have no regard to Law or Conſcience, where they contradict it? I am ſenſible how unreaſonable it is, to charge a Profeſſion with the Faults of a few; and thoſe in Compariſon, I hope, not conſiderable in it. But we ought, if poſſible, to avoid any Scandal of this kind; for it ſtrikes at the whole Body of the Clergy of our Church, and at Religion it ſelf; which if we have any our ſelves, we ſhall be very tender of the Honour of. Some Men have a mighty Prejudice againſt any Church-men meddling in Secular Affairs, although they be Matters of Juſtice and Mercy, which the Law of the Land calls them to; but my great Prejudice is againſt ſuch Church-men, who bring Secular Ways of Trafficking into Church-matters, as though nothing were really minded, but *buying, and ſelling, and getting Gain.* Advancing of Trade is a noble Deſign in a Nation, and that which makes it conſiderable at Home and Abroad; but God forbid that ſuch a way of Trading ſhould ever be brought into the Church, or be ſuffered to go unpuniſhed in it: for it will certainly ruin the beſt Church in the World, by leſſening the Reputation of Church-men, by taking off the good Affections of the People, and making them to run into Faction and Infidelity.

There is certainly ſomething more to be regarded in theſe things beſides our own Intereſt; there is that of Religion, of our Church, and of the Laws of the Land, which ought to over-rule it. Suppoſe there were nothing but the bare Law in the caſe, which expreſly forbids all corrupt Reſignations; is it not fit for thoſe who are to preach Obedience to Laws, to obſerve them, in what relates to themſelves? Ought they not to be Examples to others in every thing of *good Report*, and to abſtain from whatever tends to take off from the Influence of their Doctrine upon the People? And nothing doth it more, than when they are ſuſpected to come among them by unlawful and indirect means.

I have taken the Liberty in this Diſcourſe, to ſpeak my Mind freely about Matters which touch upon *Law* and *Conſcience*, the Duties of *Patrons* and *Incumbents*; but I have done it, without any other Deſign, than of doing ſome Good, or at leaſt preventing ſome Miſchief to the Church I live in, and which I have a true and a juſt Value for. If I had not thought that this kind of *Simoniacal Contracts* were a great and growing Miſchief, and had not had too much Reaſon to think ſo, I ſhould have ſpared my pains as others have done; for I do not love to be uneaſy to my ſelf or others. I know very well, how ill ſuch Diſcourſes are apt to be taken by all that are concerned in them, *viz. Patrons, Incumbents*, and all ſuch *Lawyers* that go about to defend them. But before I conclude this Diſcourſe, I muſt requeſt ſome things of all theſe; and then let them judge as they pleaſe, ſo it be without Prejudice and Partiality.

1. That Patrons would conſider, That the Right of Patronage is a Truſt committed to them, of which they muſt give an account to God; for there is an Obligation in point of Conſcience, going along with it. It is hard to believe what is commonly reported, how ſlight many great Patrons make of their beſtowing of Benefices, by letting Servants make their beſt Advantage of them; who ſcandalouſly expoſe the Livings, and themſelves, and the Honour of thoſe they depend upon. If Servants deſerve to be gratified, for God's ſake, let it

not be at the Price of Souls. If there were no ſuch thing as Religion, but that the pretended Care of Souls is nothing but an Artificial way of Maintaining a Sett of Men, to keep the People in a little better Order, by telling them of Moral Duties, and another World; then there were ſome Colour for ſuch an affected Negligence in theſe Matters: But I do not believe that any of theſe Perſons can ſatisfie themſelves in ſuch abſurd and unreaſonable Imaginations, againſt the Senſe of all the Wiſer and more conſiderate part of Mankind. But it cannot be denied, that the things which they are to teach the People in point of Morality, are very good things, and neceſſary to be told them. This is all I deſire at preſent. And is it of no Conſequence what ſort of Men thoſe are, who are entruſted with the teaching People their Duties to God and Man? If Religion were only to be regarded in point of Policy; thoſe muſt be far from *Politicians*, who have no regard to the Qualifications of the Perſons they put into ſuch places. For Ignorant and Illiterate Men can never give them good Inſtructions; Scandalous and debauched Perſons will certainly do abundance of Miſchief, making the People more looſe and debauched than otherwiſe they would be. Men of ill Principles will inſtill them into the Heads of the buſie part of thoſe they converſe among, and take upon them to guide; and make them far more ungovernable than otherwiſe they would be. I have no very great Opinion of the World as it is; but I cannot but think, that it would be yet much worſe, if an Ignorant, Vicious, Turbulent, Seditious Clergy were put into all ſuch places as Patrons diſpoſe of: And they know not, but they may be all ſuch whom they preſent, if they take no more care about them; but ſuffer their Servants to make what Bargains they think fit; who mind not they Men, but the Advantage they are to get by them. And there is a juſt Preſumption, that thoſe are not very deſerving, who are ready to drive ſuch Bargains for themſelves: And ſuch Men are not to be valued, as Cattel in a Market, by the Money they will yield.

2. That Lawyers would not encourage their Clients in indirect methods of obtaining Preſentations. For here lies a great part of our preſent Miſchief: The Clergymen who want Benefices, they ſay; we are ignorant of the Law; but we go to thoſe whoſe buſineſs it is to underſtand it: And they tell us, they have Caſes and Precedents in their Books, for ſuch Bonds; and they have been many times adjudged in the Courts of Law to be good; and therefore why are we to blame if we ſubmit to them? But here lies the great Miſtake: The point is really a point of Conſcience as to the Oath; but the Queſtion to put them, can be only a point of Law; who are to give Judgment upon the Statute, and according to the Rules of Judgment allowed in their Courts. But I cannot but obſerve, that there is no Precedent offer'd before 8 *Jac.* 1. and in the 15th. was a contrary Judgment. In the beginning of *Charles* I. the former Judgment was affirmed; and from hence it hath come to be ſuch a prevailing Opinion. I confeſs, that I am not ſatisfied, how far ſuch Precedents, or one or two judicial Sentences make a thing to paſs for Law; nor whether the Authority of ſuch a Sentence, or the Reaſon, is to give the force of Law to it. I obſerve that my Lord *Coke*, when he ſpeaks of the Laws of *England*; he reckons up *Common Law*, *Statute Laws*, *Cuſtoms reaſonable*, &c. but he never mentions the Judgment of the Courts, as any part of our Law; they being no more but a Declaratory Sentence of the Majority of the Judges, when it may be the other differ upon better Reaſons; and when ſuch Rea-

1 Inſt. 11.
110. b.
115. b.

which ſavour only of this World, are thoſe which give ſuch Advantages againſt our Profeſſion, in ſuch an Age of Infidelity as ours. Do not you ſee, ſay they, that they mind nothing but their bare Intereſt as to this World, and have no regard to Law or Conſcience, where they contradict it? I am ſenſible how unreaſonable it is, to charge a Profeſſion with the Faults of a few; and thoſe in Compariſon, I hope, not conſiderable in it. But we ought, if poſſible, to avoid any Scandal of this kind; for it ſtrikes at the whole Body of the Clergy of our Church, and at Religion it ſelf; which if we have any our ſelves, we ſhall be very tender of the Honour of. Some Men have a mighty Prejudice againſt any Church-men meddling in Secular Affairs, although they be Matters of Juſtice and Mercy, which the Law of the Land calls them to; but my great Prejudice is againſt ſuch Church-men, who bring Secular Ways of Trafficking into Church-matters, as though nothing were really minded, but *buying, and ſelling, and getting Gain*. Advancing of Trade is a noble Deſign in a Nation, and that which makes it conſiderable at Home and Abroad; but God forbid that ſuch a way of Trading ſhould ever be brought into the Church, or be ſuffered to go unpuniſhed in it: for it will certainly ruin the beſt Church in the World, by leſſening the Reputation of Church-men, by taking off the good Affections of the People, and making them to run into Faction and Infidelity.

There is certainly ſomething more to be regarded in theſe things beſides our own Intereſt; there is that of Religion, of our Church, and of the Laws of the Land, which ought to over-rule it. Suppoſe there were nothing but the bare Law in the caſe, which expreſly forbids all corrupt Reſignations; is it not fit for thoſe who are to preach Obedience to Laws, to obſerve them, in what relates to themſelves? Ought they not to be Examples to others in every thing of *good Report*, and to abſtain from whatever tends to take off from the Influence of their Doctrine upon the People? And nothing doth it more, than when they are ſuſpected to come among them by unlawful and indirect means.

I have taken the Liberty in this Diſcourſe, to ſpeak my Mind freely about Matters which touch upon *Law* and *Conſcience*, the Duties of *Patrons* and *Incumbents*; but I have done it, without any other Deſign, than of doing ſome Good, or at leaſt preventing ſome Miſchief to the Church I live in, and which I have a true and a juſt Value for. If I had not thought that this kind of *Simoniacal Contracts* were a great and growing Miſchief, and had not had too much Reaſon to think ſo, I ſhould have ſpared my pains as others have done; for I do not love to be uneaſy to my ſelf or others. I know very well, how ill ſuch Diſcourſes are apt to be taken by all that are concerned in them, *viz. Patrons*, *Incumbents*, and all ſuch *Lawyers* that go about to defend them. But before I conclude this Diſcourſe, I muſt requeſt ſome things of all theſe; and then let them judge as they pleaſe, ſo it be without Prejudice and Partiality.

1. That Patrons would conſider, That the Right of Patronage is a Truſt committed to them, of which they muſt give an account to God; for there is an Obligation in point of Conſcience, going along with it. It is hard to believe what is commonly reported, how ſlight many great Patrons make of their beſtowing of Benefices, by letting Servants make their beſt Advantage of them; who ſcandalouſly expoſe the Livings, and themſelves, and the Honour of thoſe they depend upon. If Servants deſerve to be gratified, for God's ſake, let it

not be at the Price of Souls. If there were no ſuch thing as Religion, but that the pretended Care of Souls is nothing but an Artificial way of Maintaining a Sett of Men, to keep the People in a little better Order, by telling them of Moral Duties, and another World; then there were ſome Colour for ſuch an affected Negligence in theſe Matters: But I do not believe that any of theſe Perſons can ſatisfie themſelves in ſuch abſurd and unreaſonable Imaginations, againſt the Senſe of all the Wiſer and more conſiderate part of Mankind. But it cannot be denied, that the things which they are to teach the People in point of Morality, are very good things, and neceſſary to be told them. This is all I deſire at preſent. And is it of no Conſequence what ſort of Men thoſe are, who are entruſted with the teaching People their Duties to God and Man? If Religion were only to be regarded in point of Policy; thoſe muſt be far from *Politicians*, who have no regard to the Qualifications of the Perſons they put into ſuch places. For Ignorant and Illiterate Men can never give them good Inſtructions; Scandalous and debauched Perſons will certainly do abundance of Miſchief, making the People more looſe and debauched than otherwiſe they would be. Men of ill Principles will inſtill them into the Heads of the buſie part of thoſe they converſe among, and take upon them to guide; and make them far more ungovernable than otherwiſe they would be. I have no very great Opinion of the World as it is; but I cannot but think, that it would be yet much worſe, if an Ignorant, Vicious, Turbulent, Seditious Clergy were put into all ſuch places as Patrons diſpoſe of: And they know not, but they may be all ſuch whom they preſent, if they take no more care about them; but ſuffer their Servants to make what Bargains they think fit; who mind not they Men, but the Advantage they are to get by them. And there is a juſt Preſumption, that thoſe are not very deſerving, who are ready to drive ſuch Bargains for themſelves: And ſuch Men are not to be valued, as Cattel in a Market, by the Money they will yield.

2. That Lawyers would not encourage their Clients in indirect methods of obtaining Preſentations. For here lies a great part of our preſent Miſchief: The Clergymen who want Benefices, they ſay; we are ignorant of the Law; but we go to thoſe whoſe buſineſs it is to underſtand it: And they tell us, they have Caſes and Precedents in their Books, for ſuch Bonds; and they have been many times adjudged in the Courts of Law to be good; and therefore why are we to blame if we ſubmit to them? But here lies the great Miſtake: The point is really a point of Conſcience as to the Oath; but the Queſtion to put them, can be only a point of Law; who are to give Judgment upon the Statute, and according to the Rules of Judgment allowed in their Courts. But I cannot but obſerve, that there is no Precedent offer'd before 8 *Jac.* 1. and in the 15th. was a contrary Judgment. In the beginning of *Charles* I. the former Judgment was affirmed; and from hence it hath come to be ſuch a prevailing Opinion. I confeſs, that I am not ſatisfied, how far ſuch Precedents, or one or two judicial Sentences make a thing to paſs for Law; nor whether the Authority of ſuch a Sentence, or the Reaſon, is to give the force of Law to it. I obſerve that my Lord *Coke*, when he ſpeaks of the Laws of *England*; he reckons up *Common Law*, *Statute Laws*, *Cuſtoms reaſonable*, &c. but he never mentions the Judgment of the Courts, as any part of our Law; they being no more but a Declaratory Sentence of the Majority of the Judges, when it may be the other differ upon better Reaſons; and when ſuch Rea-

1 Inſt. 11.
110. b.
115. b.

Reaſons come to be thought better by one more at another time, then the contrary muſt paſs for Law on the ſame Grounds. How often do we hear that the Judges were divided in their Opinions in point of Law? How often, that the greater number went one way, but Law and Reaſon on the other? Suppoſe a Lord Chief Juſtice of great Skill and Knowledge in the Law, to be unequally yoked with others of far leſs Judgment; how is it poſſible to prevent that Judgment ſhall not be given on the wrong ſide, if the three happen to be of an Opinion againſt him; or one be abſent, and two be againſt one? In a late great Cauſe, *viz.* of *Commendams*; although three Judges concurred in Opinion, and the general Practice was allowed to be of that ſide; yet becauſe one Judge differ'd from the reſt, his Authority was produced againſt the Sentence of the Court: And for what Cauſe can this be, but the Suppoſition, that it is not the Sentence, but the Reaſon which makes the Law. My Lord Chief Juſtice *Hales* in a MS. Diſcourſe of *the Hiſtory and Analyſis of the Laws of* England, *Chap.* 4. makes three Conſtituents of the Common Law of *England:* 1. *The Common Uſage and Cuſtom:* 2. *The Authority of Parliament:* 3. *The judicial Deciſions of Courts of Juſtice:* But how? *Conſonant to one another in the Series and Succeſſion of Time.* This is ſpoken with great Judgment: For, no doubt, a mighty Regard ought to be ſhewed to a Concurrent Senſe of ſo many Perſons of Ability in the Law, in the different times wherein ſuch Matters have been before them; and this is the higheſt Authority for expounding the Law; but it cannot amount to the making of a Law. For, as the ſame excellent Perſon adds; *It's true, the Deciſions of Courts of Juſtice, although by the ſtrength of the Law of this Kingdom, they do bind as a Law between the Parties to it in that particular Caſe in Queſtion, till Reverſed by Error or Attaint; yet they do not make a Law: For that only the King, by the Aſſent of Parliament, can do.* All that I aim at, is not in the leaſt to take off from the Authority and Reverence due to judicial Deciſions, built upon a General Agreement from time to time; or upon Evident Reaſon in point of Law: But only that things ſhould not be ſo poſitively aſſerted to be Law, which are built only on a few Modern Precedents, without any convincing Evidence: Which I take to be the preſent Cace.

3. That the Clergy would mind their own Honour and Intereſt, and that of the Church and Religion ſo much as not to accept of Benefices upon ſuch Enſnaring Terms, as thoſe of Bonds of Reſignation.

If what I have ſaid on this Argument be true; I am ſure they have all the Reaſon in the World to refuſe them, when they know not what the Conſequence of them may be; and they do know what kind of Oath they are to take. And no Man can honeſtly take an Oath, that is not ſatisfied, that ſuch Bonds are no *Simoniacal Contract* in the Senſe of that Law, by which he is required to take the Oath. Now the Oath is not impoſed by the Courts of Common Law in purſuance of the Statute; for then it were to be underſtood according to the Senſe and Meaning of it; but that very Statute leaves *the Eccleſiaſtical Laws* as they were; by which *Simony* is of a larger Extent than it is underſtood *at Common Law*; and by thoſe Laws this Oath is required. Therefore my Requeſt is to all ſuch Clergymen, as are in danger of having ſuch put upon them; that they would ſtudy the Caſe, and ſatisfie their Minds before they venture upon taking an Oath, which may afterwards rob them of that Peace and Tranquility of Mind, which every Good Man will Eſteem above any Benefice in the World.

THE

THE SECOND PART OF *ECCLESIASTICAL CASES*,

Relating to the
Exerciſe of *Eccleſiaſtical Juriſdiction*, as far as
it is allowed by LAW.

To which are added,
Two SPEECHES *in the Houſe of Lords.*

I. The Caſe of *Exeter* College in *Oxford.*
II. The Caſe of *Commendams.*

WITH
A DISCOURSE of the True Antiquity of *LONDON*,
and its State in the *Roman* Times.

THE BOOKSELLER TO THE READER.

THE *Firſt of theſe Diſcourſes was ſent to me by the Right Reverend Author, at the ſame time that the Firſt Part of the* Eccleſiaſtical Caſes relating to the Duties and Rights of the Parochial Clergy *were ſent up*; *and he intended to have added this and the two following Diſcourſes formerly printed to that Volume*; *but that firſt Part ſwelling to too great a Bulk, theſe were laid aſide, and might poſſibly have been attended with other Diſcourſes of the ſame Nature, if it had pleaſed God to have continu'd his Life. The two Speeches in the Houſe of Lords, and the Diſcourſe concerning* the Antiquity of *London, I received from his Son, the Reverend* Mr. Stillingfleet.

DISCOURSE I.

109:2.G.

Of the Nature of our Eccleſiaſtical Juriſdiction, *and the* Laws *on which it ſtands.*

BY the Statute for *Reſtraint of Appeals*, 24 *H.* 8. *c.* 12. we underſtand what that *Juriſdiction* was, which our Laws did not allow, and what it was, which was founded upon them. It begins with a Recital, that it appears from *Ancient Hiſtories and Authentick Records, that the Realm of* England, *is an Empire governed by one Supreme Head and King, to whom the whole Nation owes a natural and humble Obedience*; *but the People* are *divided in Terms, and by the Names of the Spiritualty and Temporalty.* However that *there is ſufficient Power, Authority and Juriſdiction within the Realm to end all Cauſes that ariſe, without any Appeal to a foreign Court*; the *Body Spiritual, uſually called the Engliſh Church, judge all ſuch Matters as belong to them*; *and the Laws Temporal are for trial of Property of Lands and Goods, and for the preſervation of Peace and Unity,* according to which, *there are Judges of the Temporalty appointed to adminiſter and execute Juſtice, and both theſe do conjoin together the one to help the other.*

From whence theſe things do naturally follow:

1. That an External and Foreign Authority and Juriſdiction is inconſiſtent with the original Conſtitution of our Government, and the Deſign of our Laws.

2. That there are two ſeveral ſorts of Juriſdiction owned by our Laws, the one *Spiritual*, and the other *Temporal*; and that both theſe concur *to the due Adminiſtration of Juſtice*, as the Words of the Statute are.

But the Statute proceeds to ſhew, *Ar.* 2. that notwithſtanding the Statutes of *Proviſors* and *Præmunire* in the times of *E.* 1. & 3. and *R.* 2. & *H.* 4. there had been many Encroachments made, eſpecially in Caſes of *Appeal* as to ſuch Matters, which *by the Goodneſs of the Princes of this Realm, and by the Laws and Cuſtoms of the ſame, did appertain to the Spiritual Juriſdiction of this Realm.* And theſe Matters are expreſſed to be *Cauſes Teſtamentary, Cauſes of Matrimony and Divorces, Rights of Tithes, Oblations and Obventions*: Therefore it is enacted, *That all ſuch Cauſes ſhall be finally determin'd within the King's Juriſdiction and Authority, and not elſewhere, in ſuch Courts Spiritual and Temporal, as the Natures, Conditions, and Qualities of the Caſes ſhall require.* From whence it follows,

1. That the Intention of our Laws before was to reſtrain the Exerciſe of the Pope's exorbitant Juriſdiction here in matters which belong'd to our own *Spiritual Juriſdiction*, according to *the Laws and Cuſtoms of the Realm.*

2. That the particular Deſign of this Law is to reduce things to their ancient and legal Methods which had been ſo much ſubverted by the Pope's gradual Encroachments and Uſurpations.

3. That our own *Laws and Cuſtoms* are the beſt Means to ſet the Bounds and Meaſures, as to *Spiritual* and *Temporal Juriſdiction.*

4. That the ſame Statute which takes away the Pope's Juriſdiction in matter of Appeals, doth eſtabliſh the Authority of our Spiritual *Courts* in ſuch things as by the *Cuſtoms* and Laws of *England* belong to their Juriſdiction.

5. That ſince no other Law hath taken away this Power and Juriſdiction from the Spiritual Courts, they remain ſtill in the ſame Force and Authority from this particular Statute, as well as from the ancient Laws and Cuſtoms of the Realm.

It's true that by the Act 17. *Car.* 1. *c.* 12. the Exerciſe of the ordinary Spiritual Juriſdiction ſeem'd to be taken away; but by the Act 13. *Car.* 2. *c.* 12. that Clauſe is wholly repealed, and the Eccleſiaſtical Juriſdiction reſtored to the ſame Condition it was in before, in all Cauſes and Matters belonging to the Eccleſiaſtical Juriſdiction, according to the *Eccleſiaſtical Laws* uſed and practiſed in this Realm in as ample manner and form, as they did and might lawfully have done before the making of the ſaid Act.

And it is obſervable, that although there was a deſign to have reformed the Eccleſiaſtical Laws by virtue of the Statutes 25 *H.* 8. *c.* 19. 27 *H.* 8. *c.*15. 35 *H.* 8. *c.*16. 3 *E.* 6. *c.*11. and Commiſſions were iſſued out to that purpoſe, and a Draught agreed upon; yet theſe never paſſing into a Law, the old *Eccleſiaſtical Laws of* England continued ſtill in force, which *were not contrariant or repugnant to the Laws, Statutes and Cuſtoms of the Realm, nor to the damage and hurt of the King's Prerogative.* And from hence the *Eccleſiaſtical Laws* are mentioned in ſeveral Acts of Parliament, as ſtill in being after the Statute 25 *H.* 8. *c.* 19. So 27 *H.* 8. *c.* 20. Tithes are required to be paid *according to the Eccleſiaſtical Laws and Ordinances of the Church of* England, 32 *H.* 8. *c.* 7. *Detainers of Tithes are to be proceeded againſt according to the Courſe and Proceſs of the Eccleſiaſtical Laws*, 35 *H.* 8. *c.* 19. Perſons are ſuppoſed to be *convict according to the Eccleſiaſtical Laws*, 1 *E.* 6. *c.*2. An Alteration was made as to the Name and Authority by which the Summons, and Citations, and other Proceſs was ſent out; for inſtead of the Biſhops Names, they were to be in the King's Name as in Writs at Common-Law, but with the *Teſts* of the Biſhops. Which was occaſion'd by the Jealouſy ſtill remaining, that ſome Biſhops acted by Authority from *Rome*; (which Jealouſy is removed by the Act of Supremacy, 10 *Eliz.*) yet we find all the ſame Proceedings allowed in the Eccleſiaſtical Courts as are mention'd in the Statute, 24 *H.* 8. *c.* 12. and ſome more mention'd, as *Cauſes of Correction and Inquiries de Jure Patronatûs*, &c. There hath been a great Difficulty made by ſome concerning this Act; becauſe it was repealed 1 *Q. M.* 2. and that Repeal taken off 1 *Jac.* 25. *n.* 48. Therefore, ſay they, this Act is revived, and conſequently the Eccleſiaſtical Proceſs muſt be in the King's Name, and not in the Biſhops.

But we are to conſider, that the Act 25 *H.* 8. *c.* 20. gives the Biſhops conſecrated after the Manner there preſcribed, *Power to execute in all things touching the ſame, as any Arch-Biſhop or Biſhop of this Realm, without offending of the Prerogative Royal of the Crown, and the Laws and Cuſtoms of this Realm, might at any time heretofore do:* Now the Acting in their own Names, was according to the *ancient Cuſtoms of the Realm*, and not then look'd on as any diminution of the *Prerogative*; for then it would never have been ſuffered in ſo jealous a time as the Remainder of the Reign of *H.* 8. For as long as they diſowned the Pope's

Power,

Power, and owned the King's Supremacy, by 25 *H.* 8. *c.* 19. they did not regard in whoſe Name the Proceſs went out, the Diſpute not being between the King and the Biſhop, but between the King and the Pope, and when the Biſhop owned the King as *Supreme Head*, the Proceſs muſt run in the Name of one who owned no other Supreme Head but the King; and what greater Injury was this to the Prerogative, than every Lord of a Manor calling a Court in his own Name? And this ſeems to me a very unreaſonable Objection, unleſs it be ſuppoſed that the Biſhop had no other Power of Juriſdiction but what he derived from the Pope, which is a ridiculous Suppoſition; for the Biſhops did exerciſe a Spiritual Juriſdiction here, by virtue of their Office, and the Laws of the Land, before the Pope's Uſurpation here. If then the old Kings of *England* did, by Conſent of the Eſtates of the Realm, allow the Biſhops to exerciſe a Spiritual Juriſdiction without Regard to the Pope's Authority, how can this be ſuppoſed to be any Diminution to the *King's Prerogative?* It is poſſible that the Popiſh Biſhops in the time of *E.* 6. might in the Height of their Bigotry aſſert, that the Biſhops had no Juriſdiction but what they derived from the Pope; but this was not the ancient Doctrine of the Biſhops of *England*, who exerciſed a Spiritual Juriſdiction by Virtue of their Office, without any Authority derived from a foreign Biſhop. Therefore we are to take the Practice of the Biſhops Juriſdiction from the ancient Cuſtoms here receiv'd, and not from any late and novel Opinions; and theſe two Acts of the ſubmiſſion of the Clergy, *c.* 19. and this of the Biſhop's Authority, *c.* 20. as going together. But now 1 *Eliz.* 1. both theſe Acts are revived, *n.* 6, 7. And ſo if there had been no Repeal of Q. *Mary* of the Statute 1 *E.* 6. when theſe Acts were revived, the Biſhops had Power to act as formerly; for this Revival was a virtual Repeal of that Act. And the Repeal of Q. *Mary's* Act, 1 *Jac.* 25. doth but leave that Act as it ſtood in Competition with 25 *H.* 8. *c.* 20. But the Act of *E.* 6. not being revived, but the other, it puts the State of Epiſcopal Juriſdiction then juſt as it was, when the Act of 25 *H.* 8. paſſed. Why was not this Repeal taken away 1 *Eliz.* as well as 1 *Jac.* 1? It ſeems they then thought the Revival of 25 *H.* 8. would ſet the matter right without any Reflection upon 1 *E.* 6. And the Biſhops all Queen *Elizabeth's* Reign acted by virtue of the Statute 25 *H.* 8. and no Prejudice to the Prerogative then: How can we then imagine it to ſuffer by 1 *Jac.* 1. when the ſame Laws as to the Prerogative were in force? And Q. *Eliz.* took care to ſecure it by the Act of 1 *Eliz.* which effectually aboliſhed all foreign Juriſdiction, *n.* 16. and annexed Eccleſiaſtical Juriſdiction to the Crown of this Realm, *n.* 17. If they had then thought the Biſhops uſing their own Names had been contrary thereto, it is not to be imagined, that it would have been permitted at that time. For they were then as jealous of the Prerogative, as any have been ſince, and did take as much Care to preſerve it; but this they thought not worth any Notice being taken of it. And it ſerves only for a Pretence to quarrel at the Eccleſiaſtical Juriſdiction, when they have nothing material to alledge againſt it.

But there are others who go much farther than this Objection reaches; for they pretend that the very Notion of *Eccleſiaſtical Laws* is wrong; for it ſuppoſes a diſtinct Law from the *Common Law of England*, which, ſay they, is inconſiſtent with the *Rights* and *Liberties* of the People of *England*.

This ſtrikes at the root of all *Eccleſiaſtical Juriſdiction* and therefore muſt be fully anſwer'd, before I proceed; and that ſhall be done by theſe ſteps;

1. By ſhewing that it proceeds upon a very falſe ſuppoſition, *viz.* that it is one of the Fundamental Rights of the Nation, to have ſuch a *Common Law* as excludes the Eccleſiaſtical.

2. That the *Eccleſiaſtical Laws* of *England* are built on the ſame Foundations with other parts of the Common Law. And that theſe Laws are allow'd, and owned, by the greateſt Aſſerters of our *Common Law.*

1. This mighty Objection argues great Ignorance of our Fundamental Conſtitution, as though it depended upon having *one Common Law*; by which they bring all things under the Cogniſance of what they call *Common Law*, ſo that all Cauſes ſhould be heard and determined by the Rules and Methods uſed in thoſe Courts, which proceed according to it. This Term of *Common Law* ſeems to favour the Pretenſions of thoſe who would bring all Matters to be tried by it; but if they would look into the *Original* or *Grounds* of it, they would find themſelves deceived. For the *Common Law* had not its Denomination from the Univerſality of its Extent; as though all things were under its Juriſdiction; and all other Methods were but Encroachments upon it. But the true Notion of the *Common Law* extends to all thoſe Cuſtoms, which have obtained the Force of Laws, although the Method of Proceeding be very different in them. And although the Modern Acception of it ſeems to Reſtrain it to the *Municipal* Laws of the Kingdom, as diſtinguiſhed from the more General Laws and Cuſtoms here receiv'd, which are grounded on the Civil, Canon or Maritime Laws; yet I ſee no Reaſon why thoſe Laws which ſtand upon one Common Bottom, as being receiv'd by Immemorial Cuſtom, ſhould not paſs under the ſame Denomination. For the Original *Common Law* of *England* was that which is commonly called, *the Laws of Edward the Confeſſor*, which was a Collection made in his time of the beſt of thoſe Laws which had been diſuſed by the *Daniſh Irruptions*, and were then thought fit to be brought together for the common Uſe of the Nation. For it appears from our beſt Hiſtorians, that there were different Laws in the ſeveral Parts of the Nation; the *Mercian Laws* were in many things different from the reſt; the Laws of the *Eaſt Angles* were *Daniſh*, and ſo were the *Northumbrian*; and the Laws of the *Weſt Saxons* differ'd from both the other; and were collected by *Alfred*, who made uſe of the *Mercian* and *Kentiſh Laws.* But although he deſigned great Matters as to the Laws, as well as to Religion and Learning; yet his time was ſo very troubleſome, that no laſting Effect follow'd his Endeavours, (notwithſtanding all that is ſaid of him in the Book called the Mirror of Juſtices, ſaid to be written in the time of *E.* 1.) in King *Edgar*'s time there was a freſh Attempt to ſettle the Laws; but he was taken off in the Flower of his Years, and a very tempeſtuous time followed. After *King Edward* was ſettled in the Throne, there happen'd a conſiderable time of Peace; and then a Collection of our Laws was again thought of; and many of them were put together, which were of moſt general Uſe, under his Name. And theſe ſaith *Brompton* and *Ranulph Higden* were called the *Common Law of England*; not, that theſe Laws were then made, but that they were then made common to the Nation; as the Paraphraſt on the Confeſſors Laws confeſſes, *c*, 35.

Script. p. 957.
Ran. *l.* 1. *c.* 50.

Theſe Laws being thus publiſhed and commonly receiv'd, the People of *England* grew extremely fond of them; in ſo much, that when *William* I. found there was no Governing this People without Laws, he would fain have put the Law of the *Eaſt Angles* upon them; but they would not hear of any but *King Edward's Laws*; which he promiſed with his own Amendments; but kept them as he ſaw Cauſe. After him *William* II. regarded no Laws at all. *Henry* I. took an Advantage by this, and promiſed to reſtore King *Edward's* Laws, upon which he was Receiv'd; but he kept not his Word. When his Daughter treated with the *Londoners*, they inſiſted upon King *Edward's* Laws; which ſhe refuſing they deſerted her, as *Florentius Wigornienſis* relates. A.D.1141. Her Son *Henry* II. ſaw no ſatisfaction would be given to the Nation without theſe Laws, and therefore he Reſtored them as they are in *Hoveden*. His Son *Richard* I. was moſt abroad, and left things at home in the Hands of Others. His Brother *John* had very little Contentment here, becauſe he preferr'd his own Will and Pleaſure above the Law, which the Nation would not bear; and ſo at laſt he conſented to the Reſtoring the *Ancient Laws*, but new digeſted under the Name of *Magna Charta*; which was confirmed by following Kings, and juſtly look'd on as the Standard of our Laws and Liberties.

Now it ought to be obſerved, that in all theſe ſeveral Collections of our Ancient Common Law, the Eccleſiaſtical Laws are ſo far from being Excluded, that the firſt Care is taken of them. In the Laws of *King Edward*, the *Churches Rights and Liberties* are ſecured in the firſt Place; and the *Eccleſiaſtical Juriſdiction* in the following Sections.

It's true, that the Eccleſiaſtical Cauſes were then heard in the Kings Courts; but how? Not according to the Municipal but the Eccleſiaſtical Laws; as appears by the *Saxon* Laws and the Charter of King *William*, when he ſeparated the Courts; of which hereafter. But in the Laws of *King Edward* it is provided for, that the Eccleſiaſtical Cauſes were to be firſt Diſpatched. In the Laws of *Henry* 1. c. 5. the Diſtinction of Cauſes is ſet down, and ſome are ſaid to be *Eccleſiaſtical* and ſome *Secular*; and the Method of Proceedings in the former, as to Accuſation and Witneſſes, is at large ſet down.

In the great Charter, the firſt Article is, that the Church ſhould enjoy all its Rights and Privileges entire, *i. e.* ſaith my Lord *Cooke*; *all their lawful Juriſdictions, and other their Rights without any diminution or ſubſtraction whatſoever.* 2 Inſt. 3.

But ſay theſe Men, the moſt Fundamental Rights of an Engliſh Man by *Magna Charta* is to be tried by his Peers, *c.* 29. which is not done in the Eccleſiaſtical Courts, and therefore the Proceedings there are inconſiſtent with our Rights and Liberties.

This is the main Strength of the Argument againſt the Eccleſiaſtical Laws and Courts, to which I ſhall give a clear and diſtinct Anſwer.

1. How is this poſſible to be the meaning of *Magna Charta*, when the Churches Liberties and Juriſdiction, were ſecured before? And no Man ever pretended that the Eccleſiaſtical Proceedings were at any time in the way of Juries. The *Common Law* of *England*, was Originally a *Mixt Law*, and conſiſted partly of old *Saxon Cuſtoms*, partly of the *Rules of the Civil and Canon Law*; and partly of the *Feudal Law* re-

lating to Tenures, &c. No one of theſe can pretend to be the old *Common Law* of *England*; and altogether do make up the Body of it. Now as to Trials which related to Mens Legal Eſtates, the *Saxon* Cuſtoms and the Feudal Law did agree, *viz.* That no free Man ſhould be diſſeiſed of his Liberty and Rights but by the Trial of his Peers. The Occaſion of the Renewing this Law, was this, *King John* being a Man who took great Liberties himſelf, was not willing that his People ſhould enjoy any under him; For he ſeized upon Mens Perſons and took away their Eſtates, without any Proceſs at Law, but meerly at his own Will and Pleaſure. This may be ſeen at large in *Matt. Paris* and others; and therefore the People of *England* had great Reaſon to inſiſt upon this as a Fundamental Right. But there was no ſuch Complaint againſt another Method of Proceeding in Eccleſiaſtical Cauſes, which went upon different Rules as to Judicial Proceedings. *viz.* by Accuſation and Depoſition of Witneſſes; For if this had been the thing meant, there would have been ſomething in *Magna Charta* againſt them, but here the whole relates to the King's Proceedings by himſelf againſt Men, *nec ſuper eum ibimus, nec ſuper eum mittemus*; my Lord *Cooke* ſaith, *this is to be underſtood of the King's Suit*; I rather think it relates to the King's uſing *no Suit* at all, but meer Arbitrary Power in his own Cauſe. For the Intention of *Magna Charta* was to ſettle the Juſt Meaſures of Proceedings between the King and People.

2 Inſt. 49.

2. The Expreſſions there uſed do not exclude any other cuſtomary way of Trial allow'd by the Law of the Land; for the words are, *niſi per legale judicium Parium ſuorum vel per Legem terræ.* Can any who underſtands the Nature of our Conſtitution think the latter to be only an Explication of the former? But the *Lex terræ* was a diſtinct way of Trial at Law; therefore Mr. *Selden* renders it thus; Neither will we enter into his Poſſeſſion, nor convict him, but by legal Judgment of his Peers, or by Jury; or by Trial of him by Oath, or Wager, or doing his Law. For *vadiare Legem* is to offer the Oath or Trial; *facere Legem* to make Oath. *Bracton* ſaith of Perjured Jurymen, *Legem terræ amittunt*; i. e. *non erunt Otheſworth nec ad Teſtimonium admittentur.* This was an uſual way of Trial in the *Saxon* times, and was called *Atha*; in the Privileges of *Glaſenbury* the King grants *Athas* & *Ordelas*, i. e. the Trial by Oath and by *Ordeal*; this ſaith Sir *H. Spelman* is *often mention'd in the Ancient Laws*; and it is likewiſe in *Domeſday Book.* This way of Trial was not by the ſingle Oath of the Party, but by ſuch a Number of Compurgators as the Judge thought fit; generally two beſides the Perſon: And this was anciently allow'd in other Caſes beſides Actions of Debt; for Mr. *Selden* ſaith, *in the old Rolls, nothing is more uſual than in Criminal Actions (not Capital) and Civil of any kind to admit Leygager, as in Attachments upon Prohibitions, Quare impedits, and the like.* But this Paſſage of *Magna Charta* doth certainly relate to the King's Proſecution and not to Matters of Appeal at the Suits of the Party; ſo my *Lord Cooke* confeſſes, and he affirms, *that there are ſeveral Trials allow'd by the Common Law, without Juries.* And among others he mentions two ſorts of Trials by *Certificates*; ſome in Temporal Cauſes, as the Certificate of the Lord Marſhal, of the Judges upon Records; and of the Sheriffs upon Privilege; and for Spiritual Cauſes, he inſtances in Marriage, Baſtardy, Excommunication, *&c.* which he ſaith are regularly to be tried by the Certificate of the Ordinary. And

Notes on Forteſcue 27.

Bract. *l.*4. *r.* 5. *c.* 5.

Concil. *l.* 336.

Diverſity of Courts, in fin.

ib.

9 R. 30.

1 Inſt. 74.

are not all theſe equally againſt *Magna Charta*? And elſewhere he ſaith, that the Trial of Things done out of the Realm before the Conſtable and Marſhal of *England*, is by *Witneſſes* or by *Combat*, and their proceeding is according to the Civil Law, and not by the Oath of Twelve Men. So that the plain meaning of *Magna Charta* is not to overthrow any other Legal Ways of Trial, which had been ſettled by Cuſtom and Conſent; but that in all Indictments and Proſecutions at the Suit of the King, the Perſon indicted ſhall be tried by *his Peers*, or by a *Jury of twelve Men*. And ſo the Author of the Diverſity of Courts in the time of *H.* 8. ſtates the Matter: Upon an Indictment ſaith he, the Common Trial by our Law is by the Verdict of twelve Men upon their Oaths; but ſometime ſaith he, the matter ſhall be tried by the Biſhop, and not by Verdict of twelve Men, as generally Baſtardy, *&c.*

1 Inſt.261.

p. 324.

3. If this Argument be good againſt Eccleſiaſtical Proceedings, it muſt likewiſe hold againſt all Proceedings in other Courts, which make no more uſe of a Trial by Juries, than the Eccleſiaſtical Courts do. So in Courts of Equity and Conſcience. For they are as fully againſt this Paſſage of *Magna Charta*, as the other can be ſuppoſed to be; and ſo much more, becauſe the Churches Juriſdiction is preſerved therein, but there is no Salvo for the Courts of Chancery or Admiralty, which proceeds upon Depoſition of Witneſſes after the manner of the Civil Law, and not according to the ordinary Courſe of the Common Law; which allows of no ſuch Proceedings. What ſhall be ſaid now? Are all Courts of Equity to be run down, becauſe they take *Depoſitions*, and require Anſwers upon Oath to *Interrogatories*? The very ſame Arguments have indeed in our time been urged againſt this Court, and that by knowing Perſons in the Common Law; and the Anſwer given, was, that *Magna Charta*, by the Law of the Land doth allow all ancient Cuſtoms and Practices, although different from the Proceedings of the Common Law. But it was ſaid on the other ſide, that there could be no Proof of ſuch ancient Cuſtoms and Practices as to the Court of Equity. The *Court of Record* in *Chancery* as it was *Officina Brevium* was allow'd to be very Ancient; but the *Court of Equity* was ſaid to be no older than *H.* 4. when Feoffments came in, or it may be later. And the Greatneſs of the Juriſdiction of that Court my *Lord Cooke* attributes to three Cardinals, *Beaufort*, *Kemp* and *Woolſey*; others more probably to the Defects of the Common Law, as to the Caſe of *Fraud*, *Accident*, and *Truſt*. However, if this Argument from *Magna Charta* hold, theſe can never juſtifie the Proceedings of a Court of Equity againſt a Fundamental Right, if it be ſo ſtrictly underſtood. But if allowance be made for Ancient Cuſtoms of the Nation as to other Trials; then there will appear greater Evidence of the Proceedings in the Eccleſiaſtical Courts than in any ſuch Courts of Equity, which yet are now the moſt prevailing Courts of the Nation. And the ſame Reaſon will hold againſt the Proceedings in the *Court* of *Admiralty*; which are known and allowed to be according to the Methods of the Civil Law, which hath been the Occaſion of ſeveral Controverſies between the *Courts* of *Common Law* and the *Court* of *Admiralty* as concerning Contracts made beyond Seas: For, on the one ſide, *Littleton*'s Authority is produced, *Sect.* 440. *that a thing done out of the Realm may not be tried within the Realm by a Jury of twelve Men*; On the other ſide it is ſaid, *that the Trial of Contracts belongs to the Common Law, where-ever they are made and that the Admiralty cannot take Cogniſance of any thing but what is done upon the Sea.*

H. *of* L. L. No. 12.90.

2 Inſt 453.

4 Inſt.143.

Let us take that for granted; but how comes a thing done beyond Sea to be capable of being tried by a Jury in *England*, who are to be of the Neighbourhood? For that my Lord *Cooke* hath told us of an admirable Expedient at Common Law; which is, *That an Obligation* 1 Inſt. 251. *made beyond Sea's may be ſued here in* England *in what Place the Plaintiff* 6. *will.* What then? *If it bear date at* Bourdeaux *in* France, *where ſhall it be ſued?* And Anſwer is made, *that it may be alledged to be made in quodam loco vocato* Bourdeaux *in* France. Very well: Then a thing done beyond Sea may be tried by a Jury here. No; for it follows, *In* Iſlington *in the County of* Middleſex. How can theſe two be honeſtly put together? No matter for that; for he adds very peremptorily, *that there it ſhall be tried.* By what Colour? *By a certain Fiction at Law.* And what Reaſon can be given for ſuch an extravagant Fiction? The only thing pretended is, *to prevent a Failure of Juſtice.* But the bottom of all ſeems to be, to bring all things to a Trial at Common Law, as though there were no Juſtice to be expected in any other Court. But why then may not ſuch kind of *Fictions* remove Cauſes out of all other Courts proceeding by other Methods to prevent a Failure of Juſtice: For my *Lord Cooke*'s Reaſon will hold as well from *W.* 2. *Nè Curia Regis* 1 Inſt 405. *deficeret in Juſtitiâ exhibendâ.* And truly it ſeems very hard to challenge a Right of Juriſdiction from *a Fiction at Law*, and ſuch as was never known, till a Bill for that purpoſe, as we are told, was rejected in the Houſe of Lords in the latter end of *H.* 8. But what Foundation in Law is there for ſuch a kind of *Fiction* in matters of Fact? And if there be none, what Bounds can be ſet to them? All that is ſaid to any purpoſe is, *That Contracts in general belong to Common Law; and the Place is not material to the Contract.* Very true, if the Queſtion be not about Juriſdiction; for then the Place is material. As if the Admiral exerciſe Juriſdiction upon Land for things which are under his Cognizance at Sea, will they ſay the Place is not material? And upon this Point the Controverſy began. For the *Admiral* in the time of *R.* 2. without any Fiction of Law, aſſumed a Juriſdiction within the *Bodies of Counties*; upon which a Complaint was made in Parliament, which was the occaſion of the reſtraining Statutes, 13 *R.* 25. 15 *R.* 2, 3. Notwithſtanding this, freſh Complaints were made, 4 *H.* 4 *n.* 47. 11 *H.* 4. *n.* 61. and Care taken to reſtrain the Admiral's Power to things done upon the Seas, and other matters upon the Land here were left to be tried at common Law. But ſtill the Queſtion remained about Contracts beyond the Seas, which thoſe Laws took no notice of, the Admirals challenged the Juriſdiction to themſelves, becauſe the *Lord Marſhal* judged of all things relating to War beyond the Seas, and therefore the Admiral look'd on all other Cauſes that aroſe there to belong to him, becauſe in his Patent all manner of Juriſdiction is comprehended; which Cuſtom had interpreted not barely of things done upon the Seas, but of ſuch matters which no other Court could pretend to. Now, ſay they, the Courts of Common Law have a limitted Juriſdiction to matters done within ſome County of *England*, where the King's Writ Selden, doth come. And ſo much ſeems to be confeſſed on the other ſide, Mare cl. when they yield that the Action muſt be laid here at home, although *l.* 2. *c* 24. it was done abroad. And it is impoſſible to ſuppoſe a Jury of the Neighbourhood to try it, which is certainly a part of our Conſtitution, as well as a Trial by Juries. But it is more diſhonourable to our Laws to make uſe of ſuch Fictions to maintain its Juriſdiction, than to leave things to ſuch Methods of Trial which our Anceſtors allow'd.

I do not go about to aſſert the Authority or Juriſdiction of one Court againſt another; nor in the leaſt to diſparage the Juſtice of Proceedings in Trials at Common Law, which have in ſome reſpects the Advantages of any other; but all that I argue for is, that all Meaſures of Juſtice be not confined to the Courts of Common Law; for that were really to charge ſome of the wiſeſt Nations of the World with the not underſtanding the right Methods of Juſtice. It is very hard to ſuppoſe, either that the *Romans* wanted the juſt Methods of Proceeding in Trials, or that other Nations ſhould be ſo deceived, as to take up their Methods when their Power was gone, unleſs there had been ſomething in their way which gave them Satisfaction in Point of Juſtice, which all civilized Nations are very careful about. Now the Method of Proceedings uſed in other Courts beſides thoſe of the Common Law, are taken from the old *Roman Laws*; and when our Way of Trial by *Juries* is magnified as ſo peculiar to our ſelves, it looks like a tacit Reproach of the far greateſt part of the Pretenders to Juſtice in the World. And yet thoſe who have look'd more narrowly into theſe Matters have found, that the Trial by Juries even among us is not of that wonderful Antiquity which ſome imagine. It's true that *Ethelred* before the Conqueſt, did appoint twelve in every Hundred to hear Cauſes, but theſe were Judges of Law and Fact too. The way of Trial by Aſſize of twelve ſufficient Perſons, was look'd on as a great Novelty, and a Favour too in *Glanvil*'s time, to avoid Trial by Combat, but was very different from our modern Juries. *Bracton* ſaith, that in his time, if the twelve differ'd, then others were to be added till the Judge could find out twelve agreeing, and then their Verdict ſtood. In *Fleta*'s time the Judge might keep them together till they agreed. And *Brook* ſaith, *the Judges might carry them about in Carts with them till then*; but I know not what Authority he had for it.

Preface to 8 *Rep.*

Glanvil, *l*.2.*c*.7,10, 11,12,17.
Bract. 4. 19.
Flet. 4. 2.
Br. Juriſd. *n*. 105.

But my buſineſs is not to find fault with this Way of Trial by Juries; for I do freely confeſs, that if the Law be obſerved, as to the Return and Qualifications of the Perſons, and the Evidence be fully delivered in Preſence of the Judges and Parties, by ſufficient Witneſſes, it is one of the faireſt Methods of Trial in the World. But it cannot be denied that the *Romans* allow'd more Time for the Party accuſed to prepare himſelf for Anſwer, after he knew the Matter of his Accuſation; and that he had greater liberty as to Counſel and Advice for his Defence, than our Law ſeems to do in the higheſt criminal Cauſes; and if we would judge impartially of our Methods of Trial, we muſt take all together, and not ſingle out ſome Particulars, and leave all the reſt. And we ought not for the ſake of ſome Advantages in the Way of Common Law, to condemn all others as inconſiſtent with our Rights and Liberties.

Aſcon. Ped. 79.
Sigon. de Judic. Rom.

I am apt to think that other Northern People were as fond of their own cuſtomary Laws as we can be; but after long Trial they found it convenient to take in the Rules of the Civil Law in many Caſes. And were it not for the Benefit they expected by the uſe of that Law, it is hard to imagine how the ſeveral Northern Nations, after they had caſt off the *Roman Yoke*, ſhould yet at laſt ſubmit in great meaſure to their Laws. It is very well known what Numbers and Varieties of Laws the *Lombards*, and ſeveral ſorts of *Goths*, and other Northern Nations brought into the ſeveral Parts of *Europe*, upon the Decay of the *Roman* Empire; but it is as well known that after long Uſage of their own Cuſtoms, they were glad to take in the Aſſiſtance of the *Roman* Laws.

No People ſeem'd more averſe to any Uſe of the *Civil Law* than the *Goths*, which ſettled in *Spain*; for in the time of *Chindaſwindus* they made an entire Body of Laws for themſelves chiefly out of their old Cuſtoms, and forbad any other. But it is obſervable, (1.) That they took many things out of the Civil Law, and put them into it. (2.) That their Biſhops were allow'd by General Conſent of King and the Eſtates, to make Eccleſiaſtical Laws or Canons at that time; which appears by the *Spaniſh Councils.* (3.) That after all, *Alphonſus* 10. tranſlated the Civil Laws into *Spaniſh*; which, with the Additions of later Times, make up the Common Law of *Spain*, although there be particular Cuſtoms obſerved for Laws in the ſeveral Kingdoms of *Catalonia*, *Navarre* and *Arragon*; becauſe they were not united as Members of the ſame Kingdom, but as ſeveral Kingdoms making up one Body.

L.I.Wiſigoth. *l.* 2. *Tit.* 1. *c.* 9, 10. Duc. de Auth. Juris Civil. *l.* 2. *c.* 6. *n.* 14.

Neither the *Goths* nor *Lombards* in *Italy* could wholly extinguiſh the Uſe of the *Roman* Law there. And altho' the Feudal Law were firſt collected there, and put into ſome kind of Order; yet the Author of that Collection confeſſes, that Cauſes were determin'd by the *Roman* Law, as well as by the Feudal Laws and Cuſtoms. And the Reaſon given by learned Men, why the Civil Law came to be in ſo much Requeſt about the 13th Century, was not any Command of *Lotharius*, but the People were willing to have the Rigour of the Feudal Law abated by the Equity and Temper of the *Roman*. For the *Feudal Law* was found to be very ſtrict and ſevere, being intended for keeping the People under a Military Service, (which was the true Reaſon of the ancient Tenures) this by Degrees began to be found very uneaſy to them; and they found no way of Relief in many Caſes from the Rigor of it, but by the Courts of Equity, proceeding by more general Rules, and ſupplying the Defects of thoſe Laws.

Feud. *l.* 2. *tit.* 1.

Lindenbrog. Præfat. ad Cod. Leg. Antiq. Conring. de Orig. Juris German. c. 23.

There are ſeveral things which are look'd on as fundamental Maxims of our Common Law, which are nothing but the Effects of the *Rigour* of the *Feudal Law*: As,

1. *That all Land muſt be held of a Superiour Lord*, and ſo there can be no *Allodium*, i. e. Land held free from Dependance on another, which the *Romans* called *Jure Optimo*; as the *Roman* Citizens held theirs. 1 Inſt. 1. 65

2. *That there is no Tenure, but there is ſome Service belonging to it*: Otherwiſe, ſaith my Lord *Coke*, *it would be againſt Reaſon, and the Common Law is nothing but Reaſon*; which it ſeems the *Romans* did not underſtand. 1 Inſt. 97.

3. *That Lands of Inheritance do lineally deſcend, and not aſcend.* And the Common Law being nothing but Reaſon, a very ſubſtantial one is given for this; *becauſe Land is ponderoſum quid*; which, I think, is no peculiar Reaſon to Land in *England*. But the true Reaſon was, it was to go that way, where there was moſt probability of doing the Service. 1 Inſt. 10. *Ratcliff's Caſe*, 40.

4. *That none can be Heir in Fee Simple by the Common Law, but he that is of the whole Blood.* Which was the Rule of the *Feudal Law*, wherever it prevailed. 1 Inſt. 14. Feud. *l.* 2. *c.* 29.

Ripuar.34. Alem. 56. Burguid. *l.* 1. *tit.* 1. *n.* 2. Theſe things I only mention, to ſhew how the *Feudal Law* was here receiv'd in its Rigor, which is what ſome Men call the *Common Law*, and when they often ſay, *ſuch a thing is ſo at the Common Law*, no more is really meant by it, but that it was ſo according to the *Feudal Cuſtoms*, as they were here receiv'd; for they were not in all Places alike. So that here we have two Notions of the Common Law; 1. For the *Saxon Cuſtoms* which were generally eaſy and well-liked. 2. For the *Norman Tenures*, which were much harder, and required a ſtricter Obſervance. And this Strictneſs is ſuitable to what they call Proceeding at Common Law. And although there were ſome kinds of Services in the *Saxon times*, yet they were much eaſier than thoſe brought in by the *Normans*, who put the whole Kingdom into military Service, and added very hard Conditions to it. But by Degrees they obtained a Releaſe from many of them by their *Great Charters*; which reduced things to a Certainty, eſpecially as to Impoſitions and Trials, as to their Perſons and Eſtates. But yet there was ſomething of Rigour in the common Courſe of the Law, which called for Equity, and was to be expected only in ſuch Courts as proceeded by the Meaſures of the *Roman* Laws, as in the Courts of Chancery in matters of Contracts, and a Regard to the Circumſtances and Reaſon of Actions; for the Common Law proceeding upon the Terms of the Feudal Tenures had a Rigidneſs in the Nature of it, which was found neceſſary to be abated by Courts of Equity. It hath been warmly debated in our time, how far a *Court of Equity* is any part of our Conſtitution? Which in other Terms is to enquire, Whether our Nation were governed by the ſtrict *Feudal* Law, or by equitable Conſtructions, according to the more general Laws and common Reaſon of Mankind. There is a remarkable Difference between our profound Sages of the Law about this. *Hobart* Hob. 63. ſaith poſitively, *That Courts of Equity are as ancient as the Kingdom it ſelf, and that the Chancery is a Fundamental Court, as well as that of the King's Bench and Common Pleas; for,* ſaith he, *all Kingdoms in their Conſtitution are endued with the Power of Juſtice, both according to the Rule of Law and Equity, both which being in the King as Sovereign, were after ſettled in ſeveral Courts. But Equity being oppoſite to Regular Law, is a ſpecial Truſt committed to the King; which he exerciſes by one whom* 2Inſt.552. *he appoints for that Office.* But on the other ſide, *Coke* is as poſitive, *That there was anciently no other Court in Chancery but of Common Law,* and that *the Chancellor was to adminiſter Juſtice according to the Common Law*; and that *Equity then was no more than doing Juſtice*, and that whatever Notion of *Equity* hath been taken up ſince, is a Novel Invention, and no older than the Differences between the Houſes of *York* and *Lancaſter*.

Here we find a fundamental Difference between two great Perſons of the Law, concerning one of the greateſt Courts of the Kingdom. But I muſt obſerve that my *Lord Cooke* is not ſo conſiſtent with himſelf in 4Inſt 79. this Matter as the other is. For in another Place he ſaith, *That Equity is a juſt Correction of the Law in ſome Caſes*; and that *Robert Paring*, 15 *E.* 1. *was made Lord Chancellor*. What, to adminiſter Juſtice according to Law in that Court? No; but ſuch *Equity*, as was *a Correction of the Law in ſome Caſes*. How could this be, if this Notion of *Equity* were no older than *H.* 4.? But if it was neceſſary to have a juſt *Correction of the Law in ſome Caſes* in Point of *Equity*, then ſuch a Court was founded upon neceſſary Reaſon; and then the Common Law cannot

not be the Supreme and Abſolute Rule; for then it were not capable of a *juſt Correction in Point of Equity.* But to ſpeak freely in this matter, I do not think it ſufficiently cleared by either of them. For *Hobart* is in the Right as to the Fundamental Conſtitution, that it implies a Power of doing Juſtice according to the Rules of Law and Equity: But then he doth not ſufficiently clear the Practice as to this Nation; which I think is very capable of being done; for,

(1.) In the *Saxon times* there was certainly a Court of Appeal from the *Rigour* of the Law, and from *falſe Judgments*; which were ſuch as were paſſed in the *Hundred Courts*, before the Eſtabliſhment of the Courts in *Weſtminſter Hall*; which all know, was not before the Time of *E.* 1. This Court of Appeal in Caſes of Equity, was then to the King in his *Court of the Lords*; as appears by the Laws of *Edgar*, *Canutus*, and *Edward the Confeſſor.*

(2.) After the *Norman Conqueſt* there were two Supreme Courts; one relating chiefly to the King's Revenue, which *William* I. brought out of *Normandy*, and had its Name of *Exchequer* from thence; in this the great Officers of State and other Barons ſat; the other was the Supreme Court of Juſtice, commonly called *Curia Regis*, where all greater Cauſes and Matters of Appeal were heard; and the King was not only often preſent, but there judged with his Miniſters and Lords ſitting in Court. This was then the Supreme Court both of Law and Equity.

(3.) After the Courts of Juſtice came to be for ſome time ſettled in *Weſtminſter Hall*, the King would ſtill have the Chancellor to attend his Perſon, with the Judges of the King's Bench. *Artic. ſup. Chart.* c. 5. 28. *E.* 1. This ſeems ſtrange; but my *Lord Coke* ſaith, *That they all were required to attend the King about Matters of Law.* Was there no occaſion for a *juſt Correction of the Law in ſome Caſes then?* And if there were, who ſo proper as the *Chancellor*, who was to moderate the Rigour of Law before that time, as appears by the Verſes of *Thomas* a *Becket's* being Chancellor by *John Sariſburienſis.* While the *Curia Regis* continued, the *Chancellor* had the great Direction in Appeals, as Chief Miniſter in that Court, as the Chief Juſticiary was in the other Court, and ſo Matters of *Equity* came to him, as Matters of Law to the *Chief Juſticiary*; whoſe Place was leſſen'd in its Power in the beginning of *Edw.* I. and after confined to a certain Place, called *the King's Bench.* (The Exchequer ſtill remaining as to the King's Revenue.) And the dividing of theſe Places was the Foundation of the two Courts of *King's Bench* and *Chancery*, as to Law and Equity, and the Supreme Court of Appeal remained in the Houſe of Lords, who ſucceeded the *Curia Regis* in that Point. For a Court of Appeal ſomewhere, is certainly a Part of our Conſtitution; and the King's giving Judgment by the Judgment of his Peers is in *King Edward's* Laws, and was therefore one of our moſt ancient Cuſtoms.

2 Inſt. 552.

Hic eſt
qui Regni
leges cancellat
iniquas, Et
mandata
pij Principis
æqua
facit.

(4.) There being diſtinct Courts fixed for Law and Equity, it is no wonder, if they fell into different Methods of Proceedings, according to the Nature of Things. For Matters of Law require a ſtricter Proceeding; and the Oath of the Judges was to proceed ſtrictly, *Secundum Legem & Conſuetudinem Regni*, in the time of *H.* 3. and ſo in *Fleta*, and by this the general Oath, 18. & 20. *E.* 3. hath been interpreted and is ſtill ſo underſtood, as to bind the *Judges at Common Law*, to proceed according to the ſtrict Rules of it. Which is moſt agreeable to the Con-

Annal.
Burton.
41. H. 3.
Flet. *l.* 1.
c. 17. § 17.

Conſtitution of thoſe Courts, and the Cuſtom and long continued Courſe of it. But becauſe the Circumſtances of Actions, and the Nature of Contracts and Defect in Forms of Law do often require Relief, where the Common Law doth not give it; therefore, leſt there ſhould be a failure of Juſtice in ſuch Caſes, a Court of Equity, proceeding by other Methods, was neceſſary to be Eſtabliſhed and Continued.

Thus much I thought neceſſary to ſhew, how fatal the Conſequence will be, from ſuch a ſence of *Magna Charta*, as to Trial by Peers neceſſary in all Caſes, for it not only overthrows the Eccleſiaſtical Courts, but all others, which proceed not by the Methods of the Common Law.

Thus much in Anſwer to this great Objection; I now proceed,

II. To ſhew that the Eccleſiaſtical Laws ſtand on the ſame Bottom with other Parts of the Common Law of *England*, and that is Immemorial Cuſtom.

Preface to Rep. *The Common Law of England*, ſaith Sir *John Davis*, *is nothing elſe but the Common Cuſtom of the Realm; and Cuſtom which hath obtained the Force of a Law is always ſaid to be Jus non Scriptum. The Law of England*, ſaith my Lord Coke, *conſiſts of three Parts.* 1. *Judicial Records.* 2. *Acts of Parliament.* 3. *Cuſtoms grounded upon Reaſon, and time out of* 1 Inſt. 344. *mind.* 1 Inſt. 110. 6. Elſewhere he divides the Law *into three Triangles*, (he means Angles) and ſaith, *that Cuſtom is one of the main Triangles of the Laws of England.* And in another place, *that the Laws of England conſiſt of three Parts; the Common Law, Cuſtoms, and Acts of Parliament.* By Common Law here he means Judgments at Common Law; for otherwiſe Cuſtoms are owned by him to be part of the Common Law; and in another 1 Inſt. 11. 6. place he makes them to be a Law of *England*, but of a different ſort: For, among the Laws which obtain in *England*, he reckons, *Common Law, Statute Law, and Cuſtoms Reaſonable*, &c. And yet 1 Inſt. 115. 6. in another place he ſaith, *General Cuſtom is part of the Common Law.*

My *Lord Chief Juſtice Hales* in a MS. Diſcourſe of the Laws of *England*, ch. 4. ſpeaks more diſtinctly; for he ſaith, *that there are three Principal Conſtituents of the Laws of* England. *And thoſe are,* (1.) *The common Uſage, and Cuſtom, and Practice of the Kingdom.* (2.) *The Authority of Parliament.* (3.) *Judicial Deciſions of Courts of Juſtice conſonant to one another in the Series and Succeſſion of Time.* Now it cannot be denied, that the Method of Proceeding in the Eccleſiaſtical Courts hath been an *Immemorial Cuſtom*, and *practiſed time out of mind here*; and much longer and more conſtantly than of thoſe *Feudal Cuſtoms* which make ſo great a part of the Common Law. For it is certain that many of thoſe things which paſs for undoubted Parts of the Common Law of *England*, have not had ſuch a conſtant and uninterrupted Cuſtom, which the Eccleſiaſtical Proceedings have had. As (1.) The *Tenures* were not the ſame, after *William* I. that they were in the *Saxon times:* For although there was a ſort of Service due upon *Thane-Lands*; yet it was of a very different Nature from the *Norman Knight-Service.* The *Bocland* then was *Land of Inheritance*, but not under ſuch Reſtrictions, as the *Feudal Tenures* afterwards were. And there was *Bocland* in *Free-Socage* among the *Saxons*; which were *Partible Eſtates*, or *Gavel kind*, where there was a Diviſion as among Equals; but according to the *Feudal Cuſtoms* the Land deſcended to the Eldeſt, who was to do the Service. I cannot find ſufficient Evidence in *Alfred's* Laws,

Laws, *that the Service then carried with it Ward, Marriage and Relief*; 1 Inſt. 76.
but I rather think they came in with the *Norman Tenures*; for they 6. 14. a.
are plain in the ancient *Cuſtomier* of *Normandy*. (2.) Can any one ſay, Conſuet.
that there were the ſame Cuſtoms as to Proceedings in Criminal Cau- Norm.
ſes, which are allow'd for Law at this Day? Who knows not, that c. 33.
in the *Saxon times* moſt Faults were redeemable by Pecuniary Compen-
ſations? How came the *Common Law* to be ſo much alter'd? It is
ſaid, *that Felony was made Capital by* H. 1. My Lord *Cooke* ſaith, *it was* 3 Inſt. 43.
done in Parliament: But I could never find any footſteps of ſuch an
Act of Parliament in our Hiſtorians; there might be ſuch which are
now loſt. After all, there appears ſome Reaſon to queſtion, whether
in the time of *H.* 2. *ordinary Theft* were Capital, for it was left to the Glanvil. *l.*
Sheriffs Court, and was there ended according to the Cuſtom of the 2. c. 2.
Country; and Indictments of Thefts did continue there, Weſt. 2. *c.* 13. *l.* 14. *c.* 8.
but my *Lord Cooke* ſaith, *the Sheriff had no Juriſdiction in Capital Crimes.* 2 Inſt. 32. 387.
But *Robbery*, and *burning Houſes*, and *open Murder* and *Treaſon* had no 4 Inſt. 60.
Weregild among the *Saxons*; theſe things were then accounted *Felonies*
at Common Law; but the Notion of it is ſince much inlarged, and yet
the Common Law continues the ſame.

In the Caſe of *Homicide*, although the Law was that *voluntas reputa-* 3 Inſt. 5. 6.
batur pro facto; yet Cooke ſaith, *that Will muſt be proved, not by Word* 161.
or Writing, but by ſome Overt-Act tending to the Execution of his Intent.
But doth this Rule of Common Law hold in Caſe of *Treaſon*? No,
he ſaith, *before the Statute* 25 E. 3. *a Declaration of the Intent by Words*
or Writing was ſufficient, which he offers to prove from the ancient
Books. Which are plain, that if the Deſign or Intention *be well proved*, Glan. *l.* 1.
although the Effect do not follow, the Party is guilty of High Treaſon c. 2. 14. 1.
at Common Law: But the Queſtion ſtill remains about the Proof; Bract 3.
what is ſufficient at *Common Law*. For my buſineſs is not to give the 3. Brit. 18.
Senſe of the Statute, but only to ſhew, that there were then very diffe- Merc. 21.
rent Opinions about ſo great a Point as Treaſon; and the uncertainty Flet. 1. 21.
of the Judges, was the true Reaſon of that famous Act of Parliament,
as appears by the *Parliament Rolls* of that Year. Now if the Common
Law of *England* be ſo certain and unchangeable a thing, as my *Lord*
Cooke often affirms; how came the Judges to be ſo much to ſeek what
was *Treaſon at Common Law*; for one would think they ſhould have
known this the eaſieſt of any one Point, being a matter of ſo great con-
ſequence; and which they had ſo often Occaſion to give Judgment in.
But the firſt Words of the Act are, *Where is divers Opinions have been be-*
fore this time, in what Caſe Treaſon ſhall be ſaid and in what not. How
came theſe divers Opinions in ſuch a Point of Common Law? But my
Lord *Cooke* takes no notice of this, but only ſaith, *that the Law is for*
the moſt part Declaratory of the ancient Law. How came the ancient Law
to beget ſuch different Opinions, as to need ſuch a Declaration? And
yet even his Declaratory Act hath not cleared the Doubts as to the
Proof at Common Law. For he ſaith, *that before Declaring by Words* 4 Inſt. 5. 6.
or Writing the inward Intention, was ſufficient Overture by Common Law.
And again, *by all which is manifeſt, that Compaſſing, Machinating, Coun-*
ſelling, &c. *to kill the King, though it hath no other Declaration but by*
Words, was High Treaſon at Common Law. But is the *Common Law* al-
ter'd as to this or not by this Statute? It ſaith, *the Perſon muſt be prove-*
ably attainted of the Overt-Act. But it doth not clear the meaning of an
Overt-Act. He ſaith, *it is an open Act which muſt be manifeſtly proved.* This *f.* 12.
is

is not clearing the Point at all: For what is *an open Act* in this Caſe? Not every Act which can be proved, but ſuch an Act as manifeſtly proves the Intention. And after all, he confeſſes, that *bare Words cannot do it without an Overt-Act*; by which he ſeems to diſtinſtuiſh Words from an *Overt-Act*; but he adds, *that if the Words be ſet down in writing by the Delinquent himſelf, this is a ſufficient Overt Act within this Statute.* But how come Words not to be ſufficient without *an Overt Act*; and yet, when thoſe Words come to be written they become *an Overt Act?* The Words written are not the Overt Act, but the bare writing muſt make them ſo, or elſe they are no more an *Overt Act* than they were before, ſo that the Alteration of the Law, as to this matter, comes at laſt to this, that before the Act, *the manifeſting the Intention by Words or Writing was ſufficient*; but ſince Words when they are ſpoken are no Overt Acts, but if thoſe Words be written by the Party, then they become an Overt Act: But how far this is Law or not, I take not upon me to determine.

I only mention theſe things to ſhew, that there are ſeveral Material Points relating to the Common Law and Cuſtom, which are not ſo clear and ſatisfactory to all that enquire into them. And therefore, if there be any Difficulties ſtarted, as to the Eccleſiaſtical Laws, there is no Reaſon from thence to Reject them from being any Part of our Laws.

But it may be others will Object, *that a meer Immemorial Cuſtom is no ſufficient Ground for Laws without Acts of Parliament to confirm them.* I cannot imagine that any who pretend to underſtand the Common Law of *England* in any meaſure can make ſuch an Objection; but if they do, I need but to refer them to the Acts of Parliament already mention'd, which own and allow *the Eccleſiaſtical Laws. But how comes an Immemorial Cuſtom to make a Law, ſince Time hath no Operation of it ſelf on Moral Things; therefore a Legiſlative Power muſt be ſuppoſed, or elſe a Cuſtom cannot paſs into a Law.*

To this I anſwer, that there are two ways of making Things *to paſs into Laws.* 1. By the Expreſs Act of thoſe who have the Power to make Laws. 2. By the Tacit Conſent of thoſe who are to make Laws and to keep them. And thus, thoſe Things which are not paſſed at firſt, by ſuch who have the Legiſlative Power in them, may by a general Conſent become part of our Laws. As the *Feudal Cuſtoms* which had their Riſe abroad are become part of the Common Law of *England*; not by Acts of Parliament, but by a general Reception of them. And thus ſeveral Canons made out of our Land may become part of the Law of it; not by Virtue of that Foreign Power, but by their being ſo long Receiv'd and allow'd to paſs for Law among us. And ſo it is expreſſed in the Act of Parliament in theſe Words, 25 *H.* 8. 21. "For, where this your Realm recognizing no
" Superiour under God, hath been, and is free from Subjection to any
" Man's Laws, but only to ſuch as have been deviſed, made and ob-
" tained within this Realm for the Wealth of the ſame; or to ſuch
" other, as by Sufferance of your Grace, and Progenitors the People of
" this your Realm, have taken at their free Liberty by their own Con-
" ſent, to be uſed among them; and have bound themſelves by long
" Uſe and Cuſtom to the Obſervance of the ſame, not as to the Obſer-
" vance of the Laws of any Foreign Prince, Potentate or Prelate, but
" as to the Cuſtomed and Ancient Laws of this Realm; originally E-

" ſtabliſhed as Laws of the ſame by the ſaid Sufferance, Conſents and ' Cuſtom, and none otherwiſe. Here we have three ſorts of Laws; (1.) Laws of the Realm made by our Kings, with Conſent and at the Deſire of the People. (2.) Foreign Laws made by ſuch Power as we have no Reaſon to ſubmit to. (3.) Foreign Rules, which are not Laws by the Authority which paſſed them, but by a general Conſent both of King and People in receiving them; and ſo they become Laws, not by the meer Acceptance of the People, nor by the bare Will of the Prince, but by a general Conſent of all thoſe who are concerned in the paſſing of Laws. So that whatever Canons were anciently made by Provincial Councils at home, and received by a general Conſent; or ſuch which have paſſed abroad, but have been here received, not by Virtue of Foreign Power, but by free Conſent, they do make up the more ancient part of the Eccleſiaſtical Laws of this Realm. And ſo, as my *Lord Chief Juſtice Hales* hath well obſerved, Uſe and Cuſtom among us generally receiv d doth *obtinere vim Legis*; and this is that which gives Power, ſometimes to the Canon Law, as in Eccleſiaſtical Courts; ſometimes to the Civil, as in the Admiral's Courts; and again controlls both, when they croſs other Cuſtoms which are receiv'd in this Kingdom.

MS. Hiſtory and Analyſis of the Common Law.

And in another Place he expreſſes his Mind more fully as to this matter, *ch.* 2. He divides the Law of the Land into *Written Law*, or Acts of Parliament, and *Unwritten Law*; under which he comprehends,

1. The Common Law, according to its uſual Acceptation, *viz.* that by which Proceedings and Determinations in the King's ordinary Courts of Juſtice are directed and guided.

2. Thoſe particular Laws which are applicable to particular Matters and Courts; by which he means the *Laws Eccleſiaſtical and Civil*, which although they be written Laws, yet he reckons them as unwritten, becauſe they lay no Obligation on us here, but as they are received and admitted in this Kingdom, either by Conſent of Parliament, or by immemorial Uſage and Acceptation in ſome particular Courts, Caſes and Matters, and no otherwiſe.

And after, treating of the *Eccleſiaſtical Courts*, he ſaith, They are either ſuch as were derived immediately from the King's Authority by Commiſſion, as the Court of High Commiſſion, *&c.* (2.) Such as were not ſo derived, but the Law of *England* had annexed to certain Offices Eccleſiaſtical Juriſdiction as incident to them: Thus every Biſhop, by his Election and Confirmation, even before Conſecration, had Eccleſiaſtical Juriſdiction annexed to his Office, as *Judex Ordinarius* within his Dioceſe; and divers Abbots anciently, and moſt Arch-deacons at this Day, by Uſage, had the like Juriſdiction within certain Limits and Precincts.

But he adds, that although the ordinary Juriſdiction of the Biſhop is annexed to his Office, yet in *foro exteriori* it is derived from the Crown of *England*.

And although, ſaith he, the Proceſs runs in the Name, and under the Seal of the Biſhops, yet that is no Impediment but that their Juriſdiction is derived from the Crown; for till the Statute 27 *H.* 8. the Proceſs in Counties Palatine run in the Names of the Counts Palatine, yet no Man ever doubted but the Palatine Juriſdiction was derived from the Crown.

1 Inſt. 344. *The Eccleſiaſtical Laws*, ſaith my Lord Chief Juſtice *Coke*, *are thoſe which are allow'd by the Laws of the Realm*, viz. *which are not againſt the Common Law (whereof the King's Prerogative is a principal part) nor againſt the Statutes and Cuſtoms of the Realm, and regularly according to ſuch Eccleſiaſtical Laws, the Ordinary and other Eccleſiaſtical Judges do proceed in Cauſes within their Conuſance; and this Juriſdiction was ſo bounded by the ancient Common Laws of the Realm, and ſo declared by* 1 Inſt. 11. 4 Inſt. 321. *Act of Parliament.* And in other Places he owns *the Eccleſiaſtical Juriſdiction and Laws*; but ſtill ſaith, *that they are bounded by the Laws of the Realm.* Of which there is no Queſtion. *Of Juriſdictions*, ſaith Proœm. to 4 Inſt. he in his Preface to 4 *Inſt.* *ſome be Eccleſiaſtical, and ſome Civil and Temporal. Of both theſe, ſome be Primitive or Ordinary; ſome derivate or de-* 1 Inſt. 96. *legate by Commiſſion. For deciding Controverſies, and for diſtribution of Juſtice within this Realm, there be*, ſaith he in another place, *two diſtinct Juriſdictions; the one Eccleſiaſtical, limited to certain Spiritual and Particular Caſes; the other Secular and General, for that it is guided by the Common and General Law of the Kingdom.*

4 Inſt. 321. But doth he not ſay, *That thoſe who have Spiritual Juriſdiction, as Arch-biſhops, Biſhops, Deans*, &c. *are the King's Judges within his Realm, and that this may be proved from our Books?*

Who goes about to deny this? For as Judge *Hales* ſaid, in *Foro Exteriori* the Eccleſiaſtical Juriſdiction is derived from the Crown; and therefore they may be properly enough called *the King's Judges.* But he doth not ſay, the Kings, as ſuch, have Eccleſiaſtical Juriſdiction, which he never thought. For ſaith he, *of what things the Clergy have Juriſdiction, is evident in our Books, whereof there is no Queſtion. And certain it is that this Kingdom hath been beſt governed, and Peace and Quiet beſt preſerved when both Parties*, i. e. *when the Juſtice of the Temporal Courts and the Eccleſiaſtical Judges have kept themſelves within their proper Juriſdiction, without incroaching or uſurping one upon another.*

Did not the Biſhops before the Reformation derive their Spiritual Juriſdiction from the Pope? How then could my Lord Coke *prove by good Authority from the old Books, that they were the King's Judges?*

I anſwer that the Juriſdiction then was two-fold.

1. *Delegate* and *Extraordinary*, which they had by particular Commiſſion, and this they had from the Pope, whom they look'd on as *Supreme Ordinary*; and therefore he might in particular Caſes be the Fountain of Juriſdiction to them.

2. *Ordinary* and *Common*; and this had by virtue of their Office, and was not derived from the Pope, but annexed to their Office by the Law of the Land as to *Exteriour Juriſdiction*; and therefore, on that Account, they might even then be look'd on as *the King's Judges. But in matters of Ordinary Juriſdiction, if they exceed their Bounds, they are ſaid to offend againſt the Crown and Royal Dignity, when they draw things* ad aliud examen, *therefore only the Temporal Juriſdiction is by our Law, derived from the Crown.* In the *Biſhop's Ordinary Juriſdiction*, theſe things are to be diſtinguiſhed. 1. The Original Right belonging to his Office; which we do not pretend to be derived from the Crown, but from the Fountain of Spiritual Juriſdiction, the Founder and Head of the Church. 2. The Authority to execute ſuch a Juriſdiction within the Realm, and the Rules and Meaſures of doing it; and this is derived from the Laws of the Land; which have given ſuch Authority, and fixed thoſe Bounds; and therefore to tranſgreſs them is an Offence againſt the Crown and Royal Dignity.

Did not the Kings of this Realm, in the very Forms of Prohibitions, challenge only Temporal Cauſes as belonging to their Crown and Dignity? How then could the Judges in Eccleſiaſtical Cauſes derive their Juriſdiction from the Crown?

The *King's Crown* and *Royal Dignity* may be conſider'd two ways. 1. As to what was of Right belonging to it; and ſo all external Juriſdiction doth. 2. As in Fact our Kings had limited their own juſt Authority, and given too much leave to the Pope to uſurp upon them. And this being inconſiſtent with the inherent Rights of the Crown, the Pope's uſurped Power was juſtly caſt off, and then the ancient Right returned. And it is to be obſerved, that the main Encroachments and Uſurpations of the Popes were in Points of extraordinary Juriſdiction; as in Caſes of Diſpenſations, Commendams, Proviſions, Appeals, *&c.* But even theſe were not carried without many Rubs and Difficulties by the Laws of the Land, as appears by the Statutes of *Proviſors* and *Præmunire*, which were no more than neceſſary. For after the Popes came to *Avignon*, they were more greedy than when they enjoy'd the Profits of the whole See of *Rome*, and were farther from *England*. They then bethought themſelves of a *new Invention*, which was very profitable to them. Being *Spiritual Head* of the Church, was a thing of great Sound, but of little Advantage; but the new Device was, to make themſelves a kind of *Feudal Lords* over the Benefices of the Church. For they found that the old *Fees* were called *Beneficia*; and ſo they made a pretty artificial Turn of the Churches *Benefices* into *Eccleſiaſtical Fees* held of the Pope as Chief Lord. *Boniface* 8. in the time of E. 1. firſt ſtarted the Doctrine of the *Pope's Univerſal and Abſolute Dominion in Beneficiary Matters*, but he was vehemently oppoſed. But his Succeſſors meeting with fairer Opportunities, and being upon better Terms with Princes, by Degrees ſet up and exerciſed this kind of Feudal Authority in Benefices. And as the conſequence of this Doctrine, the Pope challenged *the Firſt Fruits*, as a Year's Profits on the *Beneficiary Fee* to the chief Lord. This was demanded here in *England* then; but the Parliament at *Carliſle* put it into their Complaints as a *thing before unheard of*, and therefore forbad the Pope's Officers to gather them, 35 *E.* 1. And ſo this Buſineſs fell for the preſent; but after the Popes came to *Avignon*, they inſiſted more ſtrictly upon the Payment of *Annates*, or *Firſt Fruits*. *John* 22. owned the Demand, and goes about to defend it from their preſent Neceſſities; but to ſhew their Moderation, he ſaith, *That they took but one Year's Profits at a reaſonable Valuation*, as appears by the Bull it ſelf, which only mentions a Moiety of the firſt Year's Profits, where the Taxation was not deliver'd into the Pope's Exchequer before.

Petr. de Marca de Concord, *&c. l.* 6. *c.* 12. *n.* 11.

Extr. Com. de Præbend. & Dignit. c. cum nonnul.

Fagnanus, a late Canoniſt, ſaith, that the full value was never exacted by the Pope; but the Taxation of *Boniface* is follow'd at *Rome*. But *Platina* ſaith, his Demand of Firſt Fruits was rejected in *England*, except only for Biſhopricks and Abbies; and *Fagnanus* confeſſes, *That the inferiour Clergy did not here pay that Moiety.* But the Pope ſtill inſiſted on the *Firſt Fruits* as their due, according to ſuch a Taxation as was then receiv'd; but even that would not go down with the Councils of that time. In the Council of *Vienne*, it was propoſed, *That the Pope ſhould have a twentieth part in lieu of them*; but they were then afraid both would have been put upon them, for then the *Firſt Fruits* were a diſcharge from any Payments afterwards, the Rule being *Impo-*

Fagnan. in *l.* 5. Decret. *part.* 1. *p.* 190.

Con.Conſt. Seſſ. 43. *ſitis Annatis Decimæ abolentur*. In the Council of *Conſtance*, *Tenths* were abſolutely forbidden; but the *Annats* were kept up as far as the Pope's Power prevailed, notwithſtanding that the *Council* of *Baſil* and the *Pragmatick Sanction* had condemned them. *Pius* II. publiſhed a Bull to deprive Perſons of their Benefices who did not pay their *Annats*; and it appears by his Epiſtle to *Meyerus*, they made them pay them at *Rome* before Poſſeſſion. Here in *England* they went down very hardly, as appears by the Complaints in Parliament about them, 25 *E*. 3. *c*. 1. 47 *E*. 3. 51 *E*. 3. 4 *R*. 2. 6 *R*. 2. 10 *R*. 2. 6 *H*. 4. 1. But after all, the Pope's Intereſt prevailed, and *Firſt Fruits* and *Tenths* were both paid, until, for better Reaſon, they were ſettled on the Crown, in the ſame Manner as they had been paid before, as appears by the Statute 1 *Eliz*. *c*. 4. *n*. 22. where the ſame *Eſtate*, *Title and Quantity* is mention'd, which was ſettled on *H*. 8. When the Popes would have raiſed them above the accuſtomed Payment, the Parliament would not hear of it, 6 *H*. 4. *c*. 1. For they look'd on the Payment but as an Acknowledgment, and not as any valuable Conſideration; and therefore ought not to be ſtretched to the full Value. By the Statute Weſt. *Quia Emptores terrarum*, Payment was to be made *Secundum Quantitatem*: In *Marſh and Jones* his Caſe, the Queſtion was, whether it was the value at that time, or the improved value ſince, and it was reſolved that it was to be taken as at that time. And ſo 17 *E*. 2. the King was to have a Year's value of the Leonard C. 163. 114. Tenants *in Capite* at firſt Admiſſion; but it turned to a cuſtomary Payment, and not at the full value. But this was not all the Advantage the Popes challenged by this *new Device*; for *Benedict* 12. who ſucceeded *John* 22. at *Avignon* by his Bull, *A. D.* 1335. makes a Reſervation to himſelf, among many other Preferments, of all ſuch as ſhould be void by Promotion; which, as the Canoniſts tell us, was then look'd on as only the Change of a Life in a *Feudal Eſtate*, of which the Lord of the Mannor may expect an Advantage, becauſe he promotes the Perſon whom the Patron had preſented. But becauſe the Pope had a Power of diſpenſing with the Canons, which made one Benefice void by accepting another, therefore when he pleaſed he prevented the Avoidance, upon a Promotion by a Diſpenſation before-hand; and ſo it paſſed into a *Commendam*, as it was then called. And by his abſolute Power he gave away the beſt Preferments before they were void, which was called by *Proviſion*. Theſe things were often complained of, and many Acts of Parliament were made againſt them, which were very little regarded, for the Pope went on, and exerciſed this extravagant Power as he thought fit. But ſometimes they met with Rubs in Point of Law, as in the Caſe of the Biſhop of St. *David*'s, 11 *H*. 4. where the main Point urged againſt the Pope's Power was, that it overthrew the Law of the Land, which voids a Benefice upon Conſecration. No, ſaid the other ſide, here is no Avoidance, for the Pope prevented it by a Diſpenſation before-hand. But in the Biſhop of *Wincheſter*'s Caſe, 4 *H*. 6. the Diſpenſation coming too late, his Biſhoprick was declared void by accepting the Cardinalſhip before it. But the Practice of theſe things continued till *H*. 8. reſtored the ancient Rights of the Crown, by caſting off the Pope's Uſurped Power; by the Statutes made 25 *H*. 8. wherein the King is declared Supreme Head of the Church. But a Doubt ſtill remained about ſuch Privileges which the Pope had challenged as Head of the Church, and been in quiet Poſſeſſion of, as particularly *Firſt Fruits* and *Tenths*; and theſe being no an-

ancient Right of the Crown were ſettled upon the King by Act of Parliament 26 *H.* 8. 3. And the Power of Diſpenſation in ſeveral Caſes; 25 *H.* 8. 21. 28 H. 8.

But ſtill there remained ſome Perquiſites of the Head of the Church, which were not provided for by theſe Statutes as beſtowing Benefices by Right of Promotion, granting Commendams, giving Commiſſions of Review, *&c.* As to theſe, there is nothing expreſly mention'd; but by the Statute 26. *H.* 8. 1. it is enacted, that the King ſhall have and enjoy, annexed and united to the Imperial Crown of this Realm, as well the Stile and Title of Supreme Head of the Church of *England*, as all Honours, Dignities, Preeminences, Juriſdictions, Privileges, Authorities, Immunities, Profits and Commodities to the ſaid Dignity of Supreme Head of the ſame Church belonging and appertaining. Now the Queſtion is, what is underſtood by all theſe Words; Whether only ſuch things which of Right belong to the Crown; and theſe were already Reſtored by his being Recognized as Head of the Church; or whether ſuch other Privileges and Commodities, as the Pope had peaceably and actually Enjoy'd as Head of the Church? which ſeems the more probable Opinion, becauſe the Crown hath ſince Enjoy'd the ſame Privileges as to Right of Promotion, Commendams and Commiſſions of Review; which ſhews that they were then ſo underſtood, and have continued ever ſince; although there have been ſome, who have been unſatiſfied about them; but their Authority is of no Weight, compared with the General Opinion and Practice ſince the time of making theſe Statutes.

It is another Point, whether the Kings of *England* had not theſe Privileges of Right before; and ſome Authorities are produced to prove it, but it cannot be denied that the General Practice and the Prevailing Opinion had been otherwiſe; and there was not ſo great Evidence, as to overthrow the Pope's Uſurpations from the Contrary Cuſtom; therefore the cleareſt Reſolution as to theſe Matters is, that they are Eſtabliſhed in the Crown by the Statute, 26 *H.* 8. 1. and the conſequent Practice, even in the time of *H.* 8. and ſo continued to this Day.

There are two things ſaid by *Coke* upon theſe Matters which ought not to be paſſed over.

(1.) *That it is apparent by many Authorities, that the King* (before the Reformation) *had no ſuch Prerogative, as to Preſent in Right of Promotion*; but that he did it on the Account of the Temporalties being in his Hands; or on the Account of Wardſhip, *&c.* 4 Inſt. 357.

(2.) That in the Caſe of the Commiſſion of Review, he ſaith, *that ſuch Authority as the Pope had claiming as Supreme Head, doth of Right belong to the Crown, and is annexed thereunto by the Statutes,* 26 H. 8. 1. & 1 *Eliz.* 1. *and ſo it was Reſolved in the King's Bench* 39 Eliz. *after a ſolemn Debate in* Holingworth's Caſe. 4 Inſt. 341.

Thus I have endeavour'd to clear, as well as I could, the Nature of the Eccleſiaſtical Juriſdiction among us, and the Laws on which it is founded.

OF THE
Eccleſiaſtical Juriſdiction
With Reſpect to the
LEGAL SUPREMACY.

109:2:H.

AN
ADVERTISEMENT.

THis *Diſcourſe concerning the* Illegality *of the late* Eccleſiaſtical Commiſſion, *was written when the Author of it was ſummoned to appear before it*; *and was in continual Expectation of undergoing its Cenſure, for not complying with the Orders of it. This put him upon an Enquiry into the Grounds on which it ſtood.*

From whence he proceeded to ſearch into the True Notion *of the* Legal Supremacy; *and finding it very imperfectly ſet down in the famous* Fifth Report, De Jure Regis Eccleſiaſtico, *he took the Pains to Examine it through every Reign, there mentioned*; *and upon the whole Matter he finds him and his Adverſary* F. P. *equally miſtaken. But in the Management of it he hath rather endeavoured to give Light to the Thing, than to diſcover any Man's Errors. And it is hardly poſſible to ſettle the* Notion *of it aright without conſidering the* Practice *of other Countries, as well as our own: Of both which the Reader will find a ſhort but impartial Account*; *which I believe the Author could more eaſily have inlarged, than have brought it into ſo narrow a Compaſs.*

By this, I hope the World will ſee, That it was not Humour *or* Faction, *but a real and well grounded* Diſſatisfaction, *which made thoſe of the* Church *of* England *oppoſe the* Proceedings *of that Time*; *and that ſuch have as great and real a Zeal for the* Ancient *and* Legal Conſtitution *of our* Government, *as thoſe who make a greater* Noiſe *and* Clamour *about it*; *and that, not upon any new* Notions *or* Phraſes, *but upon the very ſame Grounds which our Anceſtors made uſe of*; *and carry in them the true* Baſis *of our* Engliſh *Government. It is poſſible ſome worthy Men may have carried ſome Notions beyond our* Legal Conſtitution; *but the more they ſearch into it, the better Opinion they will have of it. Which, I think, is ſo well ſettled, that every* Deviation *from it tends to our Ruin.*

As to the Diſpenſing Power, *the Author hath inlarged that* Part, *ſince ſome late Diſcourſes have been publiſhed, both for and againſt it. He hath neglected nothing which hath been moſt plauſibly pleaded for it*; *but hath given a full Anſwer to the moſt material Inſtances which have been inſiſted on, in behalf of it. And after all, I cannot but conclude, That the* Diſpenſing Power *is a kind of* Mental Reſervation, *which quite alters the Meaning and Deſign of a Law.*

When the late Eccleſiaſtical Commiſſion *was* ſuperſeded (*if not* diſſolved) *the Author laid by theſe Papers as Uſeleſs, but having communicated them to one particular Friend,* (*whoſe* Judgment *and* Authority *he had a great Regard to*) *he hath been prevailed with by him, to make them Publick at this Time: It being ſtill neceſſary to ſhew, with what Juſtice and Reaſon, we refuſed to own the* Juriſdiction *of it. And it ſeems to me as hard to reconcile it to our Laws as* Liberty *of* Conſcience *to the Principles of* Popery, *or the* Worſhip *of* Images *to the* Second Commandment.

1689.

DISCOURSE II.

CHAP. I.

The State of the Queſtion concerning the Court of the late Eccleſiaſtical Commiſſion.

The Caſe ſtands thus,

BY the *Act* of 1 *Eliz.* 1. it was *eſtabliſhed and enacted, That ſuch Juriſdictions, Privileges, Superiorities and Preheminencies, Spiritual and Eccleſiaſtical, as by any Spiritual or Eccleſiaſtical Power or Authority, have heretofore been or may lawfully be exerciſed or uſed for the Viſitation of the Eccleſiaſtical State and Perſons, and for Reformation, Order and Correction of the ſame, and of all manner of Errors, Hereſies, Schiſms, Abuſes, Offences, Contempts and Enormities, ſhall for ever by this preſent Parliament, be United and Annexed to the Imperial Crown of this Realm.*

And that the Kings and Queens of this Realm ſhall have full Power and Authority by virtue of this Act by Letters Patents under the great Seal of England, *to Aſſign, Name and Authorize, when, and as often as they ſhall think meet and convenient, and for ſuch and ſo long time as they ſhall think meet to exerciſe, uſe, occupy and execute all manner of Juriſdictions, Privileges and Preheminences in any wiſe, touching or concerning any Spiritual or Eccleſiaſtical Juriſdiction within theſe Realms; and to viſit, reform, redreſs, order, correct and amend all ſuch Errors, Hereſies, Schiſms, Abuſes, Offences, Contempts and Enormities whatſoever, which by any manner of Spiritual or Eccleſiaſtical Power, Authority or Juriſdiction, can or may lawfully be reformed, ordered, redreſſed, corrected, reſtrained or amended to the Pleaſure of Almighty God, the increaſe of Virtue, and the conſervation of the Peace and Unity of this Realm: And that ſuch Perſon and Perſons ſo to be Named, Authorized and appointed after the ſaid Letters Patents to him or them made and delivered, ſhall have full Power and Authority, by Virtue of this Act, and of the ſaid Letters Patents to exerciſe, uſe and execute all the Premiſes, according to the Tenour and Effect of the ſaid Letters Patents, any Matter or Cauſe to the contrary, in any wiſe, notwithſtanding.*

But in the *Act* 17 *Car.* 1. *c.* 11. after the recital of this latter Clauſe, theſe Words follow, *And whereas by colour of ſome Words in the aforeſaid Branch of the ſaid Act, whereby Commiſſioners are Authorized to execute their Commiſſion, according to the Tenour and Effect of the King's Letters Patents, and by Letters Patents grounded thereupon the ſaid Commiſſioners have, to the great and unſufferable Wrong and Oppreſſion of the King's Subjects, uſed to fine and impriſon them, and to exerciſe Authority not belonging to Eccleſiaſtical Juriſdiction reſtored by that Act; and divers other great Miſchiefs and Inconveniencies have alſo enſued to the King's Subjects by occaſion of the ſaid Branch and Commiſſions iſſued thereupon, and the Executions thereof; therefore for the Repreſſing and Preventing of the aforeſaid Abuſes, Miſchiefs and Inconveniencies in time to come, Be it enacted by the King's Moſt Excellent Majeſty, and the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the aforeſaid Branch, Clauſe, Article or Sentence ſhall from henceforth be repealed, annulled, revoked, annihilated and made void for ever, any thing in the ſaid Act to the contrary, in any wiſe, notwithſtanding.*

Then after a Clauſe relating to *ordinary Juriſdiction, repealed* 13 *Car.* 2. *c.* 12. the Act concludes thus, *And be it further Enacted, That from and after the ſaid firſt Day of Auguſt, no new Court ſhall be erected, ordained or appointed within this Realm of* England, *or Dominion of* Wales, *which ſhall or may have the like Power, Juriſdiction or Authority, as the ſaid High Commiſſion Court now hath or pretendeth to have, but that all and every ſuch Letters Patents, Commiſſions and Grants made or to be made by his Majeſty, his Heirs and Succeſſors; and all Powers and Authorities granted or pretended, or mentioned to be granted thereby, and all Acts, Sentences and Decrees to be made by virtue or colour thereof, ſhall be utterly void and of none effect.*

By the *Act*, 13 *Car.* 2. *c.* 12. This Repeal ſtands good in the firſt Proviſo; and in the ſecond Clauſe, where that which concerns *ordinary Juriſdiction*, is repealed, an Exception is put in, in theſe Words, *Excepting what concerns the High-Commiſſion-Court or the new erecting ſome ſuch like Court by Commiſſion.*

The Caſe which ariſes from hence, is, Whether theſe Acts of Parliament only take away the Power of *Fining* and *Impriſoning*, from any *Eccleſiaſtical Commiſſion* granted by the King; ſo that notwithſtanding theſe Repeals, the King may ſtill conſtitute a *Commiſſion* proceeding by *Eccleſiaſtical Cenſures*: And for the ſame Ends which are expreſly mentioned in the Statute repealed, *viz. To exerciſe, uſe, occupy and execute all manner of Juriſdictions, Privileges and Preheminences, in any wiſe touching or concerning any Spiritual or Eccleſiaſtical Juriſdiction within this Realm of* England, *and Dominion of* Wales, *and to viſit, reform, order, correct and amend all Abuſes, Offences, Contempts and Enormities whatſoever, which by the Spiritual and Eccleſiaſtical Law of this Realm, can or may lawfully be reformed, ordered, redreſſed, corrected, reſtrained, or amended, to the Pleaſure of Almighty God, the Increaſe of Vertue, and the Conſervation of the Peace and Unity of this Realm.* Theſe are the *Powers* of the preſent *Commiſſion*, and are the ſame which are mentioned in the Act of *Repeal*, 17 *Car.* 1. *c.* 11. only *Errors, Hereſies and Schiſms*, being left out.

It cannot be denied, That the *Power* of *Fining and Impriſoning*, is moſt expreſly taken away, and that is aſſigned as one Reaſon and Occaſion of repealing the Clauſe of 1 *Eliz.* 1. which eſtabliſhes the Court; but I cannot be ſatisfied, that this was all that was intended by the Act 17 *Car.* 1. *c.* 11. And that for theſe Reaſons:

1. If no more had been intended, then it had been ſufficient to have deſtroyed the *Letters Patents*, by which the Power of *Fining and Impriſoning* was granted, without mentioning the *Act* of *Parliament*, which gives no ſuch Power. But the Act of *Repeal*, 17 *Car.* 1. *c.* 12. begins with the *Act* of *Parliament*: *Whereas in the Parliament holden in the firſt Year of Queen* Eliz. *there was an Act made and eſtabliſhed*, &c. *In which Act, among other things, there is contained one Clauſe, Branch, Article or Sentence, whereby it was enacted to this Effect*, &c. Then follows all the enacting Clauſe; and after it, the *Abuſes* of the Power by the *Letters Patents* are reckoned up, *viz. Fining and Impriſoning, and other great Miſchiefs and Inconveniences:* Therefore, *for the repreſſing and preventing of them*, not merely *the Power to fine and impriſon*, but the whole Clauſe, and all things contained in it, are from thenceforth *repealed, annulled, revoked, annihilated, and utterly made void for ever*. What need all this, if no more were deſigned than to take away the *Power of Fining and Impriſoning*.

It is plauſibly argued by the Lord *Coke*, *That the Power to Fine and Impriſon was not agreeable to the Deſign of the Act.* 1. *Becauſe the Title of it is, An Act reſtoring to the Crown the ancient Juriſdiction; but the ancient Juriſdiction Eccleſiaſtical had not a Power to Fine and Impriſon, but proceeded only by Eccleſiaſtical Cenſures.* 2. *Becauſe the Power to reform, order and correct all Errors, Hereſies, &c. was to be ſuch as may be lawfully reformed, corrected, reſtrained or amended by any Manner of Spiritual, Eccleſiaſtical Power, Authority or Juriſdiction, which did not extend to Fine and Impriſonment.* 3. *The Tenor of the Letters Patents was to exerciſe, uſe and execute all the Premiſes. Since therefore the Premiſes go no farther than Eccleſiaſtical Juriſdiction, the Letters Patents could give no ſuch Power, being in purſuance of the Act. But it is agreed*, ſaith he, *That before this Act no Man could be puniſhed by Fine and Impriſonment by any Eccleſiaſtical Power, unleſs it were by force of ſome Act of Parliament.* But becauſe the Act ſaith, *They are to uſe aad execute all the Premiſes according to the Tenor and Effect of the Letters Patents.* Others have thought, That *the Power to Fine and Impriſon* being within the *Letters Patents*, the *Act of Parliament* did bear them out in purſuing what was in the Tenor of them.

4 Inſt. f. 325.

But in my Opinion, this Matter ought to be a little further cleared; and therefore we muſt diſtinguiſh between the *Original Commiſſion*, and the *Supplemental Power*, added to enforce it. The *Original Commiſſion* extended no farther than *Eccleſiaſtical Juriſdiction*, as is plain from the reading of the *Statute*; and that of it ſelf could go no further than *Eccleſiaſtical Cenſure*. But becauſe of the Circumſtance of that Time, when (as the Lord *Hobart*, in a MS. Diſcourſe of the *High Commiſſion*, obſerves) *The Perſons moſt concerned did ſlight the Eccleſiaſtical Cenſures*; therefore it was thought neceſſary, in the *Letters Patents*, to grant them a new *Commiſſion* to enforce the former, and that extended to *Fine and Impriſonment*; for in the *High Commiſſion* for the Province of *York*, (which is preſerved) diſtinct *Powers* are granted, which are not in the *Act*. For whereas the *Act* goes no further than the *Eccleſiaſtical Juriſdiction*, the *Commiſſion* gives them Power to proceed after another manner than by *Eccleſiaſtical Cenſures*; for the Words are, *Contumaces*

In Biblioth. Cotton.

tumaces autem & Rebelles, ſi quos invenerint, tam per Cenſuras Eccleſiaſticas, *quam Perſonarum apprehenſionem, & Incarcerationem,* &c. *ac quacunque alia Juris Regni noſtri Remedia compeſcendum,* &c. Here we ſee plainly a Conjunction of the *Power* of *Common Law* added to that of the *High Commiſſion*, by virtue of the *Act* of *Parliament*, and ſo in all probability it was in the *Letters Patents* for the *High Commiſſion* in this *Province*, which bore equal Date with the former.

And although the Date of the *High Commiſſion* was before the *Depriving of the Biſhops*, 1 Eliz. Yet I ſee no ground for my Lord *Coke's* Aſſertion, which the Defendant takes for granted, *p.* 13. That *this Commiſſion was firſt granted for depriving the Popiſh Biſhops, and that about Twenty were deprived by it*; whereas in Fact, there were but Fourteen deprived, and that for not doing what they had done before in *Henry* the 8th's Time, *viz. for refuſing to take the Oath of Supremacy, which they had all taken in the time of* H. 8. And as far as I can learn, they were not deprived by the *High Commiſſion*, but by a particular *Commiſſion* for that purpoſe, as appears by the beſt Account we have of it in the *Hiſtorians* who lived neareſt the time. *In the Month of* July, *ſays* Stow, *the old Biſhops of* England *then living were called and examined by certain of the Queen's Majeſty's Council, where the Biſhops of* York, Ely, *and* London, *with others, to the Number of Thirteen or Fourteen, for refuſing to take the Oath touching the Queen's Supremacy, and other Articles, were deprived from their Biſhopricks.* What he means by the *other Articles*, I know not; for there ſeem to be no other at that time for which they could be deprived by Law, but refuſing *the Oath of Supremacy*, (and ſo much *Saunders* himſelf owns) for the other faults were not puniſhable with deprivation. The Biſhops being deprived by a ſpecial *Commiſſion* of the Council, *then*, ſaith *Stow*, *Commiſſioners were appointed for all* England: *For* London, *Sir* Richard Sackvile, *Dr.* Horn, *Dr.* Huick *and Mr.* Savage, *who called before them divers Perſons of every Pariſh, and ſwore them to enquire and preſent upon certain Injunctions.* With him *Hollingſhead* agrees, only adding, *That theſe Commiſſioners were ſent according to an Act paſſed, and confirmed laſt Parliament.*

Sand. de Schiſ. 4. 157.

This was the Act for the *High Commiſſion*, which then extended to particular Pariſhes, with ſuch Powers of the Common Law as are already mentioned, but are not of the *Eſſence* of the *Commiſſion* according to the Act of Parliament, and therefore the taking away thoſe additional Powers doth not deſtroy the *High Commiſſion*, but the repealing the *Act of Parliament*, on which it was built, takes away any ſuch Court-Proceeding by Eccleſiaſtical Cenſures.

To make this more plain by a Parallel Inſtance: The Court of *Star-Chamber* was taken away at the ſame time the *High Commiſſion* was, and both determined the ſame day, 17 *Car.* 1. *Aug.* 1.

This Court was erected for *extraordinary Civil Juriſdiction*, as the *High Commiſſion* was for *Spiritual*; but by the Act 17 *Car.* 1. *c.* 10. it was taken away much in the ſame manner with the Court of *High Commiſſion*: For there is a Recital of the Statutes on which it was grounded, 3 *H.* 7. *c.* 1. 21 *H.* 8. *c.* 20. And then it is alledged, That *they had exceeded the Bounds which the Law had given them*, in theſe Words; *But the ſaid Judges have not kept themſelves to the Points limited by the ſaid Statute, but have undertaken to puniſh where no Law doth warrant, and to make Decrees for things having no ſuch Authority, and to inflict heavier*

vier Puniſhments than by any Law is warranted. And ſo, by this very ſame way of Reaſoning which the *Vindicator* uſes, another *Court* of *Star-Chamber* may be ſet up, if it keeps it ſelf within the Bounds of the Statutes. But we are not to judge of the force of a Law by the particular Reaſon aſſigned, but by the *Enacting Clauſe: Be it Ordained and Enacted by the Authority of this preſent Parliament, That the ſaid Court, commonly called the* Star-Chamber, *and all Juriſdictions, Power and Authority belonging unto, or exerciſed in the ſame Court,* &c. *be from the firſt of* Auguſt, 1641. *clearly and abſolutely diſſolved, taken away and determined.* If another *Star-Chamber* cannot be ſet up with ſome Limitation for *extraordinary Civil Juriſdictions*, how can another *Eccleſiaſtical Court* for *extraordinary Juriſdiction*, which is taken away after the ſame manner? Only the Act againſt the *High Commiſſion* is more expreſs in the Concluſion againſt *Setting up any other Court with like Power, Juriſdiction or Authority*; for it was then foreſeen, that ſome other Court might be ſet up with ſome Alterations; and to prevent any thing of that Nature, the laſt Clauſe was annexed.

2. The prohibiting Clauſe, 17 *Car.* 1. *c.* 11. is very conſiderable to the purpoſe. For the Force of the former Act was taken away by the Repealing Clauſe; but that was not thought ſufficient to prevent *another Court* riſing up, which might be *like to it*. A Court may be like, although not altogether the ſame: It may be *like* in *Juriſdiction*, although not in a *Power to fine and impriſon*. But the Act ſaith, That *no new Court ſhall be erected which ſhall or may have the like Power, Juriſdiction or Authority, as the ſaid High Commiſſion now hath, or pretendeth to have; but that all and every ſuch Letters Patents made or to be made by his Majeſty or Succeſſors, and all Powers and Authorities granted, or pretended, or mentioned to be granted thereby; and all Acts, Sentences and Decrees to be made by virtue or colour thereof, ſhall be utterly void, and of none effect.* Was all this meant only of ſuch a *Court* as ſhould proceed to *Fine and Impriſon?* Why was not this ſet down in as plain a manner as ſuch a Law required? But we are to obſerve,

1. It not only voids the *Letters Patents*, but declares the *Conſtitution* of the *Court* it ſelf to be *illegal*; but that doth not depend upon the *Power to Fine and Impriſon.* If it had been ſaid, *No new Court ſhall be erected with a Power to Fine and Impriſon*, the Matter had been clear; for a new Court might have been erected proceeding by *Eccleſiaſtical Cenſures*, without a Power to Fine and Impriſon. But the Act takes no notice here of any ſuch Power, but abſolutely forbids any *Court* with the *like Power, Juriſdiction, or Authority.* Had the *High Commiſſion* no *Power, Juriſdiction* or *Authority*, but only *to Fine and Impriſon?* Their *Power and Authority* by Act of Parliament was general, *to reform Abuſes*, &c. In caſe there had been no ſuch Clauſe as *Fining and Impriſoning* in the *Letters Patents*, had there been *no Court, no Power, Juriſdiction* or *Authority* belonging to it? If then there be a *Power, Juriſdiction* or *Authority* of a *High Commiſſion Court*, without a *Power* to *Fine and Impriſon*, then all ſuch *Power* and *Authority* is taken away by the prohibiting Clauſe.

2. It forbids the *Juriſdiction* of ſuch a Court: But *Juriſdiction* is quite another thing from a *Power to Fine and Impriſon. Juriſdiction*, ſaith *Bracton*, is *Authoritas judicandi, ſive juris dicendi inter partes*; and to the ſame purpoſe *Fleta:* They both diſtinguiſh two kinds of *Juriſdiction, Eccleſiaſtical* and *Civil. Eccleſiaſtical*, ſaith *Bracton*, is that

Bract *l.* 5. *c.* 1.
Flet. *l.* 6. *c.* 37. *c.* 2.

which

which belongs to *Eccleſiaſtical Cauſes*; which ſhews, That they looked
l. 36. §. 5. on *Eccleſiaſtical Proceedings by Cenſures* as part of the *Eccleſiaſtical Juriſdiction.* The firſt General Exception, ſaith *Fleta*, is againſt the *Juriſdiction* of a Court, which is allowed to be made to thoſe *quibus deficit authoritas judicandi.* From hence it appears, That the Power and Authority of meddling in Eccleſiaſtical Cauſes, is that which is implied in the *Juriſdiction* of the Court; if it hath no *Juriſdiction* it is no Court; if it have *Juriſdiction*, it is void in Law; for the Act of Parliament takes away all *Power*, *Juriſdiction* and *Authority*, from any ſuch Court.

3. The Explanatory Act, 13 *Car.* 2. *c.* 12. makes this more evident; for there being a Clauſe inſerted, 17 *Car.* 1. *c.* 11. which ſeemed to take away the *ordinary Juriſdiction* of the *Eccleſiaſtical Courts*, it was thought fit to make that Act on purpoſe to clear that Matter, by repealing that Clauſe. But that Clauſe being part of the Act which took away the *High Commiſſion Court*, leſt by ſuch Repeal the Act it ſelf ſhould be thought repealed, therefore there is only an Exception put in, not barely as to the old *High Commiſſion*, but as to the new *erecting* ſome ſuch *like Court* by *Commiſſion*. And a particular *Proviſo* is added, *That neither this Act, nor any thing herein contained, ſhall extend or be conſtrued to revive or give force to the ſaid Branch of the ſaid Statute, made in the ſaid firſt Year of the Reign of the ſaid late Queen* Elizabeth, *mentioned in the ſaid Act of Parliament, made in the ſeventeenth Year of the Reign of the ſaid King* Charles; *but that the ſaid Branch of the ſaid Statute made in the ſaid firſt Year of the Reign of the ſaid late Queen* Elizabeth, *ſhall ſtand and be repealed in ſuch ſort, as if this Act had never been made.* Now it ought to be conſidered, That even this Parliament doth not fix upon the *Power to Fine and Impriſon*, to take that away; but upon the *Original Clauſe* in the Act, which gave Power to erect ſuch a Court. And this Parliament was zealous to aſſert the *Ordinary Juriſdiction*, and as zealous to prevent any ſuch extraordinary Juriſdictions as was in the *High Commiſſion*; which it ſhewed, by continuing the Repeal of that Power by which it was eſtabliſhed.

CHAP. II.

The King's Supremacy by Common Law, enquired into; Coke's *fifth Report*, de Jure Regis Eccleſiaſtico, *examined.*

Defence of Eccleſiaſtical Commiſſion, p. 8, 9.

BUT againſt this it is pleaded with ſome Appearance of Reaſon, *That in* Caudry's *Caſe the Judges reſolved, That the Act of the firſt Year of the late Queen was not introductory of a new Law, but declaratory of the old; and that the King by the ancient Law might make ſuch an Eccleſiaſtical Commiſſion. And ſince the Act* 13 Car. 2. c. 12. *ſaith, That we are not to abridge or diminiſh the King's Supremacy in Eccleſiaſtical Matters and Affairs: Therefore we are ſtill to ſuppoſe, That the King hath a Power by Law to appoint ſuch a Commiſſion for Eccleſiaſtical Matters.*

This is the Subſtance of what is pleaded for the *Legality* of the *Court*: And ſince the Argument is confined to Matter of Law, to clear this Matter, it will be neceſſary to give an account of theſe two things,

I. What the *Ancient Law* was to this Matter.

II. How far the *Legal Supremacy* is abridged by theſe Statutes.

I. As to the *Ancient Law* in this matter, It's true that the Lord *Coke*, in *Caudry*'s Caſe hath endeavoured to prove, That the Statute, 1 *Eliz.* *was not introductory of a New Law, but declaratory of the Old*; but the Inſtances he produces fall very ſhort of being *Demonſtrative Proofs*, as he calls them:

For the true Caſe is not,

(1.) Whether the King ought not to interpoſe in *Eccleſiaſtical Matters*, ſo far as the Peace and good Government of his Realm was concerned. Nor,

(2.) Whether he might not order things which concerned the Right of *Eccleſiaſtical Poſſeſſions*; as in *Biſhopricks*, *Commendams*, *Right of Patronage*, *Pleas of Tythes*, &c. Nor,

(3.) Whether the King, by his Supreme Authority might not limit the Proceedings of ordinary *Eccleſiaſtical Courts* in Matters concerning his *Crown and Dignity*, by granting Prohibitions. Nor,

(4.) Whether the King by *Common Law* cannot grant a *Commiſſion of Review*, after the Proceedings of the *Eccleſiaſtical Courts*; which Judge *Hutton* affirmed, *Was all that was determined in* Caudry'*s Caſe*. Nor, Littleto's *Rep.* 18).

(5.) Whether the King in Parliament may not *make Laws* for Reformation of Religion, and eſtabliſhing good Order therein. Nor,

(6.) Whether the Supreme *Coactive Juriſdiction* were not always a *Right of the Crown*, however it were in a great Meaſure uſurped by the Pope after *King* John'*s Reſignation.*

But, whether our *Ancient Law* doth give the King a Power, by virtue of his *Eccleſiaſtical Juriſdiction*, to appoint *Commiſſioners* by an extraordinary way of Juriſdiction to proceed *in prima inſtantia*, againſt Perſons by *Eccleſiaſtical Cenſures?* And to prove this I cannot find one ſufficient Example, as I ſhall make appear by a ſhort Account of the *Inſtances* he produces, and the *Eccleſiaſtical Juriſdiction* exerciſed at that time.

In the time of the Saxons.

In the Saxon *Times*, he brings firſt *an Inſtance of* Kenulphus, King *of* Mercia, *granting an Exemption to the Abbot of* Abingdon: But what does this ſignifie to *Eccleſiaſtical Juriſdiction*, to prove, That the King gave the Abbot an Exemption from the *Temporal Juriſdiction of the Biſhops?* For, in thoſe Days there were great Diſputes between the *Biſhops* and *Abbots* about *the Temporal Juriſdiction over the Lands of their Abbies*; which the *Biſhops* claimed, and the *Abbots* refuſed, and put themſelves under the Protection of Princes and Great Men, as appears by the Councils of *Cloveſhoe* and *Becanceld*, in the time of *Kenulphus*. But *Stamford* puts this Matter out of Diſpute, in the Confirmation of the Charter of *Kenulphus*, by *Edwin*, for the Words are, *Quod præfatum Monaſterium omnis terrenæ ſervitutis eſſet liberum:* And what is this now to *Eccleſiaſtical Juriſdiction?* Stamford, *l.*3.*f.*111.

But we have manifeſt Proof in the *Saxon Times*, That the *Eccleſiaſtical Juriſdiction* was never exerciſed by ſuch a Commiſſion, but that all ex-

extraordinary Caſes were diſpatched in *Parliamentary Aſſemblies*, and the *Ordinary Juriſdiction* was exerciſed by the *Archbiſhop* of *Canterbury*, in Chief, and by the reſt of the Biſhops. The firſt extraordinary Inſtance of proceeding againſt an Eccleſiaſtical Perſon, in the *Saxon Times*, was that of *Wilfred*, Archbiſhop of *York*, who becauſe he would not conſent to the making *three Biſhopricks* in his *Province*, was depoſed by *Theodore* Archbiſhop of *Canterbury*, *the King himſelf being preſent, and the great Council of the Nation :* For ſo King *Alfrith* ſaith, that he was *bis à toto Anglornm Concilio damnatus*, as the Words are in Malmesb. l. 3. f. 152. *Malmesbury* ; and *Eddius*, who lived at that time, ſaith, *That King* Alfrith *gave this Reaſon againſt reſtoring him, becauſe he had been condem-* Edd. vit. Wilfred. c. 55. *ned by the Kings his Predeceſſors, with their Council, the Archbiſhop aſſiſting, and himſelf had judged him, cum omnibus pene Britanniæ veſtræ Præſulibus, all the Biſhops, almoſt, being preſent.*

Ibid. c. 45. In the Council of *Neſterfield*, in his Caſe, it is ſaid, *The King was* c. 57. *preſent and* Berthwaldus, *Archbiſhop of* Canterbury, cum totius pene Britanniæ Epiſcopis. In the Council at *Nid*, it is ſaid, *ſedentibus Rege & Epiſcopis, cum Principibus eorum in loco Synodali* ; which was a *Parliamentary Aſſembly.*

Not long after *Tunbert* was depoſed from his Biſhoprick, but it was, Florent. Wigor. f. 254. ſaith *Florentius Wigornienſis*, *congregata Synodo ſub præſentia Regis Egfridi.* The Archbiſhop *Theodore* likewiſe depoſed *Winfred* Biſhop of the *Mercians*, ſaith the ſame Author after *Bede*, for *ſome Diſobedience*, and conſecrated *Saxulphus*, the firſt Abbot of *Peterborough*, in his Place.

Spelm. Con. p. 154. This *Winfred* had been preſent at the Council at *Herudford*, and there conſented to the *Canons* then firſt received in the Engliſh Church ; and there they ſubmitted to Eccleſiaſtical Cenſures, upon the Violation of them. Mat. Weſt. A. C. 673. *At this Council*, ſaith *Matt. Weſtminſter*, *were preſent not only all the Biſhops, but all the Kings and Great Men of the Nation* ; ſo that the firſt *Canons* were received in a *full Parliament*. One of theſe *Canons* was for *increaſing the Number of Biſhopricks, as the Number of Believers increaſed :* And upon this Canon *Theodore* proceeded againſt both *Wilfred* and *Winfred :* For not long after *Theodore* divided his Florent. p. 559. Biſhoprick into *five* ; but it was done, ſaith *Florentius*, *conſenſu ejuſdem Regis & Principum illius*, as *Ina* divided the *Weſtern Province* into *two* Mat. Weſt. A. C. 711. *Biſhopricks, Synodali Decreto*, ſaith *Mat. Weſtminſter*, which then was the ſame, as by *Act of Parliament*. And the oppoſing ſuch a Diviſion ſeems to have been the *Crime of Diſobedience*, for which he was deprived Bed. l. 4. c. 2. by the Archbiſhop: For as *Bede* obſerves of him, *He firſt exerciſed Eccleſiaſtical Juriſdiction over all* England.

In the great Council at *Becanceld*, where King *Withred* was preſent, *A. D.* 694. with his Nobles (*Ducibus & Satrapis in unum glomeratis*) *together with the Clergy :* He there diſowns any *Eccleſiaſtical Juriſdicti-* Spelm. p. 190. *on*, and leaves it to the Archbiſhop of *Canterbury* ; *Metropolitani Epiſcopi eſt Eccleſias Dei regere, gubernare,* &c. and then follows, *Presbyteros, Diaconos eligere, ſtatuere, ſanctificare, firmare & amovere.* And he makes this an inviolable Law, as far as his Words could make it, *Si quis autem Rex poſt nos levatus in Regnum, aut Epiſcopus, aut Abbas, vel Comes, vel ulla poteſtas hominum contradicat huic Chartulæ, aut infringere tentaverit, ſciat ſequeſtratum à Corpore & Sanguine Domini*, &c. And after it follows, *Hæc Lex inviolabilis uſque ad conſummationem Sæculi permaneat*, &c.

Mr. *Prynn*, out of his old Kindneſs to the *Archbiſhops of* Canterbury, in his vaſt Heap of *Collections*, would have this rejected as ſpurious; but Sir *H. Spelman*, whoſe Judgment was far beyond the others, ſaith, *He had peruſed five MSS. of it, whereof one was with a mixture of Saxon Letters*, and he had no Miſtruſt of its Sincerity. And the Learned and Judicious Editors of the *Decem Scriptores*, Sir *Roger Twiſden* and Mr. *Seldan*, have thought fit to inſert it after them, out of a *MS.* in *CCC.*

Chronological Vindication. *To.*1.*f.*193.

Decem. Script. *f.* 2209.

But Mr. P. thinks *it is contradicted by the Council of* Bergam-ſtead, *about Eccleſiaſtical Affairs, under King* Withred: But I can find nothing like it. It is true, there are Laws made concerning Eccleſiaſtical Matters, by common Conſent of the *King, the Nobles and Biſhops*; but the very firſt is, *Eccleſia libera ſit fruaturque ſuis judiciis*, &c.

But beſides, in the Great *Council* at *Cloveſhoe*, where *Æthelbaldus*, King of *Mercia*, was preſent, and *Cuthbert*, Archbiſhop of *Canterbury*, with the *other Biſhops*, this Charter of *Withred*'s, was read, and approved, and confirmed, with the like Sanction annexed to it.

A. C. 742.

Decem. Script. *p.* 2209.

In the Council at *Cloveſhoe*, *A. C.* 787. The extent of the Juriſdiction of the Archbiſhop of *Canterbury* was very much leſſened by the means of *King Offa*, who cauſed another Archbiſhoprick to be ſet up in *Mercia*; and the Archbiſhop of *Canterbury* gave his Conſent, ſaith *Matt. Paris*: But his former Juriſdiction was reſtored in the Council of *Cloveſhoe*, *A. D.* 803. by a *general Conſent*. But in the former Council the Eccleſiaſtical Juriſdiction was ſtrenuouſly aſſerted, in theſe Words; *Sicut Reges omnibus dignitatibus præſunt, ita & Epiſcopi in his quæ ad Deum attinent.* And in the latter, there is a ſevere denunciation againſt all *that ſhould leſſen the Honour, or take away the Juriſdiction of that See.*

Spelm. *p.* 296.

p. 324.

From henceforward I find no diminution of the *Archbiſhop's Ordinary Juriſdiction* through the *Saxon Times*. The King had the *Political Supremacy* in him, by which he erected and divided *Biſhopricks*, and nominated *Biſhops*, and ſummoned *Councils*, and confirmed their Proceedings as he ſaw Cauſe; but the *immediate Eccleſiaſtical Juriſdiction* was left to the Archbiſhop of *Canterbury* in the firſt place, and to the reſt of the Biſhops as to any *Publick Acts* which related to *Eccleſiaſtical Affairs*, they were not diſpatched by *particular Commiſſions*, but in the *Parliamentary Aſſemblies*; In which, the Cuſtom was, to begin with what related to the Church, and then to proceed to other Buſineſs. Of this *Ingulphus* gives us an Inſtance in *Ceolnothus* Archbiſhop of *Canterbury*; for in the Parliament Aſſembled at *Kingsbury*, *A. C.* 851. *in Hebdomada Paſch.* (which was chiefly aſſembled *pro Regni negotiis*) yet even then, he propoſed, That *Church Affairs might be firſt diſpatched*; *Divina Negotia debere primitus proponi*; to which they all aſſented. And ſo *Bertulphus* his *Charter* of *Crowland* then paſſed; as *Withlaſius* his did before, at a time when the Biſhops and Nobles attended the King at *London*, to conſult about the *Daniſh Pyrates*, which very much infeſted our Coaſts.

Ingulph. p. 499. *C.*

Thus *Æthelwolfus* paſſed his famous Grant of *the Tenth of all the Lands to the Church, in a Council at* Wincheſter; himſelf, and the *Kings* of *Mercia* and *Eaſt-Angles*, being preſent, and *all the Nobility and Biſhops giving their free Conſent*; as *Ingulphus* relates it. Several others might be produced; but theſe are ſufficient. And the *Saxon Laws* are

Ingulph. ib.

a

a plain Evidence, That *Church Matters* were in thoſe times determined in the ſame Aſſemblies, wherein the other Laws of the Kingdom were paſſed.

In the Reign of King Edward *the Confeſſor.*

C. 5. R. The next Inſtance is of *Edward* the *Confeſſor*, who ſaith in his Laws, That *he is Vicar of the higheſt King, and he is ordained to this end, that he ſhould Govern and Rule the People of the Land, and above all things, the Holy Church, and that he defend the ſame from Wrong-doers, and root out Workers of Miſchief.*

F. Parſons ſaith, *All this was by Commiſſion from the Pope, ſuch as the Kings of* Sicily *had.*

Anſ. to Coke's 5th Rep. c. 5. n. 20. But in my Opinion, this is a very bad Anſwer: For it ſuppoſes Perſons otherwiſe uncapable, to be made capable of the ſame Juriſdiction, which follows Orders, provided they have a Delegation from the Pope: Which is in effect, to confound all Eccleſiaſtical Juriſdiction in any, but the Pope himſelf, and thoſe to whom he commits it. But thoſe who aſſert the *Right* of *Juriſdiction* to follow the *Power* of *Order*, muſt firſt ſuppoſe a Perſon duly qualified, before he can receive from the Pope himſelf the Power of *Eccleſiaſtical Juriſdiction.* If therefore a Prince hath not an inherent Right to it, he cannot receive it by *Commiſſion* from the *Pope.* And the Powers which the *King* of *Sicily* challenges, relating to Eccleſiaſtical Juriſdiction, are either ſuch as other Princes have an equal Right to; or elſe they muſt imply ſuch a proper *Eccleſiaſtical Juriſdiction* as follows the *Power* of *Order*; and then, how can the Pope give the one without the other? Such a Gift is like *an Appropriation of a Benefice with a Cure to a Nunnery*, which the Lord *Hobart* ſaith, is *void in Law*, by reaſon of the incapacity of the Perſons. But the *Supremacy* which our Law gives, is not any proper *immediate ſpiritual Juriſdiction*, like that of Biſhops, but an *Authoritative and Legiſlative Supremacy without any foreign Appeals*, as will appear afterwards. But the *Rights* which the Kings of *Sicily* challenge, are theſe, 1. That *they have the ſame Powers which Legates* à Latere *have, and may judge of the ſame Cauſes, and proceed in the ſame manner with Eccleſiaſtical Cenſures.* 2. That *no Appeal lies from the King's Commiſſioner, even to* Rome *it ſelf*; and it is common to Appeal from the Cenſure of the Biſhop to him. The former is a *Power*, which our Kings never pretended to, by virtue of their *Supremacy*; for it is a *Delegation* of the *Power of the Keys*; which the Legates *à Latere* exerciſe by virtue of their *Function*, as well as their *Commiſſion*: But the *Legal Supremacy* with us, is a *Right to Govern all ſorts of Men by our own Laws, without any foreign Juriſdiction, and that with reſpect to Eccleſiaſtical Matters as well as Temporal.*

Hob. Rep. 1. 148.

But to prevent Miſtakes and Cavils about this Matter, it will be neceſſary to clear the *Notion* of *Supremacy*; as it hath been owned and received in the *Church* of *England.*

And for this we have two *authentic* Declarations of it to rely upon.

The firſt is mentioned, 5 *Eliz.* c. 1. 14. Where the *Supremacy* is declared to be taken and expounded in ſuch form as is ſet forth in the *Admonition* annexed to the *Queen's Injunctions*, publiſhed in the firſt Year of her Reign. And the Words there are, That *the Queen neither doth nor will challenge any Authority, but ſuch as was of ancient time due to the Imperial Crown of this Realm, that is, under God to have the Sovereignty and Rule over all manner of Perſons, born within theſe her Realms, Dominions and Countries, of what Eſtates, either Eccleſiaſtical or Temporal*

poral ſoever they be, ſo as no other foreign Power ſhall or ought to have any ſuperiority over them.

The Second is in the 37th Article, wherein it is declared, That *by the Supremacy is meant, that only Prerogative which we ſee to have been always given to all Godly Princes in Holy Scriptures by God himſelf, that is, that they ſhould rule over all Eſtates and Degrees committed to their Charge by God, whether they be Eccleſiaſtical or Temporal, and reſtrain with the Civil Sword the ſtubborn and evil doers.*

So that *granting* a *Commiſſion* for proceeding by *Eccleſiaſtical Cenſures*, is no part of that *Supremacy* which our Church owns. And thus the Divines of our Church have underſtood it. By the *Supremacy*, ſaith Biſhop *Andrews*, *we do not attribute to the King the Power of the Keys, or Eccleſiaſtical Cenſures.*

Tortura Torti, p. 380.

R. Thomſon, in his Defence againſt *Becanus*, ſaith, *The Supremacy is not to be defined by Eccleſiaſtical Juriſdiction, but by Supream Government.*

Elenchus Refut. Tort. Torti, p. 80.

Becanus urged this as an Argument againſt the King's Supremacy, That *he had no Eccleſiaſtical Juriſdiction.* Dr. *Burrhil* anſwer'd, That *the Supremacy implied many other things; as, the Power of calling Convocations, of confirming Canons, of giving Commiſſions of Delegates, of taking Cognizance of the Miſdemeanors of Church-men, (as well as others) but for proper Eccleſiaſtical Juriſdiction, he denies it to belong to Supremacy.* And after aſſerts, That *the King's Supremacy is preſerved, if he takes care that thoſe who have the Power of Eccleſiaſtical Cenſures do exerciſe them;* and not as tho' it belonged to the Supremacy to give an immediate Power to proceed by Eccleſiaſtical Cenſures, which was not ſuppoſed to belong to it, but a ſupreme Right of governing all ſorts of Perſons by our Laws.

C. Mart. Bec. pro Tort. Torti, c. 21. p. 234.

P. 22. p. 244.

The King's Supremacy in Eccleſiaſtical Matters doth not, ſaith *Maſon*, *imply the Power of the Keys, which the King hath not; but he may command thoſe who have them to uſe them rightly.*

Maſon de Miniſt. Angl. *l.* 3. c. 3. p. 271.

All theſe wrote in King *James* I. his Reign, when the Point of *Supremacy* was throughly ſifted on both ſides. And the King himſelf, who very well underſtood theſe Matters, ſaith, That *the Oath of Supremacy only extended to the King's Power of Judicature, over all Perſons as well Civil as Eccleſiaſtical, excluding all foreign Powers and Potentates to be Judges within his Dominions.* Not as though the King hereby challenged to himſelf a Power of inflicting *Eccleſiaſtical Cenſures* on Perſons; but leaving the *Spiritual Juriſdiction* to thoſe who have *the Power of the Keys*, it belonged to him to exerciſe his *Supreme Authority* over Eccleſiaſtical Perſons and Cauſes, as he did over Temporal. *For*, ſaith Archbiſhop *Brambal*, *our Laws never inveſted the King with any Spiritual Power or Juriſdiction, witneſs the Injunctions of Q.* Eliz. *witneſs the publick Articles of our Church, witneſs the Profeſſions of King* James, *witneſs all our Statutes themſelves.*

Apology, &c. *p.* 263.

Brambal's Works, *p.* 340.

The King of England, ſaith he, *by the Fundamental Conſtitution of the Monarchy, hath plenary Power, without the Licence, or Help, or Concurrence of any Foreign Prelate or Potentate, to render final Juſtice, that is, to receive the laſt Appeals of his own Subjects, without any Fear of any Review from* Rome, *or at* Rome, *for all Matters Eccleſiaſtical and Temporal; Eccleſiaſtical by his Biſhops, Temporal by Judges.*

P. 63.

And thus our Laws were in the right, when they called the Act of Supremacy, Reſtoring the Rights of the Crown; for if we take away all *the Papal Uſurpations as to Appeals, Exemptions of Perſons, Diſpenſations, Proviſions, making Canons, ſending Legates to hold Courts, to call Convocations,* &c. *we may eaſily underſtand what the Supremacy is,* viz. *a Power of Governing all ſorts of Men according to the Laws Eccleſiaſtical and Temporal, without any Foreign Juriſdiction.*

But as in Temporal Matters the King's Supreme Authority is exerciſed in his ordinary Courts, ſo likewiſe in Eccleſiaſtical; which deriving their Juriſdiction from the King as Supreme, his Supremacy is preſerved in the ordinary Eccleſiaſtical Courts: But as to extraordinary *Juriſdiction* that depends on the Legiſlative Power; and whether that be not now taken away by it is the thing in Queſtion.

Having endeavoured to ſet this Matter in as clear a Light as I could, I now return to the Inſtance of *Edward the Confeſſor.*

And thoſe Words of his, as they are in *Hoveden*, ſignify no more than a *general Right of protecting* and *defending the Church*, which is not denied to belong to Kings, where the Pope's Authority is the moſt owned.

I cannot but take notice of a different Reading in the Lord *Coke*'s Copy from all that I have ſeen; for where he hath it, *Sanctam Eccleſiam regat & defendat*; *Lambard*, *veneretur & regat*; but *Hoveden*, *revereatur & ab injuriatoribus defendat*; which is that *Right of Protection* which is allowed by all. The *Spaniſh Lawyers* hold, *That there lies an Appeal to the King's Courts, by his Right of Protection, in caſe of any violent proceedings in the Eccleſiaſtical Courts.* Which *Violences* are ſo many, as make ſuch Appeals ſo frequent and neceſſary, that whole Volumes have been written about them. And this, they ſay, *Is not introductory of a new Law, but only declaratory of a natural Right.* The *French Lawyers* allow *Appeals* from the *Eccleſiaſtical Courts*, *tanquam ab abuſu*; which muſt be founded on an *Original Right* in the King, to defend the Church both from *Injuries* and *Abuſes*. And as to the Church it ſelf, it is fully expreſſed in the Writ *de Excommunicato capiendo*, in the Words, *Quia vero poteſtas Regia Sacroſanctæ Eccleſiæ in querelis ſuis deeſſe non debet.* But ſuch a *Right* of *Protection* and *Aſſiſtance* is different from that of *Juriſdiction*; unleſs it be that which is only Coactive, which is not the Juriſdiction we now enquire into.

Covarruvias Pract. Quæſt. c. 35. *n.* 3.

Salgado de Regia Prot. *part* 1. c. 1. *n.* 23. Paſq. Recher. *l.* 3. c. 33.

But it is moſt conſiderable that King *Edward* ſaith, *He is God's Vicar, and therefore could not look on himſelf as acting by Commiſſion from the Pope.* It is true, that in the third Charter of *Weſtminſter*, there is a *Bull* of *Nicholas* the Second, wherein he *gives to the King and his Succeſſors, the protection and defence of that Place, and of all the Churches of* England, *and a Power in his ſtead to make good Laws, with the Advice of the Biſhops and Abbots:* But I do not find that King *Edward* owned that he acted in theſe Matters by any Commiſſion from the Pope, but from God himſelf.

And this Law, in *Hoveden* and others, overthrows any ſuch pretended *Commiſſion*; and yet the *Pope* himſelf doth not give him a Power to *delegate* his Authority to others, but to act in it himſelf, and that *only with the Advice of Biſhops and Abbots.*

The Point then which was to be proved, was not that the King had Right to protect the Church from Injuries, but ſuch an *inherent Right* of *Eccleſiaſtical Juriſdiction*, which he might *delegate* to others, whether *Biſhops or not*, and impower them to proceed by *Eccleſiaſtical Cenſures* againſt Offenders, ſummoned to appear before them. And the Queſtion now is not, Whether by the *Supreme Legiſlative Power of the Nation* ſuch an *Authority* might not in an extraordinary Caſe be committed to particular Perſons *by Act of Parliament*; but, Whether ſuch an *Act of Parliament* being granted to be taken away, the *King* by the *ancient Law of the Realm* may appoint ſuch *Commiſſioners* as he thinks fit, Laymen or Biſhops, to proceed againſt the King's Subjects by *Eccleſiaſtical Cenſures*?

And this very ſtating of the Caſe as it ought to be, ſhews how impertinent the remainder of his Examples are. But to proceed.

In the Reign of King William *the Firſt.*

In the time of *William the Conqueror*, he only mentions a Caſe out of *Fitz-Herbert*, *That he made an Appropriation of Churches with Cure to Eccleſiaſtical Perſons*, viz. *to a Prebend of the Church of* York. *Now this*, ſaith he, *was agreed by all could not be done without Eccleſiaſtical Juriſdiction.*

It is too common a Fault in ſome great Lawyers, that what they find once ſettled for Law in their Books, they imagine was never otherwiſe. Thus *Appropriations* after *Dioceſſes* were ſettled, being looked on as chiefly the Act of the *Ordinary*, who is to take Care of the whole Dioceſe: From hence they infer, That in all Times an *Appropriation* muſt argue *Eccleſiaſtical Juriſdiction*. But before the *Parochial Rights* were eſtabliſhed, there were many *voluntary Appropiations* made by particular Perſons, who thought there was no more Eccleſiaſtical Juriſdiction in the *Appropriation* of Churches, than in the *Endowments* of them, and in the *Right of Patronage*; only the one is ſettled on a *Spiritual Corporation* as *perpetual Incumbent*, and the other on *particular Perſons in Succeſſion*. It's true, ſince the Acts for reſtoring *Juriſdiction* to the Crown, the Power of *making Appropriations* in the King is ſaid to be from his *Supreme Eccleſiaſtical Authority*, *Grindon*'s Caſe, in 1P. *f.*448. But then we are told, *It was becauſe the Pope, as Supreme Ordinary, had ſuch a power without the Biſhops:* Which Reaſon will not hold as to ſuch times when the Pope was not owned to be *Supreme Ordinary*, as he was not in the *Conqueror*'s Time, the *Canon Law* not being then receiv'd in *England*.

But what a mean Proof is this in ſuch a buſy Time as that of *William the Firſt*, when ſo many great Churchmen were deprived of their Biſhopricks, being *Engliſh*, and the *Normans* put in their Places? Was this done by any Commiſſion from *William* to his great *Lords* and others, to proceed againſt them by *Eccleſiaſtical Cenſures*? Nothing like it. *Stigand*, Archbiſhop of *Canterbury*, (if *Spot*'s Story be true) was too great a Friend to the *Engliſh Liberties* to be endured by him, but he was too great a Diſſembler to ſeem to have any thing to do in it himſelf, and therefore knowing he was of the oppoſite Party to the prevailing Pope, he privately ſends to him, to ſend a *Legate* for that purpoſe, (wherein the Pope and he had their ſeveral Ends) and then in Parliament Time, the King keeping his *Eaſter* at *Wincheſter*, *Stigand* was depoſed, and *Agilmarus*, Biſhop of the *Eaſt Angles*, and ſeveral others, *without any evident Reaſon*, ſaith *Hoveden*, *but only to make way for the* Normans. This was in *Concilio Magno*, ſaith he and the reſt; for *Eaſter* was one of the three Seaſons for the Parliamentary Meeting in the Year; which *William* kept up in Imitation of the *Saxons*, who at *Chriſtmas*, *Eaſter*, and *Pentecoſt*, held their publick Courts, and did wear their Crowns till the Times of *H.* 2. and then they did di-

Hoveden, *f.* 259. 2.

ſpatch Publick Affairs. Thus far he complied with the *Saxon* Cuſtoms, but he had a new Work to do: The Archbiſhop he could not rely upon, and therefore was put to find out a new way, by ſending for a Legate from the Pope to ſerve his turn. And thus *William*, for his own Ends, having ſo hard a Game to play here, called in the Pope's Aſſiſtance, who knew well enough how to draw his own Advantage out of it. But *William* would go no further than his Intereſt carried Ead. *f.* 6. him; for afterwards he declared, *That he would maintain his own Rights which he enjoyed in* Normandy, *viz. That nothing ſhould be done without him in Convocation; no Legate come but as he pleaſed*, &c. But ſtill he ſeemed to let them enjoy their *Saxon* Liberties in Matters of Eccleſiaſtical Proceedings, ſo far as to have them debated in Parliament. Thus the Controverſy between the two Archbiſhops was referred to Parliament, Hoveden, *f.* 263. *the King and the Great Men, as well as the Biſhops, being preſent.* The Controverſy between *Lanfrank*, Archbiſhop of *Canterbury*, and Eadm. *f.* 9. *Odo*, Biſhop of *Baieux*, was referred, ſaith *Eadmerus*, to a *Conventus principum* at *Pinnedenen*; and when the King heard their Reſolution, *cum conſenſu omnium Principum ſuorum confirmavit*, ſaith the *Textus Roffenſis.* He likewiſe confirmed Charters as the *Saxons* had done; that Selden. ad Eadmer. *f.* 165. to *Battel Abby* was *Conſilio Epiſcoporum & Baronum meorum.* But the moſt conſiderable thing he did as to *Eccleſiaſtical Juriſdiction*, was ſeparating the Courts Eccleſiaſtical from the Hundred Courts, by his Charter to *Remigius* and others; *which*, he ſaith, *was granted in a great Council, and by the Advice of the Archbiſhops, Biſhops, and all the Great Men of his Kingdom.* So that ſtill extraordinary Acts relating to Church Matters were paſſed in Parliament by General Conſent.

And what now doth the *Appropriation of a Church with a Cure of Souls* ſignify to prove his Eccleſiaſtical Juriſdiction? When thoſe things in his Time were not brought under ſuch ſtrict Rules as they were afterwards; but *Appropriation* might have been made by any Lay-Perſon, that never pretended to the leaſt Eccleſiaſtical Juriſdiction; and he might as well have brought his demoliſhing ſo many Churches in the *New Foreſt*, for an Inſtance of his Eccleſiaſtical Juriſdiction.

In the Reign of William *the Second.*

In *William Rufus* his time, a great Heat aroſe between him and *Anſelm*, Archbiſhop of *Canterbury*, about owning the Pope, Whether the Archbiſhop could do it without the King's Conſent? The Buſineſs was referred to Parliament, which the King called on purpoſe at *Rocking-* Ead. *f.* 26. *ham*, ſaith *Eadmerus*, who was there preſent; *The Biſhops declared they could not deprive him (as the King would have had them) to whom they* *f.* 30, 31. 38. *had promiſed Obedience.* After which it was again referred to Parliament; but *Anſelm* not yielding, he went out of the Land.

In the Reign of King Henry *the Firſt.*

In the Reign of *Henry* the Firſt, a new Controverſy aroſe between the King and the ſame Archbiſhop about the ancient Right of the Crown, as to *Inveſtiture of Biſhops.* The King calls a Parliament a- Id. *f.* 65, 66, 70. bout it, wherein the *Biſhops and Lords joined with the King.* Afterwards *Anſelm* deſired, *The Advice of the Biſhops and Nobles might be heard at* Eaſter; which ſhews that both Sides referred it to the Parliament.

In his time a Council was called, and ſeveral Canons paſſed, and the
Archbiſhop deſired of the King, That the *Primates Regni* might ſit with 67,
them; that all things might paſs *utriuſque Ordinis concordi cura*, with
the Conſent of both Eſtates. The King afterwards takes the Advantage of
theſe Canons, and proſecutes the Breakers of them, and raiſes Money f. 85,
upon pretence of Forfeitures, to the great Grievance of the Clergy.
Anſelm although then in Disfavour, writes to the King about it, and
tells him, This was a new Method of Proceeding, *becauſe it belonged to* 86,
the Biſhops in their Dioceſſes to call the Clergy to an Account; or if they
neglected, *to the Archbiſhop and Primate.* The King Anſwers, *That his*
Barons were to meet him on Aſcenſion-day, *and by their Advice he would* 90,
give an Anſwer; but upon *Anſelm*'s Return this Proſecution ceaſed. Other
Affairs of the Church were then referred to the Parliament at *Eaſter*,
from thence to *Pentecoſt*, and by reaſon of *Anſelm*'s Sickneſs to *Auguſt*; 91,
and *then the Biſhops, Abbots and Lords of the Kingdom, met in the*
King's Palace at London, *and by Conſent of Parliament, Inveſtiture was*
turned into Homage:

In his time the *Biſhoprick* of *Ely* was erected by the King's Conſent in 95,
Parliament, *Regi, Archiepiſcopo, cæteriſque Principibus Regni viſum fuit*,
ſaith *Eadmerus.* The Conſecration of an elect Archbiſhop of *York*,
was tranſacted in Parliament, *the King adviſing with the Biſhops and* 102,
Nobles about it; for *Anſelm*, before his Death had ſent an *Inhibition* to
the Biſhops, not to Conſecrate him unleſs he made the Profeſſion of Obedience
to the Archbiſhop of *Canterbury:* The Biſhops reſolved to
adhere to *Anſelm*'s Inhibition, and the King yielded. After *Anſelm*'s
Death, the King adviſed with his *Parliament* at *Windſor*, about a 109,
Succeſſor to him; and the Biſhop of *Rocheſter*, at the Requeſt of the
Biſhops, was agreed upon: And the King filled the *Abbies* before
he went into *Normandy*, *conſilio Principum & Epiſcoporum ſuorum.* 110.

In the latter End of *Henry* the Firſt, many Diſputes hapned about
Eccleſiaſtical Juriſdiction, as between the Biſhops of St. *David*'s and
Glamorgan, which were debated in *magno Placito apud London*,
ſaith *Henry* of *Huntingdon:* And *for ſuch Cauſes*, ſaith he, *another* Hen.Hunt. l.7. f. 220. 2.
Aſſembly was held in the beginning of Lent, *and again in* Rogation Week.

In all this time, when the *Norman Kings* aſſerted all the *Rights* of *Sovereignty* with great Zeal, yet they never pretended to appoint any *Commiſſioners* for *Eccleſiaſtical Cauſes*, but ſtill referred them to *Parliament.*

In the Reign of King Henry *the Third.*

The next Inſtance the Lord *Coke* brings, falls as low as the *Time of* Henry *the Third.* The firſt whereof is, *the King's granting a Writ of Prohibition, if any Man ſued in the Eccleſiaſtical Court for any thing, of which by Allowance and Cuſtom, it had not Lawful-cognizance.* But how doth the *King's Power* of *granting Prohibitions*, prove his *Eccleſiaſtical Juriſdiction?* It effectually proves the *King's Right* to preſerve his *Crown and Dignity*, as the *Prohibition* implies; but how doth it hence appear, that the *Eccleſiaſtical Juriſdiction* comes from his *Crown and Dignity?* The contrary ſeems rather to follow, *viz.* That *the Eccleſiaſtical Courts* were held from another Power; but all Matters of Temporal Cognizance did belong to the Crown. There is no Queſtion but ſince the Acts for reſtoring *Juriſdiction* to the Crown, the Supreme Juriſdiction both in the *Eccleſiaſtical and Civil Courts*, is derived from the

Crown. And in whoſe-ſoever *Names* the *Courts* are kept, the *Authority* of keeping them is from the King. For it is declared by Act of Parliament, 1 *Eliz.* 1. 17. *That all Eccleſiaſtical Power is united and annexed to the Imperial Crown of this Realm*; which all Biſhops do own, *in taking the Oath of Supremacy*; and therefore the old Form continuing, can ſignifie nothing elſe againſt *the Law of this Realm* and their own *Oaths*. But as long as the main Points were ſecured by the Laws, there was no neceſſity apprehended of altering the Forms; for, on the other ſide, it was objected, that ſince the Laws, had placed all Juriſdiction in the Crown, it ſeemed as unreaſonable to continue the old Form of Prohibitions *in læſionem Coronæ & Dignitatis Regiæ*; how can this be, ſay they, when the *Juriſdiction Eccleſiaſtical* as well as *Civil*, is owned to be from the Crown? It is ſaid in Anſwer, That, *a Prohibition implies that the thing is drawn into* aliud Examen than it ought to be, and this is *contra Coronam & Dignitatem Regiam*. Why not then as well when an *Eccleſiaſtical original Cauſe* is brought into a *Temporal Court*? for that is *aliud Examen* then, by Confeſſion on that ſide; and if *Eccleſiaſtical Juriſdiction* be derived from the Crown, the *aliud Examen* muſt relate only to *the Court*, and not to *the Crown*. All that I infer from hence is, That the old Forms were thought fit to be continued; and both Parties reconciled them as well as they could to the Laws in force. But the Judges confeſſed, That *although de jure both the Juriſdictions were ever in the Crown, yet the one was ſometimes uſurped by the See of* Rome, which is a plain acknowledgment, that by the Matters of Fact in thoſe times, the *Right* could not be proved; and eſpecially in the times of *H.* 3. when the Pope's Uſurpations here, were at ſo great a height, that the King upon *Writs* of *Enquiry* ſent into the ſeveral Counties, found, That *the Revenues of the* Roman Court, *by Proviſions, Extortions*, &c. *exceeded the Kings*. And the King had ſo little Authority left, that the Pope put Biſhops upon him *Rege penitus irrequiſito*, ſaith *Mat. Weſtm.* ſo that he was ſo far from *Eccleſiaſtical Juriſdiction*, that he had not the *Nomination* of his *Biſhops*, nor ſo much as a *Conſent* to their *Election*, unleſs the Pope thought fit ſometimes to gratifie him in it. For the Pope pretended to the *Right* of *Diſpoſal* of Church Preferments, by Vertue of his *Ordinary Juriſdiction*, which was ſaid to be two fold. 1. *Voluntary*, in the Collation of Benefices. 2. *Judicial*, in the hearing of Cauſes; the former might be done at *Rome*, but the other in the *Ordinary Eccleſiaſtical Courts*. And *Bracton*, who was a Judge in his time, owns the Pope as much to have *the Eccleſiaſtical Juriſdiction*, as the King had the *Temporal*; but yet he adds, That, *if an Eccleſiaſtical Judge did meddle with Matters out of their Cognizance, the King's Prohibition did lie againſt him, and he ought to ſuperſede his Proceedings till it were tryed in the King's Court, to whom the Juriſdiction belonged.* But it is ſtill harder to prove *the King's Eccleſiaſtical Juriſdiction, becauſe the Spiritual Courts were to certifie the Kings Courts, in caſe of Bigamy, Baſtardy, and ſuch like.* For the Queſtion is not about their *Temporal Subjection* to the King in ſignifying the *Sentence of the Court*, but whence they derived their Authority of holding the *Eccleſiaſtical Courts*; over which *Bracton* ſaith, *the Pope had the ordinary Juriſdiction, and the Power to delegate others to execute it.*

Coke 2 Inſt. *f.* 602.

Mat. Weſt. *f.* 320.

Bract. *l.* 5. *p.* 5. *c.* 15.

What doth it ſignifie to the *Kings Eccleſiaſtical Juriſdiction*, *that the Barons of* England *would not receive that part of the Canon Law which concerned the Legitimation of Children born before Wedlock?* For it de-

depended upon the *Barons Conſent*, Whether a Canon of the Church ſhould be made *the Law of the Land* concerning *the Rights of Inheritance.*

In the Reign of King Edward I.

In the Time of *Ed.* I. we may expect ſome brisker Sallies towards the Kingdoms Deliverance from the Pope's Uſurpations, which were thought ſo intolerable even by the *Monkiſh Hiſtorians*, in his Fathers Reign.

What *that Bull* was, *the bringing whereof the Law-Books ſay, was then adjudged Treaſon*, it would have been worth our while to have known. For it is hard to imagine that at that time, the meer *bringing a Bull*, ſhould be ſo Capital a Crime, when ſo many were brought without danger both before and after. But it ſeems by the Certificate of the Judges concerning it (ſtill in the *Tower*) the Matter of it was very prejudicial to the Crown. And it argues no Spiritual Juriſdiction for Princes to examine and refuſe (when they ſee Cauſe) *Bulls that come from* Rome. For this is practiſed in thoſe Countries which profeſs Obedience to the *Pope's Juriſdiction. Covarruvias* affirms it of *Spain*. In *Portugal*, when *John* the Second would have given up that Right to the Pope, *the Eſtates of the Kingdom would not permit him. Peter* the Second, Duke of *Britain* forbad receiving *any Bull before Examination by his Council, under pain of Corporal Puniſhments, and Confiſcation of Goods. Ant. Faber* ſaith, in *Savoy, No Bulls have Authority there, till they are approved by the Senate, and an Appeal lies from them, tanquam ab Abuſu.* Even in *Naples* it ſelf, *Ferdinand* the *Catholick King*, gave a ſevere *Reprimand* to his *Vice-Roy*, for not hanging up a Perſon *who would have executed a Bull without his Authority.* The Letter it ſelf is Publiſhed in the *Jus Belgarum*; where many other things may be ſeen to the ſame purpoſe.

L. Aſſiſ. 30.*E.*3. *pl.* 19. Brook. Tit. *Pr. pl.* 10.

Covarruv. *Part. Q. c.* 35. *n.* 5,6.

Jus Belgar. *p.* 70.

Cod. Fab. ad Tit. Cod. de Appel. ab abuſ. Def. 3, 4.

P. 72.

The Right of Patronage is a Civil Right in Princes as well as others; and therefore *E.* I. without pretending to *Eccleſiaſtical Juriſdiction*, might juſtly puniſh the *Archbiſhop of York* for his obſtinate refuſing to admit the King's Clerk becauſe of a *Papal* Proviſion.

The *Statute of Bigamy* might very well be interpreted in *Parliament*, and yet the King have no *Eccleſiaſtical Juriſdiction.* For it was no more than declaring in what ſenſe a Law ſhould be taken, *i. e.* Whether it ſhould extend to *Bigamy* before the Conſtitution of the *Council* of *Lyons*, or after.

The Act of *Parliament* made at *Carliſle*, 35 *E.* I. againſt *Aliens poſſeſſing Benefices*, is no more than hath been done in Countries where the Popes Juriſdiction is the moſt owned. As in *Spain, Covarruvias* ſaith, *They have Preſcription and pragmatical Sanctions againſt Aliens poſſeſſing Benefices.* The Laws of *Poland*, and many *Edicts* in *France* exclude *Strangers.*

Covar. Prat. Q. 35. *n.* 5. Stat. Polon *p.*207, 208. Pre. de Libertes del'Egliſ. Gal. *vol.*2.*c.*30.

But I ſhall now produce ſome conſiderable *Precedents* in the time of *Ed.* I. to ſhew, that the Proceedings againſt the *Archbiſhops* and *Biſhops* for Miſdemeanors or Contempts, was in Parliament, and not by Commiſſioners (the inferior Clergy being left to the Juriſdiction of their Ordinaries.)

3 *Ed.* I. E. *Warren* complained to the King, That the *Archbiſhop of* Canterbury *had contemned his Orders in not taking off Excommunication from ſome of his Servants*: The King ſends to him to proceed no further againſt the Earl or his Servants *uſque ad Parliamentum*, where the Mat-

ter of Contempt might be debated. But in the mean time the Archbiſhop ſends to the King a true Account of the Matter, and how far he was from Contempt; which is ſtill extant in the *Records* of the *Tower*.

Clau. 7 E. 1. 7 *E.* 1. *John Peckam*, Archbiſhop of *Canterbury*, was ſummoned to *Parliament*, to anſwer to a *Charge of Miſdemeanors* againſt him, for ſome Paſſages in the Council at *Reading*; which he was fain to revoke, and to declare that no Articles there paſſed, ſhould create any Prejudice to the Crown or Kingdom.

8 *E.* 1. The Archbiſhop went about to *Viſit the King's Free Chappels*: The King hearing of it, ſent a Writ to him, to forbear, *uſque ad proximum Parliamentum*; *ut tunc ex unanimi & mutuo conſenſu provideamus quid fieri debeat in Præmiſſis.*

Placit. Parl. 21 E. 1. f. 135. 21 *E.* 1. *John Roman*, Archbiſhop of *York*, was Attached upon a Contempt for Excommunicating the Biſhop of *Durham*, while he was in the King's Service. And after a full Hearing *in pleno Parliamento*, he was condemned, and upon Submiſſion, was Fined to the King four thouſand Marks

28 *E.* 1. A Controverſie aroſe between the King and the Biſhop of *Chicheſter*, about his refuſing to admit a Perſon preſented to a Prebend in the *Free Chappel of Haſtings*; the King ſends his Writ to the Warden of the Cinque-Ports (extant in the Tower among the Writs of that Time) to enquire into this Matter, and to bring an Account *next Parliament, ad quod prædictum Epiſcopum adjornavimus*, are the Words of the *Writ*: And that the Buſineſs was heard in Parliament, appears by the Records. Placit. Parl. 28. E. 1. f. 227.

Clauſ. 31 E. 1. m. 6. 31 *E.* 1. The King ſeized on the *Temporalties* of the Biſhop of *Durham*, upon a Judgment given againſt him in Parliament, for extending his Spiritual Juriſdiction too far; as appears by the Record of the Concord made between the King and him.

In the Reign of King Edward *the Second.*

In the Reign of K. *E.* 2. nothing is produced but the Statute 9 *E.* 2. *for Regulating the Proceedings between the Civil and Eccleſiaſtical Courts.* But how the King's Eccleſiaſtical Juriſdiction is proved hereby, is hard to underſtand. It appears indeed, that the *Eccleſiaſtical Juriſdiction* is allowed and limited by Parliament. *But from hence*, ſaith he, *it follows, that theſe Laws may be called the King's Eccleſiaſtical Laws, or the Eccleſiaſtical Laws of* England.

There is no queſtion but they may: But there is a Difference between Laws, ſo called by *Acceptation and Allowance*; and ſuch as have their whole *Force* and *Authority* from the King. For otherwiſe, where the Pope's Juriſdiction is owned and received, the Pope muſt receive his Authority from the King. But a Liberty to exerciſe Authority, and deceiving Authority are two Things.

In the Time of E. 3. many things are alledged, and to no purpoſe; but yet a ſhort Anſwer will ſerve. If the firſt Inſtance doth hold, *viz.* That *the Sentence of Excommunication by the Archbiſhop, holds againſt the Sentence of the Pope or his Legate*, it only proves that the *Eccleſiaſtical Juriſdiction* here by Law is in the Archbiſhop, and not in the Pope or his Legate. But there may be another Reaſon, mentioned by *Fitz. Herbert*, viz. *That the Certificate of the Archbiſhop might be more authentick than the Seal of a Legate.* 16 E. 3. Tit. E. 1. com. 4.

The ſecond, ſixth, and eighth only prove the *King Supreme Patron*, and a *Right of Patronage* is diſtinct from a Right of *Eccleſiaſtical Juriſdiction*; and ſo it was reſolved in *Grendon's* Caſe, Pl. *f.* 498. *That the King preſents by Lapſe as ſupreme Patron*, and not as *ſupreme Ordinary*: For this belongs to him as King, the Land on which Churches are built being originally held of him; and this *Right* the King enjoyed when the Pope was owned to be *Supreme Ordinary*. But in the Caſe of his own *free Chapels*, *Fitz-Herbert* ſaith right, *That in Caſe of Lapſe by the Dean, the King preſents as Ordinary*, the Archbiſhop and Biſhop having no Authority there as Ordinaries.

The third, fourth and fifth are about *Exemptions from Epiſcopal Juriſdictions granted by the King*, eſpecially in his own *free Chapels*, which are only viſitable by *Commiſſion* from the King. But this very Pretence of *Exemptions* from *Epiſcopal Juriſdiction* was founded upon the Belief of the Pope's being *Supreme Ordinary*; for exempt Places were not ſuppoſed to be free from all *Ordinary Juriſdiction*, but from that of *Inferior Ordinaries*, being immediately ſubject to the Pope. A *Biſhop*, by the *Canon Law*, may grant an *Exemption* from his *Right* of *Juriſdiction*, but not from his *Right* of *Viſitation*, but the Pope from both. And in the Grant of *Exemption* the immediate Subjection to the Roman See is expreſſed. As to the *King's free Chapels*, their *Exemption* was by an *expreſs Bull of* Innocent *III.* to King *John*; and in the Caſe of the *free Chapel of St.* Martins, *Henry* III. granted a *Prohibition*, wherein it is inſerted, *That it was a free Chapel*, & ab omni Juriſdictione Epiſcopali per Sedem Apoſtolicam exempta. And 45 *Hen.* 3. in a *Prohibition* concerning the *free Chapel of* Wolverhampton, the Grant of *Innocent* III. is repeated. Lomed. de exempt. c. 3. n. 7. Chart. 16. Joh. m. 9. Pat. 22. H. 3. m. 10.

The Right to extra-parochial Tithes is *proviſional*, and not by way of *Inheritance*; and ſo it may belong to the King, although he have no *Eccleſiaſtical Juriſdiction.*

As to the ſevere Proceeding about Bulls from Rome, I have given an Account of that already in *E.* 1.

The anointing of Kings proves no more their Capacity of *Spiritual Juriſdiction*, than it proves the *Kings* of *Iſrael* to have been *High-Prieſts*.

There is no doubt *the Eccleſiaſtical Courts may be limited by the Laws of the Land*; and there are ſome Cauſes which belong to them not originally of a Spiritual Nature, but they have been a long time poſſeſſed of them by *Cuſtom*, and are allowed by Law; which is well expreſſed in 24 *Hen.* 8. *c.* 12. where it is ſaid, *That all Cauſes Teſtamentary, Cauſes of Matrimony and Divorces, Rights of Tythes, Oblations, and Obventions, (the Knowledge whereof, by the Goodneſs of Princes of this Realm, and by the Laws and Cuſtoms of the ſame, appertaineth to the Spiritual Juriſdiction of this Realm) ſhall be determined within the King's Juriſdiction and Authority.*

It doth not ſeem probable, *That the King by his own Authority would remove Secular Canons, and put in Regular*; when *Hoveden* ſaith, in the ſame Caſe, *H.* 2. *did it by the Pope's Authority, and with the free Conſent of the Parties.* Hoveden, f. 320.

The *Statutes of Proviſors* were excellent Statutes; but are ſaid to be enacted for the Good and Tranquility of the Realm, which no doubt the King and his Parliament were bound to take Care of. But they prove no more *Eccleſiaſtical Juriſdiction*, than the *Pragmatick Sanctions* of *Lewis* IX. and *Charles* VII. in *France* did, which were of the ſame nature.

The following Inſtances in other Reigns, are many of them of the ſame kind with thoſe already anſwered; but what ſeems to have any new Force ſhall be conſidered.

In the Reign of King Henry *the Fourth.*

2 *H.* 4. *c.* 15. is urged to prove, *That the King, by Conſent of his Parliament, did direct the Proceedings of the Spiritual Courts in Caſes of Hereſy, and other Matters more Spiritual*; but it is evident by the *Act* it ſelf, That the *Spiritual Juriſdiction* was left wholly to the Ordinaries, and only an *Inforcement* of it by the Civil Power was added by the Law then made; for the Words are, *Whereas the Dioceſans of the ſaid Realm cannot by their Juriſdiction Spiritual, without Aid of the ſaid Royal Majeſty, ſufficiently correct*, &c. *Therefore a Power to Impriſon and Fine was given to the Ordinaries*; who might before have proceeded by *Eccleſiaſtical Cenſures*: but theſe being contemned by them, the *Ordinaries* called in the *Aſſiſtance* of the *Civil Power*. If there had been a Power before to have proceeded againſt *Hereticks* by *Common Law*, when convict by their Ordinaries, I cannot ſee any Reaſon why that Law ſhould be made. *In Caſe of Apoſtacy*, i. e. Renouncing Chriſtianity, *Bracton* ſaith, *the Perſon convict is to be burned*; and he inſtanceth *in the Deacon who turned Jew, in the Council of* Oxford: And *Fleta* ſpeaks only of *Apoſtates, whether Clerks or others*, and thoſe are the *Miſcreants* in *Briton*; and in *Horn*, *Hereſy* was then the ſame with *renouncing Baptiſm, or turning Jew or Turk, or uſing Sorcery*. But after *Wickliff*'s *Time*, the *Ordinaries* enlarged the Notion of *Hereſie*, and took upon themſelves to be ſole Judges in it; and for all that I can ſee, the Act 2 *H.* 4. owns this to be part of their *Spiritual Juriſdiction*. And this is one Reaſon alledged for the Repeal of this Act, 25 *H.* 8. *c.* 14. becauſe there is no Declaration of *Hereſy* made in it, but it is left to the Judgment of the *Ordinary*. And therefore this Act was ill thought upon to prove the King's *Eccleſiaſtical Juriſdiction*.

Bract. *l.* 3. *c.* 9. *n.* 2. Flet. *l.* 1. *c.* 29. *n.* 7. Brit. *c.* 9. Horn. *ch.* 2. *Sect.* 22.

In *Henry* the Seventh's time the King is ſaid to be *perſona mixta, becauſe he hath both Eccleſiaſtical and Temporal Juriſdiction*. But this Argument is drawn only from ſome occaſional Talk, mentioned in the Year Books, 10 *Hen.* 8. 18. *Brian* ſaid, That a ſage Doctor of Law ſaid one time to him, That Prieſts might be tried at Common Law, *Car il dit, quod Rex eſt perſona mixta, car eſt perſona unita cum ſacerdotibus ſaint Eglyſe*. If all this be granted, it proves no more, than that the King hath Juriſdiction by his Law over Eccleſiaſtical Perſons; which is not diſputed.

CHAP.

CHAP. III.

Whether the King's Supremacy by Law extends to the Diſpenſing with Laws; Of the Nature and Original of the Power; The Inconſiſtency of ſuch a Diſpenſing Power *with the Frame of our Government.*

HAving thus far proceeded in clearing the ancient *Legal Supremacy*, I am now come to an Inſtance of greater Weight and Difficulty, and which will therefore require more Pains and Care in the Examination of it, *viz.*

11 *H.* 7, 12. *By the Eccleſiaſtical Laws allowed within this Realm, a Prieſt cannot have two Benefices, nor a Baſtard can be a Prieſt; but the King may by his Eccleſiaſtical Power and Juriſdiction diſpenſe with both theſe, becauſe they be* mala prohibita, *and not* mala per ſe.

Here we are to enquire into theſe things.

(1.) How far the King's *Power* and *Juriſdiction* did extend in the Caſes mentioned.

(2.) How far the Reaſon here given will juſtify a *Power* of *diſpenſing* with Laws.

(1.) As to the Caſes here mentioned; there is no doubt but the *Canoniſts* made the *Power* of *Diſpenſing* in theſe to be an Argument of the *Pope's Supremacy*, or the *Plenitude of his Power*: But doth it hence follow, That what Princes did to their own Subjects, as to the qualifying them for a *Legal Poſſeſſion* of *Benefices*, muſt argue a *Supremacy* in them over Eccleſiaſtical Perſons and Cauſes? And there is difference to be made between not receiving the *Pope's Canons* in particular Caſes, and a *Power* of *diſpenſing* with *Eccleſiaſtical Laws.* If the Law were ſo then, as is noted by *Fineux*, in 11 *H.* 7. 12. the plain Conſequence is, That the contrary were no part of the Eccleſiaſtical Laws allowed within this Realm. As in the famous Caſe about the Canon Law concerning Baſtardy, when the *Barons* ſaid, *Nolumus leges Angliæ mutari*; No Man can ſay, That the *Barons diſpenſed* with the Pope's Eccleſiaſtical Laws; but that they refuſed to execute them; for, as it is well obſerved in *Standiſh's Caſe*, in *Kelway's Reports*, 7 *H.* 8. *Eccleſiaſtical Laws have no force, where the General Practice hath been contrary.* If this were no more than a private Opinion of *Fineux*, of what he thought the King might do, altho' there were no Precedent for it, then it ſignifies little; but if from hence it appears what the *Common Law* of *England* was, then it follows, That this was not received at that time for the *Eccleſiaſtical Law* of this Kingdom. And ſo *Hobart* in *Colt* and *Glover's* Caſe underſtands it, *f.* 147. for he produces this as an Inſtance, *That the Crown always kept a poſſeſſion of its Natural Power*: And to this he adds, *a power of Commendam, or retaining a Benefice with a Biſhoprick*, 11 *H.* 4. 60. This he calls *a Power of Diſpenſation in Spiritualibus*: But with ſubmiſſion to two ſuch great Men in the Law, *If the Crown always kept a Poſſeſſion of theſe Rights*, there could be no *Diſpenſation* with the *Eccleſiaſtical Law* in theſe *Matters*, but an *Excluſion* of it.

C. 12. q. 2. n. 46, 37.

As for Inſtance, The *Kings* of *France* do challenge many *Privileges* to themſelves in their Kingdoms, in plain *Derogation* to the *Canon Law*; and for theſe *Privileges* they plead an *ancient Right* of the *Crown*, or an *immemorial Cuſtom*: As in the great Controverſy of late Years, about the *Regale*, the Canon Law is expreſs, *That upon Pain of Excommunication, no Lay Perſon whatſoever ſhall preſume to meddle with the Profits of vacant Biſhopricks*; which was decreed by two Popes in ſeveral Councils; *Urban* II. in a Council at *Auvergne*, MXCV. and *Innocent* II. in a *Lateran Council* MCXXXIX. both entred in the Body of the Canon Law: And yet the *Kings* of *France* inſiſt to this Day on the *Rights* of *vacant Sees*, as belonging to them. But can this be pleaded as a *Diſpenſing* with the *Eccleſiaſtical Laws* allowed in that *Realm?* No; but that this part of the *Eccleſiaſtical Law* was not received there; for that partly by the *Feudal Right*, partly by the *Right of the Crown*, partly by *immemorial Cuſtom*, the Profits of vacant Biſhopricks accrue to the King.

C. Clerici. de Judiciis. C. cum terra de elect. C. 1. & ult. de Conſuet.

It is a harder Point to defend the *Regale*, where the Cuſtom hath gone along with the Canon; but if the Rights of the Crown be defended in *France* againſt *Cuſtom* and *Canon* too, our Kings cannot be blamed for reſuming other *Rights* after ſo long Uſurpation by the Popes. But where the *Canon Law* was not receiv'd in any part of it, there it hath no Force to oblige; and where there is no Eccleſiaſtical Law in Force, there can be no *diſpenſing* with it; for although the latter Canon Law doth void all *Cuſtoms* againſt the *Liberties* and *Privileges* of the Church, *Non debet in hac parte Canonibus, ex aliqua conſuetudine præjudicium generari*, yet when theſe Canoniſts come to explain it, they tell us, *That an immemorial Cuſtom hath Force againſt a Canon*; but how? Not *as a Cuſtom, but as it is a Proof of an ancient Privilege granted by the Pope*, although there be not the leaſt Footſteps of it: And ſo this Inſtance of *H. 7.* will prove, according to this Way, only ſome ancient Privilege our Kings had, and no *Eccleſiaſtical Juriſdiction* by the Right of the Crown.

But whether the King could *diſpenſe* with the *Eccleſiaſtical Laws* in theſe Caſes or not, it is certain the Pope challenged to himſelf the *Power* of doing it.

For after that the Third Council of *Lateran* had ſtrictly forbidden Pluralities (which were then ſo common and ſcandalous) upon pain of Forfeiture, *Innocent* the Third complained in the Fourth *Lateran*, That *he ſaw little or no Benefit come by that ſevere Canon*; and therefore he ſeems to make one more ſevere, That *Whoſoever takes another Benefice, ſhall be deprived of the former* ipſo jure; *and if he ſeeks to keep it, to loſe the other.* Yet after all, this ends only in the *Pope's Power to diſpenſe as he ſaw Cauſe, with Perſons of greater Rank or Merit, and greater Preferments.*

De Multa de Præbend.

The Words are, *Circa ſublimes tamen & literatas Perſonas, quæ majoribus Beneficiis ſunt honorandæ, cum ratio poſtulaverit, per Sedem Apoſtolicam poterit diſpenſari.* Here the diſpenſing Power is fairly owned in the Canon it ſelf.

And in the other Caſe, of the *Incapacity of Prieſthood by Illegitimation*, the ſame ſtout Pope declares, That it was in his *Power* to diſpenſe with that too.

C. innotuit de Elect.

The Caſe was this; The Church of *Worceſter*, upon the Vacancy of the See, had choſen the Arch-Deacon of *York* for their Biſhop; he comes to the Archbiſhop of *Canterbury* for Confirmation; but ſecretly confeſſes to him his *Illegitimacy*; (which came to the Pope's Ear.) Upon Application to the Pope for his Confirmation, he demurs upon it. He could not deny that he had all other Qualifications: But there was a Canon of the former *Lateran Council*, which voided the Election of all *Perſons Illegitimate.* So then the Buſineſs is at at end. Not ſo neither. *His Predeceſſor could not hinder him from Diſpenſing in this Caſe*; *who had equal Power with himſelf. And there were many Reaſons to induce him to grant him a Diſpenſation.* Why then did he not give one? There was ſomething elſe to be done firſt. The *Diſpenſing Power* muſt be owned by the Church of *Worceſter*: And therefore they muſt firſt intreat the Pope to *Diſpenſe* with him, by a humble Supplication; and then expect his Favour by *Poſtulation.* And ſo, for the preſent he voids his Election.

Matt. Paris takes particular Notice, That in the Publication of the *Decretals* by *Gregory* 9. *This Power of Diſpenſing in theſe two Caſes*, was looked on as a *great Innovation*; but ſuch as brought great Advantages to the *Court* of *Rome*.

Mat. Paris, ad *A. D.* 1235.

And the ſame Pope, ſaith *Matt. Weſtminſter*, voided the Election of *John Bloud* to the See of *Canterbury*, *becauſe he had enjoyed two Benefices with Cure of Souls*, *without a Diſpenſation*, And *Stephanus de Segrave* obtained, he ſaith, *of that Popes Nuncio here*, *a Diſpenſation of* Tot quot; *but it came to nothing by his Sons Death.*

Matt. Weſtm. ad *A. D.* 1233.

Here we ſee a Power of *Diſpenſing* with *Eccleſiaſtical Laws*, publickly owned and entred in the Body of the Canon-Law; and that by virtue of the *Plenitude of the Pope's Power*, which could not be bounded by the Canons of the Church, nor by the Laws of his Predeceſſors; nor by the ſolemn Profeſſion every Pope makes at his Entrance, to preſerve inviolably the Canons and Conſtitutions of his Predeceſſors.

This made ſo great an Alteration in the State of the Church, that it is no wonder great Complaints were made of it; conſidering that the Conſequence of ſuch a Power, could be nothing leſs than a ſubverſion of all Orders, and Canons, and Privileges; for there could be no Security of any of them any longer than it conſiſted with the Pope's Pleaſure.

Hence came all the Complaint of *Non-obſtante's*, by the *whole Engliſh Nation in Parliament*, *That by their means Oaths*, *Cuſtoms*, *Charters*, *Grants*, *Privileges ſignified nothing*; for the Pope could Diſpenſe with his own *Oaths* and *Promiſes*, as well as other Mens; and ſo there could be no Truſt in any thing he ſaid or promiſed in never ſo ſolemn a manner. Which is an effectual courſe to overthrow any Government in the World. And it is a wonder, that after ſuch groſs and avowed Violations of the moſt ſolemn Engagements, Mankind did not renounce all kind of Society with him: For that is founded upon Truſt in Compacts and Promiſes; and if thoſe may be diſſolved at Pleaſure, there is no foundation of mutual Society left; there being no reaſon to expect the Performance of that from others, which they do not think themſelves obliged to do. And ſo ſuch a Power of Diſpenſing with *Obligations*, naturally tends to a Diſſolution of Government. For it is ſinking the main Pillars on which the whole Fabrick ſtands; which will tumble down ſooner or later, upon the heads of thoſe who do it.

Mat. Paris, *A.D.* 1246. *p.* 649. *A.D.* 1251. *p.* 818.

But

Mat.Paris, A.D.1253. p.873.Lib. Diurnus Pontif.30.

But the great Argument then was, That *Supreme Power cannot be bound*; and therefore the Popes pleaded, whatſoever Canons or Laws their Predeceſſors made, they could not tie up them; becauſe *Par in Parem non habet imperium*: So we find *Innocent* 3. argued in the Canon-Law. And to the ſame purpoſe *Matt. Paris* ſaith, That his Succeſſor *Innocent* 4. did. But they did not attend to their own Profeſſions, ſtill extant in the *Liber Diurnus*, wherein they did declare in the moſt ſolemn manner, That *they would maintain the Canons and Conſtitutions of their Predeceſſors*. Which was an abſolute Bar to all *Non-obſtante's*, if they acted upon Principles of common Honeſty among Men.

But beſides this, in *Privileges granted to others* upon valuable Conſiderations (which the Popes took care of) the Perſons to whom they are granted, become Parties, and have a real Intereſt in them; ſo that they become of the *Nature* of *Contracts*; which cannot be broken without plain Injuſtice, and diſſolving that Obligation between them.

Ferrand. Vaſq. Cont.Fret. l.3.c.51.n. 2. Pet. de Marca, de Concord. Sacerd. & Imperii, l. 3. c. 10. n. 2.

It is agreed by the moſt Learned and Judicious Lawyers, That *when Grants or Promiſes do paſs into the Nature of Contracts, they are irrevocable by the Parties that made them.* And this the beſt *French* Canoniſts do plead againſt the Pope's Power of revoking the *Gallican Liberties*, ſuppoſing them at firſt to have come from the Pope's Condeſcenſions to them. And the ſame Reaſon will hold as to other Liberties.

But here lies the main Difficulty, to ſhew, When *the Grants that are made by Superiors, do paſs into the Nature of Contracts*; ſo that they cannot be *Revoked* or *Diſpenſed with.*

The ſhort of it is, When they are rather *Capitulations* than *Laws*. For *Laws* are properly the Commands of thoſe who have Authority to oblige; and the Reaſon of the Obligation is drawn from the *Authority* of the Perſons: But Capitulations proceed upon Conſent of Parties having differing Intereſts; and theſe among private Perſons, are called Contracts; and no one queſtions, but that ſuch all Men are by natural Juſtice bound to perform.

But the Popes inſiſted on the *Plenitude of their Power*; and a Queſtion is put among the Canoniſts, and variouſly debated: Whether *if the Pope ſwear to ſome things in the Conclave, as that he will hold a General Council within ſuch a Time, he can Diſpenſe with himſelf, or not?*

Some ſay, he is guilty of Perjury, and cannot abſolve himſelf, although he ſhould apprehend that a greater Good would come by not keeping it. For that both *Pope and Emperor are bound by their own Contracts*; the keeping of them being a part of *Natural Juſtice*, which no *Plenitude of Power can Diſpenſe with*; ſince all Contracts give a Right to the Perſons with whom they are made; inſomuch, that *Baldus* his Authority is cited by them for theſe Words, *Contractus qui fiunt cum Principe, habent naturam bonæ Fidei contra Dominum*; and he goes ſo far as to ſay, That *the Sovereign Power is ſo obliged by the Contracts made by Princes with their own Subjects, that they are not revocable by themſelves or their Succeſſors: And if they were not obliged by their own Contracts, no Man could truſt them; and conſequently all Society with them, would be diſſolved.* And whatever Supreme Power may do, as to ſuch Acts as are properly its own, yet where there is *Jus quæſitum alteri* (as in all Contracts there is) that cannot be taken away by it.

Baldus, in c. 2. §. Si quis vero de Pace Conſt. In. l. Digna vox. In l. 1. F. De Conſt. Princip. Jacobat. De Conciliis, l 7. f. 310. C.

But all this was anſwered on the other ſide, by the Plenitude of the Pope's Power; for it was a Contradiction, they ſaid, to own that, and to ſay, That *there was any Engagement by Oath, or otherwiſe, which he could not Diſpenſe with.* For, as *Hank.* 11 *H.* 4. 37. ſays, *Papa omnia poteſt.* And therefore all ſuch Oaths and Promiſes as limit the Pope's Diſpenſing Power, are void in themſelves. And as to *Eccleſiaſtical Laws* or *Conſtitutions*, they eaſily reſolved all Difficulties about them, upon ſuch Principles as theſe.

Hob. R. f. 146.

1. That *the Popes have the ſupreme Power in the Church.*
2. That *the Eccleſiaſtical Laws were the Pope's Laws.*
3. That *it is an inſeparable Prerogative in the Pope to Diſpenſe with Eccleſiaſtical Laws upon Neceſſity and urgent Occaſions.*
4. That *the Pope is the ſole Judge of that Neceſſity.*
5. That *this was not a Truſt given to the Pope by Councils or Conclaves, but by God and St.* Peter, *and therefore cannot be taken away from her.*

But I ſhall endeavour to give a clearer Light into this Matter, by ſhewing the ſeveral Steps and Degrees how this *Diſpenſing Power* came into the World, and how it paſſed from the Eccleſiaſtical to other Laws, when Princes aſſumed ſuch a Plenitude of Power in *Civils*, which the Popes practiſed in *Eccleſiaſticals*.

The firſt time we read of *Diſpenſations* was with reſpect to the Ancient Canons of the Church; and it implied a *Relaxation of the Rigour of them*; not with reſpect to their Force or binding Power, but as to the Penance which Perſons were to undergo for the Violation of them. And herein the Notion of *Diſpenſing* was very different from what the Canoniſts made it afterwards, when they declared it to be *a Relaxation of the Law it ſelf*; ſo that it ſhould not have that Force upon the Conſcience which it otherwiſe had: For, a Diſpenſation with them, is *a Licence to do that which they cannot lawfully do without it*; and that with a *non-obſtante* to that which otherwiſe makes it Unlawful. *De Jure illicitum fit ex Diſpenſatione licitum, & hic eſt proprie effectus Diſpenſationis*, ſaith *Pyrrhus Corradus*; who gives a large Account of the Practice of *Diſpenſations* in the Court of *Rome*, which conclude with a *non-obſtante* to any former Conſtitutions or Canons of Councils: But no ſuch thing can be found in the Ancient Practice of the Church, becauſe the Popes themſelves were then believed to be under the Canons. But when it was ſuppoſed, That the ſevere Execution of the Canons would rather hinder than advance the Good of the Church, the Governours of it thought they had ſufficient Authority to abate the rigorous Execution of them: As about the *Times* of *Pennance*, the *Tranſlation* of *Biſhops* from one See to another, the *Intervals* of *Orders*, and ſuch like. But the Popes then pretended to be ſtrict Obſervers of the Canons, when the particular Biſhops took upon them to Diſpence with the Execution of them; as appears by *Ivo*'s Preface to his *Collection of Canons*, where he diſtinguiſheth the Immoveable or Moral Precepts from the Canonical; which he calls Moveable. In the former, ſaith he, *no Diſpenſation* is to be allowed; *But in thoſe things which only concern* Diſcipline, *the Biſhops may diſpenſe, provided there be a Compenſation*, i. e. That the Church's Intereſt may be better ſecured or advanced thereby, as he there diſcourſes at large; And his Rule is, *Ibi Diſpenſatio admittenda eſt, ubi rigor periculoſus eſt*: But by this means the Severity of the Primitive Diſcipline was quite loſt.

C. 1. *q.* 7. *ſect.* niſi rigor.

Praxis Diſpenſ. Apoſtolicarum Auctore Pyrrho Corrado.

C. 7. *q.* 1. *c.* Petiiſti.

Ivo. Epiſt. 236.

The Biſhops of *Rome* obſerving this, thought it a proper time for them to appear zealous for the ancient Canons, which gained them a great Reputation in the World; and by this means the Cuſtody of the Canons was looked on as their particular Province: Which they improved ſo well, that at laſt they turned the Guardianſhip of the Canons into a Power over them; and then they found Fault with the Biſhops Diſpenſing with them, for another Reaſon, *viz.* Becauſe the Diſpenſing Power was a Prerogative of the *Roman See*, and inferiour Biſhops could act no farther in it than they had Authority from it.

Bernard de conſider. ad Eugenium, *l.* 3.

We find that in St. *Bernard*'s time, the Pope did take upon him to Diſpenſe too far, to his great Diſſatisfaction; for *by his Diſpenſing Power*, he ſaith, *he overthrew the Order of the Church*; Murmur Loquor, *ſaith he*, & querimoniam Eccleſiarum. The Pope diſpenſed with the *Eccleſiaſtical Laws*, in *Exemptions of Abbots and others from that Subordination* they ſtood in to their proper Superiors: He ſaith, *He could not ſee how this Diſpenſing Power could be juſtified: You do indeed ſhew a plenitude of Power, but it may be not of Juſtice; you ſhew what you can do, but it is a Queſtion whether you ought or not; and you ought to conſider, firſt, Whether it be lawful; then, Whether it be decent; and laſtly, Whether it be expedient.* At laſt, he allows a *Diſpenſing Power* in two Caſes, *Urgent Neceſſity, and Common Good*; otherwiſe he ſaith, It is not *fidelis Diſpenſatio, ſed crudelis Diſſipatio,* an overthrow of all Order and Government. In one of his Epiſtles he ſpeaks ſharply againſt getting a Diſpenſation to do that which it was not lawful to do without one: And he thinks he hath diſproved it by invincible Reaſon, for a Licence from the Pope can never make that Lawful, which without it were Unlawful.

Bernard. *Epiſt.* 7.

When the Practice of the *Diſpenſing Power* grew more common, there were two great Queſtions raiſed concerning it; whether if a *Diſpenſation* were granted without *Juſt Cauſe*, it were *Lawful* or not? And whether if it were not *Lawful*, yet it was *valid?* There were ſome who flattered the *Diſpenſing Power* ſo much, that they allowed it in all Caſes, whether there were a juſt Cauſe or not: Theſe were the high flown Canoniſts, who reſolved all *Laws* into Will and Pleaſure: But others, who allowed a *Diſpenſing Power* upon a Juſt Cauſe, yet thought it repugnant to the Original Deſign of Government, for thoſe who are entruſted with Care of the Laws to Diſpenſe with them, without ſuch a Cauſe as anſwers the End of Government: And ſome went ſo far, as to deny any Validity in a Diſpenſation granted upon Pleaſure; for as an unjuſt Law hath no Force, ſo, ſaid they, an unjuſt Diſpenſation of a Good Law hath none.

Suarez de legibus, *l.* 6. c 18, 19. Vaughans. Suar. *c.* 18. *n.* 6.

Upon this Point two great School-men differ. *Suarez*, whom the Lord Chief Juſtice *Vaughan* commends for his Learning in this Matter, goes upon theſe Grounds,

1. That a Prince is not *Dominus, ſed Diſpenſator Legum*; although the Force of a Law depends upon his Authority; and therefore in Diſpenſing with a Law he doth not Act by *Abſolute Power*, but by *Adminſtration:* For he is not *Lord over the Community*, but *Governour*.

n. 26.

2. That for him to *Diſpenſe* in a Law made for the *Community*, without a *juſt Cauſe*, is not only *malum quia prohibitum*, *ſed ex ſe, & ex natura rei & ſemper malum:* Therefore *Suarez* was far from thinking a Prince might Diſpenſe with any thing that was not *malum in ſe*; for he makes

makes it to be ſo, for him to diſpenſe with a *malum quia prohibitum*, if it be prohibited by a Law made for a publick Good, and there be no juſt Cauſe for it.

3. That although a Prince ſins in *diſpenſing* with ſuch a Law, yet his *Diſpenſation* holds as to the *Force* of the *Law*; which he ſuppoſes to depend *on the Will of the Prince*; and therefore his Will being altered, the Obligation ceaſeth as to the Perſons diſpenſed with. C. 19. *n.* 6.

4. That altho' ſuch a *Diſpenſation* holds as to the Law, yet he thinks a Prince bound in Conſcience to *revoke* ſuch a *Diſpenſation*, becauſe it is unlawful for him to perſiſt in ſuch a Will, it being repugnant to the *Common Good*, and the *Obligation* of his *Duty*. *n.* 9.

5. That if ſuch a *Diſpenſation* be to the Injury of a third Perſon, then it is void in it ſelf, as being repugnant to *Juſtice*. *n.* 10.

Vaſquez ſaith, *They are all agreed, That no Prince hath a Power to diſpenſe with his Laws according to his Pleaſure*, or *becauſe they are his Laws:* But he ſaith, *There is a Diſpute, Whether an unlawful Diſpenſation be valid or not? And he thinks not; and that a Man's Action after the Diſpenſation is as faulty as if there had been none.* His Reaſon is, *Becauſe a Prince is bound by his own Laws, ſo that he cannot diſpenſe with himſelf as to the Obligation of them; for if he could at Pleaſure diſpenſe with himſelf, he could never be bound; for how can a Man be bound to keep a Law, in which he can diſpenſe with himſelf when he pleaſes? And if he cannot diſpenſe with himſelf, much leſs with any under him.* Vaſq. 1. 2. Diſp. 178. c. 4. *n.* 34.

Having thus endeavoured to clear the *Nature* and *Original* of the *diſpenſing Power*, I now come,

(2.) To the *Reaſon* aſſigned by Sir *E. Coke*, from the *Year Books*, why the King may diſpenſe with Laws, becauſe they be *mala prohibita*, and not *mala per ſe*.

My Lord *Vaughan* ſaid right concerning it, *That this Rule had more confounded Mens Judgments on this Subject than rectified them.* Vaugh. R. *f.* 332.

Which I ſhall make appear by ſhewing,

I. That it alters the Frame of our Government.

II. That it takes away all Security by Law.

III. That it contradicts the Senſe of our Nation in former Ages.

IV. That the Rule is contrary to the Precedents in *Law*.

1. That it alters the Frame of our Government.

For it goes upon a very falſe Ground, *viz. That the King may diſpenſe with any thing which is not evil in its own Nature, or antecedently to any Human Laws*; which is to ſuppoſe the whole *Legiſlative Power* to be lodged in the Perſon of the King.

For all who underſtand theſe Matters do agree, That a *Power* to *diſpenſe* with *Laws*, is the ſame with a *Power* to *make* them.

Diſpenſare, hoc eſt, lege ſolvere is ſolus poteſt, qui ferendæ abrogandæq; legis poteſtatem habet, ſaith *H. Grotius*. Grot. de æquit. Indulg. & facilitate, *c.* 2. *n.* 10.

Suarez ſaith, He hath the Power of *diſpenſing, qui legem tulit, quia ab ejus voluntate & potentia pendet.* Suarez de leg. *l.* 6. *c.* 14. *n.* 2.

Vaſquez, That the diſpenſing Power lies in him, *qui habet poteſtatem condendi & abrogandi legem.* Vaſquez 1, 2 diſp. 178. c. 2.

Pufendorf, *That none can diſpenſe with a Law, but ſuch as have the Power of making it.* Pufendorf de jure naturæ, & gent. *l.* 1. *c.* 6. *n.* 17.

But we need no Authorities in this Matter: For to *diſpenſe* (in the Senſe it is here taken) *is to take away the Obligation of a Law*; and whoever takes it away, muſt have the Power of laying it on. And there is no Difference between the *Diſpenſation* with a Law, and the *Abrogation* of it; but that a *Diſpenſation* is an *Abrogation* of it to particular Perſons, while others are under the Force of it; and an *Abrogation* is a *general Diſpenſation*, that being no more than a *Relaxation* of the whole Law, to thoſe Perſons who were bound by it before: But if a part of the Law be taken away, as to the whole Community, then it is called a *Derogation* of it; but if the Law be *relaxed* only for a limited Time, and under certain Conditions, then it is not an *Abrogation*, but an *Indulgence* or *Suſpenſion* of the Law.

To *diſpenſe with a Law* is more than to give an *equitable Senſe*, or a favourable Interpretation of a Law; for he that *interprets* a Law, ſuppoſes his Interpretation to agree with the Senſe and Deſign of the Law; he that *diſpenſes*, owns that which he diſpenſes with to be againſt the Intention of the Law, but that he hath *Power* to take away the *Force* of it, ſo far as he thinks fit.

He that ſaith, *Thou ſhalt not kill*, doth not reach to Legal Executioners of Juſtice, *interprets* the Law according to *Reaſon* and *Equity*: But when *God* ſaid to *Abraham*, *Go and ſacrifice thy Son*, he muſt be ſuppoſed, by virtue of his *Supreme Authority*, to *diſpenſe* with the Law in his Caſe, ſo as to make that lawful upon his Command, which would not have been ſo without it.

Some will not allow this to be called a *Diſpenſation*, but an *Alteration of the Matter of the Law*; but when that Alteration comes from the *Authority* of the *Law Makers*, it is the ſame; ſo that to *interpret* a *Law* is an Act of *Diſcretion* and *Judgment*, but to *diſpenſe* with it of *Authority* and *Juriſdiction*. And none can therefore *diſpenſe* in the *Law of God*, but he that made it; all that the wiſeſt and greateſt Men can juſtly pretend to, is no more than to give the true Senſe of it; and it is intolerable Preſumption for any Creature to pretend to more.

An *equitable Senſe*, as to Human Law, is not always that which ſeems to be moſt favourable to thoſe who go againſt the Letter of it, but that which moſt enforces the End and Deſign of the Law, although it be not comprehended in the Words of it.

If a Law mentions a Crime of a leſſer nature, in regard of Circumſtances, and in regard of thoſe Circumſtances, promiſes ſome Favour, (as Benefit of the Clergy) it can be no *equitable Senſe* to extend it to ſuch Acts which have worſe Circumſtances, becauſe the Ground of the Favour was the extenuation of the Fact by the Circumſtances: So that the chief Rule of *Equity* in the Interpretation of a Law, is to attend to the *Intention* and *Deſign* of it, more than to the bare Words.

The *Intention* and *Deſign* of the Law is not to be meaſured by particular and accidental Caſes, wherein ſome Inconveniences are to be born, but by the *Publick* and *General Good*, which more than makes amends for them; which is the Reaſon of that Maxim, *Better a Miſchief than an Inconvenience*; which is falſe, unleſs taken in ſuch an *equitable Senſe*.

There are certain Ways of Reaſon, which Mankind do allow in the *equitable Interpretation* of Laws, as, *That no poſitive Law muſt be interpreted againſt Natural and Divine Laws*: That *if Laws contradict each other, one or the other muſt loſe its Force*: That *no Caſe which overthrows a Law by neceſſary Conſequence, was ever intended to be allowed by it*; For that were to make a Law, and to give a Liberty to break it at the ſame time.

If a Law be deſigned for a *Publick Good*, and an Exception be afterwards made againſt it, as to the *Incapacity of ſome Perſons by it for publick Service*, which could not but be foreſeen and conſidered at the time of making the Law, there is no Reaſon that ſhould be alledged as a Reaſon for *Diſpenſing* with the Law, which was intended at firſt by the Law: For however the Caſe may be put, as to ſuch things which could not be foreſeen at the making of a Law, yet what was intended to be prevented by the making it, cannot in Reaſon be alledged againſt it; becauſe if there had not been other things to have over-balanced that Inconvenience the Law had never been paſſed.

There is no doubt but the ſame Power which makes a Law, may *Diſpenſe* with it if it ſees Cauſe; for if it can *Abrogate* a Law, as to the *whole Community*, it may as well *Diſpenſe* with it as to particular Perſons, and leave it in Force to all others.

The Queſtion then is, Whether a Prince aſſuming to himſelf a *Diſpenſing Power*, doth not thereby aſſume the *Legiſlative* too? Since it appears, That there can be no Power to take off the Obligation of a Law, but that which cauſes it, although it be with reſpect to particular Perſons; but if it amount to a General Suſpenſion of a Law, there can be no Queſtion to thoſe who underſtand what theſe things mean.

Our preſent Buſineſs was to ſhew, that if the King can *diſpenſe* with *Mala prohibita*, as ſuch, the *Legiſlative Power* muſt be reſolved into him, becauſe a *Diſpenſing Power* can be referred to no other: And if the King may diſpenſe with all *Mala prohibita*, he may diſpenſe with all juſt humane Laws. For no Law can be juſt which requires *Malum in ſe*; and therefore ſuch a Law being void of it ſelf, there can be no Exerciſe of a diſpenſing Power but concerning *Mala prohibita*. And if the King can therefore diſpenſe becauſe they are *only prohibited*, then from a Parity of Reaſon he may *diſpenſe* with *all Laws* that concern only ſuch things; and we cannot be ſecure of any Laws, but ſuch as forbid things that are *evil in themſelves*.

II. And this is my Second Reaſon againſt it, That it takes away all *Security* by our *Laws*, both as to our *Religion* and *Liberties*.

1. As to our *Religion*: I grant, that to take away *all Religion* is *Malum in ſe*; to take away the *true Religion* is *Malum in ſe*; but in a Nation divided about the *true Religion*, and where the Prince is of one Opinion, and the main Body of the Nation of another, concerning it, what Security can the People by this Rule have, as to the enjoying that which they account the true Religion, but the Prince doth not? The utmoſt we can ſuppoſe in this Caſe is, for ſuch Laws to be made, as they apprehend to be moſt effectual for this Purpoſe. But what Security can theſe Laws afford, if the Prince aſſume a Power of Diſpenſing with Eccleſiaſtical Laws? It is not poſſible they can have any, unleſs they can be ſecure he ſhall never exerciſe this Diſpenſing Power; for by it he may equally ſuſpend all Laws which relate to it; he may give a Diſpenſation to ſuch as are unqualified by our Laws, and put them not only into Places of Authority and Truſt, but into all Eccleſiaſtical Preferments as ſoon as he thinks fit, and that without any Check upon his Conſcience, becauſe thoſe whoſe Office it is to interpret the Laws, tell him, he hath ſuch a Power by Law to *diſpenſe with Eccleſiaſtical Laws*, although paſſed in the ſolemneſt manner, and with

a Deſign to give Security to the People concerning the preſerving their Religion.

And the higher this Point is carried, ſtill the leſs Security. For if it be thought ſuch a *Prerogative of the Crown, as voids all that is made againſt it*, then Laws ſignify juſt nothing: For every Law is a Limitation of unbounded Will and Power; and therefore Laws afford no manner of Security; for either they are void of themſelves, or may be made void when a Sovereign Prince pleaſes. And I think (as Men are) meer *Will and Pleaſure* will never be taken for an infallible *Security*.

But it may be ſaid, That *taking away the true Religion is* Malum in ſe, *and therefore by this Rule ſuch Laws cannot be diſpenſed with.*

Very true; we think ſo: But ſuppoſe a King of another Opinion, and that he ſhould think it good Service to deſtroy *Hereſy and Schiſm*, and thoſe are *Mala in ſe*; what Security can there be then from this Rule? For the ſame Perſons who aſſert the Diſpenſing Power, make the King to be Judge, not meerly of the Neceſſity and urgent Occaſions, but of what is *Malum in ſe*, and what not? Suppoſe then he ſhould look on our Religion as *Hereſy and Schiſm*, what poſſible Security can this Diſtinction afford us?

2. As to our *Civil Liberties*, which are founded upon our Laws, made by the *Conſent of King and People*. But if there be ſuch an inſeparable Prerogative in the Crown, as enables the King to *diſpenſe* with all *Mala prohibita*, what becomes of all the ancient Charters of Liberties? For no one can pretend that the contrary to them all are *Mala in ſe*. And if there be no farther Security than what this Diſtinction affords, we are in a very precarious Condition, as to all our Liberties.

I confeſs the Caſe is different as to the *Eccleſiaſtical Laws* mentioned in 11 *H.* 7. 12. and as to our *Civil Liberties*; becauſe theſe *Eccleſiaſtical Laws* had their Force as ſuch from a *foreign Power*; and as far as they were the Laws of the Kingdom, it was by a *Tacit Conſent* and *Acceptation*, and not by any ſolemn enacting of them. And as to ſuch as theſe, where the Laws were not received, and the things were no farther evil, than as they were prohibited by ſuch a foreign Power, there is nothing but what is reaſonable in the Caſe of 11 *H.* 7. 12. as it is in the Books.

But when this hath been extended to *Laws* which have paſſed in the moſt ſolemn manner by the *King in Parliament*, it is time not only to take notice of, but to ſet forth the *miſchievous Conſequences* of this Diſtinction, as it is ſo applied; for it leaves us under no manner of *Security* by our *Laws*.

3. It contradicts the Senſe of our own Nation in former Ages. Which I ſhall ſhew in a remarkable Inſtance about the *Statutes* of *Proviſors*, 35 *E.* 1. 25 *E.* 3. 13 *R.* 2, which were *prohibitory Statutes*. And it cannot be ſuppoſed that at that time, when the Pope was allowed to be *Head of the Church*, and conſequently *Supreme Patron* of the *Benefices* of it, that the Acceptance of a Title to an *Eccleſiaſtical Benefice* from him ſhould be thought *Malum in ſe*. But theſe *Statutes* being in force, I ſhall make it appear, that the King did own he had no Power to *diſpenſe* with them, but as the *Parliament* thought fit to allow it.

I begin with 15 *R.* 2. at a time *when the Kingdom was in quiet*, and however could not be in any diſturbance on the Account of the *Statute* of *Proviſors*, which the Nation deſired, and only thoſe who depended on the Court of *Rome* oppoſed. But the *Court-Biſhops* ſuggeſted that it was for the King's Intereſt in dealing with the Court of *Rome*, to have a Power to *Relax* and to *Diſpenſe* with theſe *Statutes* as he ſaw Cauſe. Therefore the Archbiſhop of *York*, then Chancellor, propoſed it in the opening of the Parliament, as one of the things for which it was called, *viz. To find out a Temperament in that Matter, ſo as the* Pope *might not loſe his Right, nor the King his.* Rot. Par. 15. R. 2. n. 1. After this Matter was debated the Commons declare their Aſſent *en plein Parliament*, That n. 8. *without prejudice to the Rights of thoſe who were in poſſeſſion by virtue of the Statute, the King by the Advice and Conſent of the Lords, might diſpenſe with the ſaid Statute, ſo as ſhould ſeem reaſonable and uſeful till the next* Parliament, *but ſo as the ſaid Statute be repealed in no Article of it.* And they reſerve to themſelves *the Liberty of diſagreeing the next* Parliament. And they conclude with a ſolemn Proteſtation, That *this was a Novelty not practiſed before, and ought not to be drawn into Example and Precedent for the future*; *and they deſire this* Proteſtation *might be Entred and Recorded in the* Rolls of Parliament; *which the King commanded to be done.* Doth this now look like a *Declaratory Act*, and *made in Affirmance of the King's* Diſpenſing Power? It might as well be ſaid, That an Act for *Reſtraining* the *Prerogative*, is made in *Affirmance* of it. It is true, there is a Diſpenſing Power granted, but with ſuch Reſtrictions and Limitations as ſhew, that ſuch a Power was not then thought to be inherent in the Crown. For,

1. Why ſhould it be propoſed to the Parliament to grant it, if the King had it before? Did the King ever put it to the Parliament to grant him a *Power* to *Pardon Malefactors*? But in the caſe of *Diſpenſing* with a *Law*, it was not only propoſed but aſſigned, as one Reaſon of calling the Parliament.

2. Why *till the next Parliament*, if it were owned to be an *inherent Right of the Crown*? Would the Parliament go about to bound and limit an *inſeparable Prerogative* in ſuch a manner?

3. Why is it called *a Novelty, and a thing not to be drawn into example*? Was ever any thing like this ſaid of a *Declaratory Act*? The Natural Conſequence whereof is juſt contrary; that whereas ſome Juſt Right of the Crown hath been conteſted and denied, for the future it ought to be owned and ſubmitted to by all Perſons. It is hard to think of Words more inconſiſtent with a meer *Declaratory Act* than thoſe, *Ne ſoit trait en enſample nen Conſequence en temps avenir.*

4. If this were *a Declaratory Act*, what need it be repeated ſo often in Parliament afterwards? Were the Commons ſo forgetful of the King's Prerogative, as to need making ſo many *Declaratory Acts* about the ſame thing? Yet thus we find it about this *Diſpenſing Power*, as to the Statutes of *Proviſors*.

For 16 *R.* 2. The *Archbiſhop of York* again declared in the opening of the Parliament, That *one Cauſe of calling it, was to ſettle this Matter about Proviſors.* Rot. Parl. 16. R. 2. n. 8. And the Commons again yielded, *The King ſhould have ſuch a Power to moderate it, as he ſhould with his Council judge expedient, but ſo as it be all laid open before the next Parliament, that they might upon good Advice agree to it.*

17 *R.* 2. *Tydeman*, Abbot of *Beauley*, was by the Pope's Proviſion, made *Biſhop of Landaff.* Rot. Parl. 17. R. 2. n. 22. But the King, notwithſtanding the former Proceedings, did not take upon him to Diſpenſe with the Statute, but left it to the Parliament; and his Diſpenſation was paſſed

ſed by Act of Parliament, the King, Lords and Commons aſſenting thereto.

Rot. Parl. 20. R. 2. n. 21. 20 *R.* 2. The Commons in Parliament do again Aſſert, *de bon gre de leur parte en plein Parliament*, That *the King with his Council may diſpenſe with the Statute of Proviſors*, *as ſhall ſeem fit, ſo as the ſame be heard and examined the next Parliament, and ſo corrected as ſhall be thought convenient by the King, with the Advice of his Council in Parliament.*

Rot. Parl. 1 H. 4. n. 85. 1 *H.* 4. The Commons in like manner give their Aſſent, That *the King ſhould have the ſame Power of Diſpenſing with the Statute, which his Predeceſſors had, and to Repeal and Annul it, as ſhould ſeem expedient to him.* Which was no more than a General Diſpenſation. Yet notwithſtanding this was recorded in Parliament.

Rot. Parl. 2 H. 4. n. 26. 2 *H.* 4. The Commons appearing before the King and the Lords, it was declared, That the Diſpenſation ſhould not extend to Cardinals or other Strangers. n. 42. At the ſame Parliament a Petition was preſented to the King, That if any one did accept a Benefice by *Papal* Proviſion, againſt the *Statute*, and had his Pardon from the King for it; yet if he went about to diſturb the preſent Poſſeſſor, by virtue of his Proviſion, then his pardon ſhould be void, and he ſhould incur the Penalty of the Statute, to which the King gave his Aſſent.

Rot. Parl. 7 H. 4. n. 134. 7 *H.* 4. The King having granted *particular Licences* for *Diſpenſations* as to this *Statute*, and finding the great Inconveniences which came by them, he generally and univerſally revoked them, and promiſed in Parliament to find out ſome proper Remedy in this Matter.

Rot. Parl. ib. 7 *H.* 4. The King was moved in Parliament to Confirm that *Revocation*; but he then took time to conſider. But 9 *H.* 4. *c.* 8. the King reinforced in Parliament all the *Statutes* againſt *Proviſors*; as it is in Print.

Rot. Parl. 1 H. 5. n. 22. 1 *H.* 5. The Commons pray, That *the Statutes may ſtand in full force againſt* Proviſors; *and that no Protection or Grant made by the King to hinder the Execution of the ſaid Statutes, ſhall be allowable, or of any force; and whatever is done contrary to them, ſhall be null.*

The Anſwer is, *Let the Statutes be obſerved and kept.* But if the Statutes were to be ſtrictly obſerved, what *ſaving* can there be *to the King's Prerogative?* ſince the *Statutes* were *Univerſal*, and the *King's particular Grants* in this Caſe were the great Motive of the Commons Deſire to have them reinforced, in the beginning of this King's Reign: And theſe *Statutes* continued in full Force to the Time of *H.* 8. inſomuch, that Cardinal *Woolſey* was proſecuted by the King's Attorney, for offending againſt them by his *Legatine Power*, although he had the King's Aſſent to it, and he exerciſed it ſeveral Years by his Permiſſion. *Stephen Gardiner* in his Letter to the *Protector*, ſaith, *That he obtained his Legatine Power by the King's Aſſent*: From whence he obſerves, *What Danger they may fall in, who break the Law with the King's Conſent*; for in the *Cardinal*'s Caſe, he ſaith, *That becauſe his Legatine Power was againſt the Laws of the Realm, the Judges conclude the Offence to be ſuch as incurred the Præmunire: And this he Aſſerts was the Senſe of the Lawyers of that Time*; and for confirmation of it, he brought the Caſe of the Lord *Tiptoft*, *who ſuffered on* Tower-Hill, *becauſe in Execution of the King's Commiſſion, he had offended againſt the Laws of the Realm*: *And* *of many Judges who had Fines ſet on their Heads in like Caſe, for acting againſt the Law of the Realm by the King's Commandment.*

But it is pleaded on the other ſide, *That the Commons,* 1 H. 5. *n.* 22. *put in the ſaving the King's Prerogative into their Petition concerning the Statute of Proviſors, that it may ſtand in full Force: And this was an owning the King's Diſpenſing Power by all the Commons in Parliament, when they were in a high Debate with the Crown.*

Short Account, p. 25.

This ſeems to have a good ſhew of Reaſon to any one that doth not conſider the Practice of thoſe Times, in Acts of Parliament; for the Petitions of the Commons, before 2 *H.* 5. were not taken entire and juſt as they delivered them; but ſeveral *Clauſes* were inſerted by the Court, eſpecially ſuch as ſeemed to preſerve the *King's Prerogative*; which the Commons found ſo inconvenient, That the next Year, as Serjeant *Glanvil* obſerved, (and probably on the Occaſion of theſe *Savings,* 1 H. 5. n. 15, and n. 22.) the Courſe was altered, and hath ſo continued.

Ruſhworth's *Collections,* vol. 1. p. 574.

Therefore methinks ſo great Weight ſhould not be laid on theſe *Savings,* as if they implied the owning the Diſpenſing Power, when the Deſign of the Law was againſt it. And the King's Anſwer is, *Let the Statutes be held and kept.*

I appeal to any Man's Underſtanding, whether *the ſaving the King's Prerogative* can be any other than a *General Clauſe* put in, without reſpect to the *Diſpenſing Power*; ſince the Petition is againſt the Exerciſe of it, and the Anſwer, *That the Statutes ſhould be obſerved.* If they were obſerved, what Uſe of the Diſpenſing Power; for that lay in giving leave not to obſerve them? What ſtrange Senſe is this, The King promiſes, *The Statutes ſhall be kept, ſaving his Prerogative, that they may not be kept?* For they feared the not keeping them from ſuch a *Prerogative:* and when the King therefore yields *that they ſhall be kept,* he doth give up ſuch a *Prerogative,* or elſe he doth not anſwer their Petition.

The Truth is, when the Kings had got this Power into their Hands, tho' it were with ſuch Limitations at firſt, yet they found Arts from time to time to keep it, till at laſt they were unwilling to part with it; as appears by *H.* 4. but upon the reſtleſs Importunity of the Commons it was laid down by him. And now in the beginning of *H.* 5. the Commons took Care to prevent its Riſing in a new Reign; but he being a Prince not ready to part with any thing which looked like Power, was in probability, not eaſie to be brought to confirm the *Statutes* of *Proviſors,* without ſome general Words of *ſaving his Prerogative,* which the *Commons* might yield to, that they might gain the main Point; ſince thoſe Words could ſignifie nothing againſt the very *intention* and *deſign* of the *Law.*

IV. The *Precedents* in *Law* do contradict this Rule; as will appear by thoſe which are produced by the Lord Chief Juſtice *Vaughan,* in the Caſe of *Thomas* and *Sorrel.*

Vaugh. *Rep. f.* 337.

1. The King cannot Diſpence with a *Common Nuſance,* for, *The King,* he ſaith, *cannot pardon continuing Nuſances; but the Penalty he may.*

The King cannot diſpenſe with a Nuſance to the High-Ways, by 11 H. 7. *he cannot pardon or diſcharge the Nuſance, or the Suit for the ſame, the High-Ways being neceſſary for ſuch as Travel;* but *Common Nuſances* are not *mala in ſe,* which are not *Evils at Common Law,* (as ſome under-

f. 339.

ſtand them) but things ſo *intrinſecally Evil, that no Circumſtances can make them lawful. Malum in ſe* is a *Moral Evil*, in its own Nature; and therefore can never be *diſpenſed* with; but a *Nuſance at Common Law* is but a *Natural Evil*, and all the *Moral Evil* of it lies in the *Prohibition* by Law: And yet in theſe, it is granted, That the *King* cannot *diſpenſe:* And the *Year Book* ſaith, *That a Licence to make a Nuſance in the High-Way were void*: For what Reaſon? Is it a thing forbidden by the Natural or Divine Law? Cannot the King, for his Will and Pleaſure, *Licence the making a Nuſance?* and yet is it poſſible for Men of Senſe to imagine, That he can by his Diſpenſing Power give leave to do ſuch things, as in conſequence overthrow our Laws and Religion? Doth the Law take greater Care of *the High-Way* than of our *Liberties* and *Religion?* This would ſeem ſtrange Doctrine to People of another Country, *viz. That by the Law of* England *the King hath no Power over the High-Way, to diſpenſe with a Common Nuſance therein, but he hath over the Laws made for the moſt Publick Good and Security of the Nation.* And truly this cannot but ſeem ſtrange to as many among our ſelves, as allow themſelves the *Liberty* of *thinking*; Doth *the Law only take care of Oxen and High-Ways?*

f.358. But it is well obſerved by the Learned Chief Juſtice *Vaughan*, That *Publick Nuſances*, are not *mala in ſe*, but *mala politica & introducta*; and *when a thing is ſaid to be prohibited by the Common Law the meaning is no more but that the Ancient Record of ſuch a Prohibition is not to be found.*

f.333. f.334. 2. *The King cannot pardon the Damage done to particular Perſons*, ſaith the ſame *Chief Juſtice, where the Suit is only the Kings, but for the Benefit and Safety of a third Perſon, the King cannot diſpenſe with the Suit, but by Conſent and Agreement of the Party concerned.* And again,

f.335. *Penal Laws, the Breach whereof are to Men's particular Damage, cannot be diſpenſed with.*

f.29. And the *Chief Juſtice Herbert* owns, *That the King cannot diſpenſe with Laws which veſt the leaſt Right or Property in any of his Subjects.*

Here we ſee, the Prerogative bounded, where the *Intereſt of particular Perſons is concerned*; but doth the Law take more Care of them than of the *Publick Intereſt*, and the Concernment of the whole Nation?

Short Account, p.21. But I find another Diſtinction in this Caſe, *viz.* “There is *Bonum Publicum*; and Laws made for that may be *diſpenſed with*; And there is *Bonum ſingularem Populi*; and with *Laws* that concern that *the King cannot diſpenſe.*

This is admirable Learning, if it be brought out of theſe Terms: And the meaning is, The King can do nothing to the *prejudice* of the People in their *private Capacities*, but he can do what he will with the *Publick.* I had thought, a Prince had been, in the firſt place, bound to regard the *good* of the *Publick*, and to take Care of the *ſalus Populi complicati*, (as it is called) *i. e.* as they are imbodied together, and not of the private *Intereſts* of particular Men, which can never be preſerved, when the Publick Safety is not ſecured.

V.R.f.342. 3. It is granted, *That in Penal Laws, by Act of* Parliament, *where the Offenders are puniſhable at the King's Suit, but where the Offence is to the immediate Wrong of particular Perſons, and for which the Law gives them ſpecial Actions, the King cannot diſpenſe.*

Never was Law more tender of the *Intereſt* of *particular Perſons* than ours: But ſuppoſe a *penal Law by Act of Parliament* relates immediately to the *Publick*, and gives no particular Perſons *any ſpecial Actions*; is ſuch a *Law* therefore *diſpenſable*, becauſe only the *publick Good*, and the *Safety* of the *Nation* are concerned? Which are not (it ſeems) to be valued with the private *Intereſts* of *particular Men*. They who affirm ſuch things may be very learned in Book Caſes, but they do not ſeem to have ſtudied the *Jus Publicum*, as *Bracton* calls it, which concerns *Statum Reipub.* or the *political Law* of this Nation; which ſhews the great Reſpect which the *Good* of the *Community* ought to have above *private Intereſts*: But when Perſons take up their Notions and Maxims from Laws relating to *Meum* and *Tuum*, they are very apt to judge of *publick Laws* according to thoſe *Meaſures*. Bract. l. c. 5. n. 2.

4. It is granted, *That the King cannot licenſe a Baker, Brewer, or Victualler to break the Aſſize of Bread or Ale, nor a Miller to take more Toll than the Law appoints*, (therefore theſe are *mala prohibita*) *nor a Taverner to break the Aſſize of Wine; nor a Butcher to ſell meaſled Swines Fleſh, or Murrain Fleſh; nor any Man to foreſtal the Market, by a* Non-obſtante *of the Statute* de Piſtoribus, *which prohibits all theſe under ſeveral Penalties.* f. 349.

Nor can he licenſe Butchers, Fiſhmongers, Poulterers, or other Sellers of Victuals, nor Hoſtlers, to ſell Hay and Oats at what Price they pleaſe, by a Non-obſtante *of the Statute of* 23 E. 3. c. 6. *and* 13 R. 2. c. 8.

Still the Law is extreamly tender of us, as to *Meat* and *Drink*, and not only for our ſelves, but for our *Horſes* too; ſo that the *King* cannot *diſpenſe* with the Laws about them: And yet can we think ſo meanly of the Wiſdom of our Anceſtors, that they would take ſuch Care of *Bread*, and *Wine*, and *Horſe-Meat*, that the King himſelf could not inhance the Price of them; but that as to their *Laws*, which relate to the *Publick*, they were content to leave them to the *Will* and *Pleaſure* of their Prince? No one that reads the *Hiſtory* of our *Anceſtors*, and the *Conteſts* they had with *Kings* to obtain their publick *Liberties*, could ever entertain ſuch a Thought concerning them.

5. *If Foreign Manufactures or Foreign Corn be prohibited for ſupport of the Natives, a Licence to one or more to bring them in, if general, is void by the Caſe of Monopolies, notwithſtanding a* Non-obſtante. f. 344.

This is certainly *Malum prohibitum*, and yet the King cannot *diſpenſe* with it. And it is really a very hard Caſe, if the King cannot *diſpenſe* with a *Monopoly* in Trade, and may diſpenſe with a *Monopoly* in *Religion*, i. e. That notwithſtanding all the Laws for ſettling our *Religion* at Home, he may grant a *Licence* to *Foreigners* to introduce another, although never ſo repugnant to our Laws; for none who underſtood our Affairs, could imagine, That this *diſpenſing Power* was ſet up for any other End.

But what ſhall we ſay to the *Precedents* on the other ſide? I ſhall paſs by others, which have been ſufficiently anſwered already, and only ſpeak to that which above all others hath been declared to be the Foundation of the *diſpenſing Power*, and therefore deſerves to be further cleared, and that is,

The Caſe of *diſpenſing with the Statutes about Mens continuing Sheriffs more than a Year*; which is urged as plain and concluding, becauſe *it was for a publick Good, and preventing great Miſcheefs; yet the King's Power of diſpenſing in this Caſe was allowed by all the Judges of* England, 2 H. 7. *and this hath been cited as adjudged in ſeveral Books of great Au-* Short Account, p. 3.

thority,

thority, Fitz-Herbert, Plowden, Coke, *&c. and the Practice hath ever ſince been accordingly.*

This is the whole ſtrength of the Argument. And I ſhall not repeat what others have already ſaid, to ſhew that this was not the *Reaſon* of the *Judicial Sentence* then given; but the particular *Ground* of *one* of the *Judges, after they had declared the Patent to be good.* But however that were, it cannot be deny'd, that great *Lawyers* ſince that time have taken it to have been the Senſe of the Judges then. For *Coke's* Words are expreſs in *Calvin's* Caſe, *It is enacted by the Parliament of* 23 H. 6. *That no Man ſhould ſerve the King as Sheriff of any County above one Year, and that notwithſtanding of any Clauſe of* Non-obſtante *to the contrary, that is to ſay, notwithſtanding that the King ſhould expreſly diſpenſe with the ſaid Statute; howbeit it is agreed in* 2 H. 7. *That againſt the expreſs purview of that Act, the King may by a ſpecial* Non-obſtante *diſpenſe with that Act.* 7 R. 14.

Here it is plain, that in *Coke's* Opinion at leaſt, the Judges did agree, that although the King and Parliament had made an Act which made void any Grant with a *Non-obſtante*, yet that ſuch a Grant made afterwards, with a ſpecial *Non-obſtante*, was good.

I am not much concerned, whether it were their Opinion or not, becauſe I think there is much greater *Reaſon* and ſtronger *Authority* on the other ſide.

1. As to *Reaſon*: If a *Non-obſtante* from the *King* be good, when by *Act* of *Parliament* a *Non-obſtante is declared void*, what doth an *Act* of *Parliament* ſignifie in ſuch a Caſe? Muſt we ſay, *It is a void Clauſe?* But then to what purpoſe was it put in? Did they who made the *Act*, underſtand it to be a *void Clauſe* when they put it in? Certainly, it was then thought otherwiſe; and if it were ſo, we have the *Authority* of the *Parliament* againſt the *Opinion* of the *Judges*. If it were not *a void Clauſe* then, how came it to be ſo afterwards? What *Alteration* was made in the *Law of England* in that Interval, and by whom? How comes a *Clauſe* that had force in 23 *H. 6.* to have none, 2 *H. 7*? Could *Radcliff* or the reſt, by their Opinions deſtroy the *Force* of an *Act* of *Parliament?*

12 R. f. 18. No; But *Coke* ſaith, *No Act can bind the King from any Prerogative which is ſole and inſeparable from his Perſon; but he may diſpenſe with it by a* Non-obſtante, *as a Sovereign Power to command any of his Subjects to ſerve him for the Publick Weal, and this ſolely and inſeparably is annexed to his Perſon; and this Royal Power cannot be reſtrained by any Act of Parliament, neither in* Theſi, *nor in* Hypotheſi; *but that the King by his Royal Power may diſpenſe with it; for upon the Commandment of the King, and Obedience of the Subject, does his Government conſiſt, as it is provided by the Statute of* 23 H. 6. c. 8. *That all Patents made or to be made of any Office of a Sheriff,* &c. *for Term of Years, or for Life, in Fee Simple or in Tail, are void and of none effect, any Clauſe or Parole of* Non-obſtante *put or to be put into ſuch Patents to be made notwithſtanding. And further, Whoſoever ſhall take upon him or them to accept or occupy ſuch Office of Sheriff, by virtue of ſuch Grants or Patents, ſhall ſtand perpetually diſabled to be or bear the Office of Sheriff within any County of* England, *by the ſame Authority. And notwithſtanding that by this Act,* 1. *The Patent is made void.* 2. *The King is reſtrained to grant a* Non-obſtante. 3. *The Grantee diſabled to take the Office; yet the King by his Royal Sovereign Power of commanding, may command by his Patent (for ſuch Cauſes as he in his Wiſdom doth think meet and profitable for himſelf*

and the Commonwealth, of which he himſelf is ſole Judge) to ſerve him and the Weal Publick, as Sheriff for ſuch a County, for Years or for Life, &c. *And ſo was it reſolved by all the Juſtices of* England *in the Exchequer-Chamber*, 2 H. 7.

Here the Point is reſolved into *an inſeparable Prerogative in the King*, which no *Act of Parliament* can reſtrain, although made with his own Conſent. Is there no *Act* of *Parliament* then, which this great Lawyer will allow to reſtrain *the King's Prerogative*, ſo as he cannot *diſpenſe* with it? What ſaith he to the Caſe of *Buying Offices at Court?* Cannot the King, by virtue of his *Prerogative*, order his Houſhold as he pleaſes, to diſpoſe of Offices about him as he thinks fit? No. The ſame 1 Inſt. 234. Lawyer ſaith, That *no* Non-obſtante *could diſpenſe with the Act againſt buying of Offices*. And yet one would think that the King had as great a *prerogative* in the *Court*, as over the *Kingdom*.

But how comes he to ſay, *That the King can diſpenſe notwithſtanding the Diſability*, when elſewhere he ſaith, *The King cannot diſpenſe in the Caſe of a Diſability by Law?* For the Reaſon he gives why the *King* 1 Inſt. 120. *cannot preſent* a Man to a Living who is convict of *Simony*, is becauſe 3 Inſt. 154. *the Law hath diſabled him*. Very well. And yet in this Caſe, although the *Law hath diſabled him*, the *King* may *diſpenſe*. Where are we now? The *King* can *diſpenſe* with a *Diſability*, and he cannot *diſpenſe* with it. This is indeed a very *dark learning of Diſpenſations*, as Chief Juſtice *Vaughan* well called it; for we cannot yet find the way through it.

Can the *King diſpenſe with ſuch a Diſability in Law* or not? If not, the *Caſe of Sheriffs* is gone. If he can, then why not in the caſe of *Simony?* Why not, as to *ſitting in Parliament without taking the Oaths?* No; here *is a Diſability in Law*. What then? Cannot the King diſpenſe with a *Diſability in one Caſe* as well as *the other?* But the ſame Perſon ſaith, That in that Caſe, *becauſe the Words amount to a Diſability,* 3 Inſt. 154. *the King cannot diſpenſe*; and here, where the *Diſability* is expreſſed, he may.

But we are lately told, there are two ſorts of *Diſabilities*; one is Short Account, *actually incurred, as that upon the Members who ſit without taking the Oaths*; p. 38. *and the other is a Diſability annexed to the Breach of a Law as a penalty, and that penalty not to be incurred before a Legal Conviction; and in this Caſe the King's Diſpenſation coming before the Conviction doth prevent it, by making that lawful which would not have been ſo without it. But when* P. 30. *a Diſability is actually incurred, it cannot be taken off but by Act of Parliament.*

I anſwer, That if the *Law* which *makes the Diſability*, doth allow of a *Diſpenſation* antecedent to the *Conviction*, then I grant, that the *Diſpenſation* before *Conviction* prevents the *Diſability*. As in *Digby's* Caſe; if the *Diſpenſation* had come before *Inſtitution*, the *Diſability*, as to 4 Rep. holding the former Living, had been prevented, becauſe the Law doth expreſly allow of a *Diſpenſation* in the Caſe. But here is no ſuch thing. The Act of Parliament ſuppoſes no *Diſpenſation*, but makes an *utter Diſability*, as to the holding the Office in Sir *Edward Hales* his Caſe; but a *diſpenſing Power* is ſet up againſt the *Act of Parliament*, and ſuch a *Diſpenſation* neither before nor after *Conviction* can prevent a *Diſability*. If it could, I can by no means ſee why it might not as well hold as to Members of Parliament, (at leaſt as to the *Oath of Supremacy*) if they take their *Diſpenſation* before ſitting in the Houſe. For the *Diſa-*

bility doth not take place till they enter the *Parliament*, 5 Eliz. c. 1. *And he that entreth the Parliament without taking the ſaid Oath, ſhall be deemed no Knight, Citizen, Burgeſs or Baron, nor ſhall have any Voice, but ſhall be as if he had been never returned or elected.*

The Intention of the *Law* for the *Teſt* was a *diſability to hold the Office*; but it allows time for Perſons to qualify themſelves, as appears by the *Act* for the *Teſt*. Is not this plain overthrowing the *deſign* of the *Law*, for Perſons, inſtead of doing what the Law requires, to take out a *Diſpenſation* for not doing it, and ſo prevent the Diſability? And what doth a Law ſignify, when the very *deſign* of it is overthrown? And what is the Power of making Laws by common Conſent in Parliament, if without ſuch Conſent the whole force of the Law may be taken away by a *diſpenſing Power*? So that this doth not merely make Laws to ſignify nothing but according to *Will and Pleaſure*, but it makes our very *Conſtitution* inſignificant, which requires to every Law the Conſent of the People in Parliament.

Dionyſ. Halycarn. *l.* 2. As for Inſtance, By the *firſt Conſtitution* of the *Roman Government*, the *King had the Cuſtody of the Laws, but no Laws were to be made but by the Conſent of the Roman People in the* Curiæ, (thence called *Leges Curiatæ*. Would any one have thought this any Privilege, if after theſe Laws were paſſed, the King ſhould claim *an inſeparable Prerogative of diſpenſing* with them as he ſees Cauſe? For it is implied in ſuch a Fundamental Coutract as this, that Laws when made ſhould not loſe their Force without their Conſent who made them. Elſe it is no *Contractus bonæ Fidei.*

I will not diſpute whether this were the *Original Contract* of our Nation or not; but this I may ſay, That when our *Government* came to a Settlement after long ſtrugglings, this was one of the *Fundamental Articles* of it, That *no Laws ſhould paſs, or Burdens ſhould be laid upon the People but by their own Conſent in Parliament.* Bract. *l.* 1. c. 1. c. 3. 1. *Bracton* ſaith, That *a Law among us ſuppoſes the Authority of the Prince and Council, and Conſent of the great Men, and Agreement of the Common-wealth.*

L. 1. *c.* 2. *n.* 6. And he adds further, That our Laws being thus made and eſtabliſhed, *mutari non poterunt, nec deſtrui ſine communi Conſenſu & Conſilio eorum omnium quorum Conſilio & Conſenſu fuerunt promulgatæ*: Which are very remarkable Words againſt a *diſpenſing Power*. For that doth imply *a Power to change the Law*, and in effect *to deſtroy it*, without the Advice or Conſent of thoſe that made it. He ſaith indeed, *The Law may be improved without their Conſent, i. e.* by the Judges *Interpretation* as to *parallel Caſes* not expreſſed. But if any *new or hard Caſe* happens, it ought, he ſaith, to be reſpited *uſque ad magnam Curiam, i. e.* to the Parliament, *ut ibi per Conſilium Curiæ terminetur*, that being the *Supreme Judicature* of the Nation.

Forteſcue, 2. c. 13. f. 32. *Forteſcue*, who very well underſtood our *Conſtitution*, ſaith, That *the King, although he be the Head of the* Political Body, *can neither change our Laws, nor take away* Property *without Conſent.*

C. 18. f. 40. And that our Laws are made, *not by the* Princes *Will, but by the General Conſent; Totius Regni Aſſenſu*: He ſaith, *They may be changed, but it muſt be, Non ſine Communitatis & procerum Regni Aſſenſu, quali ipſæ primitus emanarunt.*

C. 34, 35. He takes notice, That *ſeveral of our Kings did not like our Conſtitution, but Affected a more Arbitrary, and therefore approved the Civil Law for that Maxim, Quod Principi placuit Leges habet vigorem.* But he ſhews our Conſtitution to be better *for King and People.* For here he ſaith, *The King levies no Taxes, nor alters Laws, nor makes new ones, ſine Conceſſione vel Aſſenſu totius Regni ſui in parliamento ſuo expreſſo.* C.36.*f.*84.

But certainly diſpenſing with Laws, is altering them; not as to their Words, but as to the Intention and Deſign of them, which is the main thing in a Law; and he that alters the Law, as to any one, whoſe Caſe is common with others, may alter it as to all others in equal Circumſtances. And what doth ſuch a Law then ſignifie?

In the Charter of King *John*, the *Commune Conſilium Regni*, was *to paſs all Aids; and beſides particular Summons to the Great Men, general Summons were to be given to others, to appear within forty days; and if they did not, Matters were to go on however.* This very Charter, as appears by *Matt. Paris*, was renewed, 9 *H.* 3. But he had learned the Trick of a *Non obſtante* from his good Friend the Pope; and when he was urged with his own Grants, he ſaid, *Doth not the Pope void his Grants with a* Non-obſtante? *Why may not I do the ſame by the Grants of* my Self *and* my Predeceſſors? To whom a ſharp Reply was made. *As long as he obſerved Juſtice in his Actings, he would be King, and no longer.* Which I only mention to ſhew, that the Uſe of a *Non obſtante* was then looked on as a Violation of Juſtice. Matt. Paris, *f.* 854.

And ſo it muſt needs be, if our Laws, as *Bracton* ſaith, be *Communis Reipub. Sponſio*; for then they are of the *Nature of Contracts*, and when Laws are ſo, it is agreed by thoſe who write of theſe Matters, although otherwiſe no Eenemies to a *diſpenſing Power*, That they are *not to be diſpenſed with* by a *non obſtante.*

If a Prince makes a Grant of any thing wherein he hath power to oblige himſelf in Juſtice, it becomes, ſaith *Baſelius Pontius, of the nature of a Contract, which gives a Right to thoſe to whom it is made, and lays an Obligation of Juſtice upon him.* Baſel. Pontius De Matr. *l.* 8. de diſpenſat. *c.* 5. *n.* 7.

Where a Grant is made for the Benefit of others, and is accepted by them, it is not in the Granter's power to revoke it, as *Sanchez* ſhews from many Authorities. Sanchez de matr. *l.* 8. diſpenſ. *c.* 17.

And the Lawyers are of the ſame mind, as appears by what is already produced out of *Baldus* and others; but I ſhall mention ſome who declare the Opinion of others.

Explorati juris eſt eas Conſtitutiones quæ in contractum tranſeunt ita ligare Principes ut iis derogare nequeant, ſaith *Geil. Buxtorffius.* *n.* 29. Buxtorff. in auream bullam, *c.* 1. *ſect.* 7.

Gail ſaith, *That Princes are bound by all Grants made* per modum contractus de Jure Communi; and that is the general Opinion. Gail. *obſerv. l.* 1. *obſ.* 41. *n.* 4.

One of the lateſt Writers, *de Jure Gentium*, ſaith, *That Princes are more ſtrongly bound by Laws, which paſs by way of Contracts, than by any poſitive Laws made by abſolute Power, although they relate to the weightieſt points of Government.* Joh. Wolf. Textor de jure gent. *c.* 11. *n* 26.

That a Prince cannot grant a non-obſtante *to ſuch Laws as he hath ſworn to obſerve* is not only the Opinion of other Lawyers, but of ſome of the higheſt Canoniſts: And it is a Rule among them, That no Clauſe of *non-obſtante* can take away *Conſtitutionem Juratam.* Bellug. ſpic Princ. rubr. 7. *n* 4. Hier. Grat. conſ 41. *n.* 21. Rol a valle, conſ. 62. *n.* 5. vol. 2. Celſus Hugo, de clauſulis, *n.* 23.

Where there is therefore not only a Contract with others in the paſſing of a Law, but an *Oath to obſerve the Laws*, I do not ſee how a *non-obſtante* or a diſpenſing Power can take place.

2. We have the the advantage in point of Authority as well as Reaſon, as to this very Caſe of diſpenſing with the Statute of 23 *H.* 6.

For I take it for granted, That the Authority of Parliament is more to be regarded than the Opinion of Judges: And I think we have good Reaſon to believe, That the Parliament did not think this Act could be voided by a *non-obſtante.*

(1.) The Parliament that declared, any *non-obſtante againſt the Act to be void*, was certainly of that Opinion; or elſe they did a ridiculous thing, to put in a Clauſe which was *void of it ſelf.*

(2.) The Parliament, 28 *H. 6. c.* 3. was of that mind; for what need *an Indemnity by Act of Parliament*, if the King could by his Diſpenſing Power have made it lawful for the Sheriffs to continue?

(3.) The Parliament, 8 *E.* 4. 4. continued in the ſame mind, for, whereas in the beginning of his Reign *Sheriffs were continued more than a Year, by reaſon of the Trouble*, it was not then thought, (tho' in a Caſe of ſuch Neceſſity) That the King could *diſpenſe with this Law*; but they were *indemnified by Act of Parliament*, and the *Act declared to ſtand in full Force.*

(4.) The Parliament, 6 *H.* 8. *c.* 18. after the ſuppoſed Judgment, 2 *H.* 7. And in the time of a Prince who would loſe none of his Prerogatives, was ſtill of the ſame Judgment; for it not only recites the Statute, but particularly takes notice of the voiding all Pardons and *non-obſtante*'s; and *by an Act of Parliament indemnifies the Under-Sheriffs of* Briſtol, *and gives them the ſame Privilege which thoſe of* London *had.* What need all this, if it had been thought good Law at that time, that the King *might by his* diſpenſing Power *have given Sheriffs leave to have acted againſt that Statute*?

And now I leave any Man of Reaſon to judge, Whether this famous Caſe be a ſufficient Foundation for the ſetting up a diſpenſing Power, either as to a *particular Statute* made for the *Security of our Religion*, or for a *Suſpenſion of our Eccleſiaſtical Laws.*

CHAP. IV.

Of the Alterations made in the Supremacy, by the Statutes of Henry *the Eighth; whith an ANSWER to the OBJECTIONS.*

I Now come to the Alterations made in our Laws, about the King's Supremacy in the time of *Henry* the Eighth.

24 *Hen.* 8. *c.* 12. An *Act* paſſed, *for taking away all Appeals to* Rome, *which is founded on the King's Natural and Independent Right of Governing, and doing Juſtice to all his People; and the Sufficiency of his own Clergy, for Hearing and determining ſuch Matters as belonged to their Function; and therefore all Cauſes are to be Heard, Diſcuſſed, Examined, finally and definitively Adjudged and Determined within the King's Juriſdiction and Authority, and not elſewhere in the Courts Spiritual and Temporal: But if the King be concerned, then it is refeferred to the Upper Houſe of Convocation.*

The Preamble of this Act againſt Appeals to *Rome*, is conſiderable: *Whereas by divers authentick Hiſtories and Chronicles, it is manifeſtly declared and expreſſed, That this Realm of* England *is an Empire governed by one Supreme Head and King*, &c. *with plenary, whole, and entire Power, Preheminence, Authority, Prerogative and Juriſdiction*, &c. *for final determination of Cauſes*, &c. ſo that here is an Appeal to ancient Hiſtory in this Matter, and we have ſtill ſufficient Evidence of it before the Pope's Enchroachments prevailed.

The Biſhops and Barons told *Anſelm* in *William Rufus* his time, *It was a thing unheard of, and contrary to the Cuſtom of his Realm, for any one to go to* Rome *without the King's Leave*; which is after explained *by way of Appeal*: *Anſelm* made but a ſhuffling Anſwer to this, *although he had ſworn to obſerve the Cuſtoms of the Realm*, and he could not deny this to be one; but he pretended, *It was againſt St.* Peter'*s Authority, and therefore could not obſerve it*; *for this were*, ſaith he, *to abjure St.* Peter. From whence I infer, That the Cuſtom of the Realm was then thought by *Anſelm* to be inconſiſtent with the *Pope's Authority*: For whatever they talk of St *Peter*, it is the Pope they mean.

In the Reign of *H.* 1. the Pope complains grievouſly, *That the King would ſuffer no Appeals to be made to him*; *and that due Reverence was not ſhewed to St.* Peter *in his Kingdom*; *and that they ended Eccleſiaſtical Cauſes at Home, even where Biſhops were concerned*; *and very learnedly quotes the decretal Epiſtles againſt them.*

Eadmer. *f.*113,115.

Afterwards, the Pope ſent his Legate, and the King denied him Entrance, and *the whole Parliament rejected it, as contrary to the ancient Cuſtom and Liberty of* England.

*f.*118,121.

That Paſſage in the Laws of *H.* 1. *c.* 5. which ſeems to allow of Appeals, is a mere Forgery, the whole Chapter being a *Rhapſody* taken out of the Canoniſts.

H. Huntingdon ſaith, *That Appeals were brought in King* Stephen'*s time, by* Henry *Biſhop of* Wincheſter, *his Brother being the* Pope's Legate.

Hunt. *f.* 266.

By the Conſtitutions of *Clarendon*, *c.* 8. *the Appeal lay from the Archbiſhop to the King*, which is well expreſſed by *Robert* of *Glouceſter*.

> *And the K. amend ſolde the Archbiſhops deed,*
> *And he as in the* Pope'*s ſted, and St.* Thomas it withſteed.

And although *H.* 2. in his Purgation for the Death of the Archbiſhop, did ſwear, *That he would hinder no Appeals to* Rome *in Eccleſiaſtical Cauſes*; *and that he would quit the ancient Cuſtoms of the Realm*: Yet *Hoveden* ſaith, *The Conſtitutions of* Clarendon *were renewed in the Parliament at* Northampton, *and the Juſtices in Eyre were ſworn to obſerve them, and to make others obſerve them inviolably*: *And for thoſe who went out of the Kingdom* (in caſe of Appeals) *the Juſtices were to enquire* per conſuetudinem Terræ, *according to the Ancient Cuſtom*; *and if they did not return and ſtand to the King's Court, they were to be outlawed.*

In the time of *R.* 1. the Popes complained much of *Geoffry*, Archbiſhop of *York*, for ſlighting Appeals made to *Rome*, *and impriſoning thoſe that made them*. *Celeſtine* doth it twice, and in the ſame Words: And *Innocent* the Third, in King *John*'s time, renews the ſame Complaint of him, *That he ſhewed no regard to Appeals made to the Apoſtolick See.*

Hoveden, *f.*426,433, 465.

But when the Rights of the Crown were given up by King *John* to the Pope, no wonder if the Liberties of Appeals were granted by him: But yet, in the ſucceeding Reigns, we have ſeveral Inſtances upon Record, of Perſons impriſoned by the King for making Appeals to *Rome*.

K. James *his Premon. p.* 300. *John* of *Ibſtock*, in the time of *Edw.* 1. The *Abbot* of *Walden*, and a Prebendary of *Banbury*, in the Reign of *Edw.* 2. The Parſon of *Lighe*, *Harwoden*, and the Prior of *Barnwel*, in the time of *E.* 3. So that this *Right* was ſtill owned by our Princes, when the Matter came into conteſt, and therefore the Act of *H.* 8. againſt Appeals was but a juſt Reſuming of the ancient Rights of the Crown.

25 *H.* 8. *c.* 19. A Commiſſion is appointed for reviewing the Canons: And it is obſervable, That becauſe it could not be done in Parliament time, the *King* hath *Power given him by Act of Parliament to nominate the thirty two Perſons to act in this Matter*, in theſe Words; *Be it therefore Enacted by the Authority aforeſaid, That the King's Highneſs ſhall have Power and Authority to nominate and aſſign at his pleaſure the ſaid thirty two perſons of his Subjects; whereof ſixteen to be of the Clergy, and ſixteen to be of the Temporality of the Upper and Neither Houſe of Parliament.*

And becauſe the laſt Reſort was to the Archbiſhop in the former Acts of Appeals; therefore to prevent any Inconveniences thereby, a new Power is granted by this Act, *i. e. upon an Appeal to the King in Chancery, a Commiſſion is to be directed to ſuch Perſons as the King ſhall appoint, who are to hear and determine ſuch Appeals, and the Cauſes concerning the ſame.*

25 *H.* 8. *c.* 21. After the *Submiſſion of the Clergy*, and the King being owned *Supreme Head*, yet the Power of diſpenſing with the Canons in particular Caſes, did not paſs by Commiſſion from the King, but by *Act of Parliament*. The Words are, *It ſtandeth therefore with natural Equity and good Reaſon, that all and every ſuch Laws humane, made without this Realm, or induced into this Realm by the ſaid Sufferance, Conſents and Cuſtom, your Royal Majeſty, your Lords Spiritual and Temporal, and Commons repreſenting the whole State of your Realm, in this your High Court of Parliament, have full Power and Authority not only to diſpenſe, but alſo to Authorize ſome elect Perſon or Perſons, to diſpenſe*, &c. So that the Power of granting Faculties at a time when the Prerogative was higheſt, was not executed by Commiſſion from the King by virtue of his Supremacy and Prerogative Royal, but was granted to the Archbiſhop of *Canterbury*, in the manner expreſſed in that Act.

Viſitatorial Power, *&c.* p. 262. A late Author has ſtretched this Statute to a Power of diſpenſing in other Caſes, beſides thoſe which depended on the Canon Law. *For*, ſaith he, *the Pope uſurped ſuch a Power in derogation of the Authority Royal, and then that Power muſt be originally in the King: otherwiſe, in the Conſtruction of the Act, it could be no Uſurpation.* But this is a very falſe way of Reaſoning; *The* Pope *uſurped ſuch a* Power *on the Crown*, therefore *the Crown hath it of Right*: For the Pope's Uſurpations were many of them unreaſonable (his Primacy, according to the Canons, being allowed) and our Law did reſtore to the King the antient Right and Juriſdiction of the Crown, and not put him into the poſſeſſion of all the extravagant Power which the Pope uſurped. For this Law charges the Pope *with intolerable Exactions of great Sums of Money, in Penſions, Cenſures, Peter-Pence, Procurations, Fruits, Suits for Proviſions and Expeditions*

ditions of Bulls, for Arch-biſhopricks and Biſhopricks, and for Delegates and Reſcripts in Cauſes of Contentions and Appeals, Juriſdictions Legantine, as well as Diſpenſations, Licences, Faculties, Grants, Relaxations, Writs, called Perinde valere, *Rehabilitations, Abſolutions,* &c. Now all theſe were *Uſurpations* in *Derogation of the Crown*; but doth it therefore follow that the *Crown* hath a *Right* to them all? But to go no further than the Buſineſs of *Diſpenſations*, Hath the King a Right by this Statute to *diſpenſe* as far as the Pope? The Pope uſurped a Power of *diſpenſing* in *Matrimonial Contracts*, in *Oaths*, in *Vows*, in ſome *poſitive Divine Laws*, which I ſuppoſe *H.* 8. by virtue of the *Supremacy*, never pretended to. So that it is a very miſtaken Notion of ſome Men, That *the King had all the* Power *which the* Pope *uſurped*. And as to the *Act*, it is plain by the Words of it, That the *Original* Power *of diſpenſing* was lodged in the *King*, *Lords and Commons*, and the *Miniſterial Execution* of it with the *Arch-biſhop of Canterbury* even with reſpect to the King himſelf. But if the King had pretended to *all the* Power *which the* Pope *uſurped*, he muſt have diſpenſed with himſelf.

But this Author offers to prove, That *there is a* Power *in the Crown* P. 266. *to diſpenſe with Acts of* Parliament, *even ſuch as concern the Conſecration of Biſhops, becauſe it is ſaid,* 8 Eliz. That *the Queen by her Supreme Authority had diſpenſed with all Cauſes or Doubts of any Imperfection or Diſability in the Perſons,* &c.

To give a clear Anſwer to this, we muſt conſider theſe Things:

1. That 1 *Eliz.* 1. The Act of 25 *H.* 8. for the *Order* and *Form* of *Electing* and *Making Archbiſhops* and *Biſhops*, was revived, as appears by the ſame Act, 8 *Eliz.* 1. 7.

2. That by another Act, 1 *Eliz.* 2. The *Book of Common-Prayer, and Adminiſtration of Sacraments, and other Rites and Ceremonies of the Church of* England, *which were in uſe in the time of* 6 E. *and repealed by* Queen *Mary*, were re-inforced, 1 *Eliz.* 2. 2. and the *Repeal annulled.* But by the Act 5 and 6 *E.* 6. *c.* 1. §. 5. the *Form* and *Manner* of making *Archbiſhops, Biſhops, Prieſts, and Decons, was added to the Book of Prayer, as of like Force and Authority with it.*

3. That the *Act* of *E.* 6. being revived with the expreſs mention of the *Alterations* and *Additions* made to it, there was no Neceſſity apprehended, 1 *Eliz.* to make a diſtinct *Act* for that which was in force already by the Name of *Additions therein added and appointed by that Statute.* And this, I conceive, was the true Reaſon why a Bill did not paſs 1 *Eliz.* to that purpoſe: For I find by the *Journals* of the *Houſe*, a *Bill* was prepared and read the third time in the Houſe of Lords; but upon Conſideration, it was laid aſide as ſuperfluous.

4. That the *Popiſh Party* took Advantage of this, and pretended, that the *Book of Conſecration*, &c. *was not eſtabliſhed by Law, being not expreſly mentioned, and therefore the Biſhops made by it, were not Legal Biſhops.* And upon this *Bonner* reſolved to ſtand the Trial againſt *Horn*, Biſhop of *Wincheſter*, as may be ſeen in *Dyer*, *R. f.* 234. So that the *Papiſts* then ſtood upon it, That *the Crown could not diſpenſe with Laws*, otherwiſe *Bonner*'s *Plea* ſignified nothing. For if there were ſuch an inherent Right in the Crown to *diſpenſe with Laws* in *Eccleſiaſtical Matters*, then theſe were *Legal Biſhops*, having all the Queen's *diſpenſing Power* for them.

5. The Clauſe in the Queen's *Letters Patents* for *diſpenſing* with *Imperfections* and *Diſability* was put in out of *abundant Caution*, and not for

any

any *Neceſſity* that we can find: But it was cuſtomary in the *Pope's Bulls* to put in ſuch kind of *Clauſes*, and therefore they would omit no *Power* in that Caſe which the *Pope* did pretend to, which the Act ſaith, was *for avoiding all Ambiguities and Queſtions.*

6. But after all, leſt there ſhould be any Colour for *diſputing* this *Matter* left, according to the expreſs *Letter* of the Law, therefore it was declared, 8 *Eliz.* 1. 3. That not only *the Book of Common-Prayer*, but *the Form* of *Conſecrating Archbiſhops, Biſhops,* &c. *which was ſet forth in* Edward *the Sixth's Time, and added to the Common-Prayer, ſhall ſtand and be in full Force and Effect: And all Acts done by it are declared to be good and perfect to all Intents and Purpoſes:* So that this *Act* of *Parliament* doth rather overthrow a *diſpenſing Power*; for if there were then ſuch a *Supreme and Abſolute* Power in the *Crown*, as to *Eccleſiaſtical Matters*, what need ſuch an *Act* of *Parliament* to confirm and ratify what our Author ſuppoſes done by virtue of it.

But to return to the 25th of *H.* 8. in the ſame *Act* of *Parliament* care is taken for *the viſiting exempt Places*, as *Monaſteries, Colleges and Hoſpitals*, by a particular *Commiſſion* under the Great-Seal.

But that which comes neareſt to our Buſineſs, is, That 26 *H.* 8. *c.* 1. another Act paſſed, wherein *the King's Supremacy is acknowledged, and a Power given by Act of Parliament for him to viſit, redreſs, and amend all Errors, Hereſies, Abuſes, Contempts, and Enormities whatſoever, which by any manner of Spiritual Authority or Juriſdiction ought or may lawfully be reformed in any Uſage, Cuſtom, Foreign Laws, Foreign Authority, Preſcription, or any Thing or Things to the contrary hereof notwithſtanding,*

If the King had this Power by virtue of his *Supremacy* and *Prerogative Royal*, can we imagine *H.* 8. ſo weak a Prince, and ſo little a valuer of his own *Prerogative*, as to have that given him by *Act* of *Parliament*, which was acknowledged to be in him before? But the Words are expreſs, *And that our Sovereign Lord,* &c. *ſhall have full Power and Authority from time to time to viſit,* &c. From whence it follows, That in the Judgment of *H.* 8. and the *Parliament*, ſuch a *Power* was not *perſonally inherent in him*, but that it did belong to the *Legiſlative Power*, and therefore an *Act* of *Parliament* was required for it: So that the *Supremacy*, as then ſettled by *Law*, lay in a total rejecting any *Foreign Juriſdiction*, and governing this Church and Kingdom by our own Laws; which is well expreſſed in the *Preamble* to the Act againſt *Appeals*, viz. *That this Realm of* England *is an Empire governed by one Supreme Head and King, having the Dignity and Royal Eſtate of the Imperial Crown of the ſame, unto whom a Body Politick, compact of all ſorts and degrees of People, divided in Terms and by Names of Spiritualty and Temporalty, been bounden and ought to bear, next to God, a natural and humble Obedience.*

By virtue of this Act *Cromwel* was made *Vicegerent* and *Vicar General*, (for both are in the ſame *Commiſſion*) and the King gave to him *omnem & omnimodam Juriſdictionem, Authoritatem ſive poteſtatem Eccleſiaſticam, quæ nobis tanquam ſupremo Capiti hujuſmodi competit*, &c. Which are the Words of his *Commiſſion*.

It's true, That the Power of granting a *Commiſſion* to exerciſe this Power, is not expreſſed in the *Act* of *Parliament*, but it being *veſted* in the *King* by the *Act*, he might appoint *one* or more *Commiſſioners* to do it in his Name; but the Caſe is very different where that very

Power of *Delegation* is taken away by *Act of Parliament*, for that is the preſent Caſe.

To make this clear, we muſt conſider the Words of this Act, and compare them with 1 *Eliz.* 1. the [illegible] *Car.* 1. 12. and the preſent *Commiſſion.*

The Words, 26 *H.* 8. 1. are the ſame in effect with thoſe 1 *Eliz.* 1. but with this obſervable Difference, That whereas the *Statute* of *H.* 8. gives *the King, his Heirs, and Succeſſors, full Power and Authority from time to time to viſit*, &c. That 1 *Eliz.* 1. unites the Juriſdiction to the *Imperial Crown of this Realm*, but then it doth not proceed as the other did, *To give full Power and Authority to her, her Heirs, and Succeſſors, to viſit*, &c. But the Words are, *And that your Highneſs, your Heirs, and Succeſſors, Kings or Queens of this Realm, ſhall have full Power and Authority by this Act, by Letters Patents under the Great Seal of* England *to aſſign, name and authorize, when and as often as your Highneſs, your Heirs, and Succeſſors ſhall think meet to exerciſe, uſe, occupy and execute under your Heighneſs, your Heirs and Succeſſors, all manner of Juriſdictions, Privileges and Preheminences, in any wiſe touching or concerning any Spiritual or Eccleſiaſtical Juriſdiction*, &c. So that the Adminiſtration of this extraordinary Juriſdiction is by this Act limited to ſuch *who are nominated and appointed by the Letters Patents.* The Fountain of all Juriſdiction is acknowledged to be *in the Imperial Crown of this Realm*, but the Adminiſtration is two-fold; *Ordinary*, in the Archbiſhops, Biſhops, and Eccleſiaſtical Courts; and to ſecure their Dependance on the Crown, the Oath of Supremacy is required by this Act to be taken by every Archbiſhop, Biſhop, and all Eccleſiaſtical Perſons and Officers. But beſides this, it was then thought fit, That there ſhould be an *Extraordinary* Adminiſtration of it, which is limited by this Act to ſuch *as ſhould be nominated and appointed in Letters Patents*, &c. and no other Reaſon can be given of the Change from what it was in the Time of *Henry* the Eighth; for it is not now placed abſolutely, as then, in the Queen, her Heirs, and Succeſſors, but the Juriſdiction is annexed to the Crown, and the extraordinary Adminiſtration to be by Commiſſion under the Broad-Seal.

Now ſince this Power of *nominating Commiſſioners for Extraordinary Juriſdiction* is taken away by Act of Parliament, the only Queſtion is, Whether notwithſtanding the Right of Juriſdiction being ſtill in the Crown, a new Commiſſion may not be granted for Extraordinary Juriſdiction?

There had been no Queſtion in this Caſe, if the Adminiſtration of Extraordinary Juriſdiction had not been ſettled, 1 *Eliz.* 1. to be by Commiſſion, and that very Power of granting ſuch a Commiſſion had not been taken away by Act of Parliament.

But as the Matter now ſtands, the only Pretence left for it, is, *That the ſame Act which confirms the Repeal, hath a Salvo for the King's Supremacy*, in theſe Words, *Provided always, That this Act ſhall not extend, or be conſtrued to extend to abridge or diminiſh the King's Supremacy in Eccleſiaſtical Matters or Affairs.* If theſe Words be taken ſtrictly, with reſpect to the ſame Matter, they make the Act inconſiſtent with it ſelf; for then the Meaning would be, The King's Supremacy ſhall not extend to the ſetting up ſuch a Court, always provided, That his Supremacy, notwithſtanding this Act, may extend to the ſetting up ſuch another Court. Is it conſiſtent with the Wiſdom of a Parliament to make ſuch de-any *Neceſſity* that we can find: But it was cuſtomary in the *Pope's Bulls* to put in ſuch kind of *Clauſes*, and therefore they would omit no *Power* in that Caſe which the *Pope* did pretend to, which the Act ſaith, was *for avoiding all Ambiguities and Queſtions.*

6. But after all, leſt there ſhould be any Colour for *diſputing* this *Matter* left, according to the expreſs *Letter* of the Law, therefore it was declared, 8 *Eliz.* 1. 3. That not only *the Book of Common-Prayer*, but *the Form* of *Conſecrating Archbiſhops, Biſhops*, &c. *which was ſet forth in* Edward *the Sixth's Time, and added to the Common-Prayer, ſhall ſtand and be in full Force and Effect: And all Acts done by it are declared to be good and perfect to all Intents and Purpoſes:* So that this *Act* of *Parliament* doth rather overthrow a *diſpenſing Power*; for if there were then ſuch a *Supreme and Abſolute Power* in the *Crown*, as to *Eccleſiaſtical Matters*, what need ſuch an *Act* of *Parliament* to confirm and ratify what our Author ſuppoſes done by virtue of it.

But to return to the 25th of *H.* 8. in the ſame *Act* of *Parliament* care is taken for *the viſiting exempt Places*, as *Monaſteries, Colleges and Hoſpitals*, by a particular *Commiſſion* under the Great-Seal.

But that which comes neareſt to our Buſineſs, is, That 26 *H.* 8. *c.* 1. another Act paſſed, wherein *the King's Supremacy is acknowledged, and a Power given by Act of Parliament for him to viſit, redreſs, and amend all Errors, Hereſies, Abuſes, Contempts, and Enormities whatſoever, which by any manner of Spiritual Authority or Juriſdiction ought or may lawfully be reformed in any Uſage, Cuſtom, Foreign Laws, Foreign Authority, Preſcription, or any Thing or Things to the contrary hereof notwithſtanding*,

If the King had this Power by virtue of his *Supremacy* and *Prerogative Royal*, can we imagine *H.* 8. ſo weak a Prince, and ſo little a valuer of his own *Prerogative*, as to have that given him by *Act* of *Parliament*, which was acknowledged to be in him before? But the Words are expreſs, *And that our Sovereign Lord*, &c. *ſhall have full Power and Authority from time to time to viſit*, &c. From whence it follows, That in the Judgment of *H.* 8. and the *Parliament*, ſuch a *Power* was not *perſonally inherent in him*, but that it did belong to the *Legiſlative Power*, and therefore an *Act* of *Parliament* was required for it: So that the *Supremacy*, as then ſettled by *Law*, lay in a total rejecting any *Foreign Juriſdiction*, and governing this Church and Kingdom by our own Laws; which is well expreſſed in the *Preamble* to the Act againſt *Appeals*, viz. *That this Realm of* England *is an Empire governed by one Supreme Head and King, having the Dignity and Royal Eſtate of the Imperial Crown of the ſame, unto whom a Body Politick, compact of all ſorts and degrees of People, divided in Terms and by Names of Spiritualty and Temporalty, been bounden and ought to bear, next to God, a natural and humble Obedience.*

By virtue of this Act *Cromwel* was made *Vicegerent* and *Vicar General*, (for both are in the ſame *Commiſſion*) and the King gave to him *omnem & omnimodam Juriſdictionem, Authoritatem ſive poteſtatem Eccleſiaſticam, quæ nobis tanquam ſupremo Capiti hujuſmodi competit*, &c. Which are the Words of his *Commiſſion.*

It's true, That the Power of granting a *Commiſſion* to exerciſe this Power, is not expreſſed in the *Act* of *Parliament*, but it being *veſted* in the *King* by the *Act*, he might appoint *one* or more *Commiſſioners* to do it in his Name; but the Caſe is very different where that very

Power of *Delegation* is taken away by *Act of Parliament*, for that is the preſent Caſe.

To make this clear, we muſt conſider the Words of this Act, and compare them with 1 *Eliz.* 1. the 17 *Car.* 1. 12. and the preſent *Commiſſion.*

The Words, 26 *H.* 8. 1. are the ſame in effect with thoſe 1 *Eliz.* 1. but with this obſervable Difference, That whereas the *Statute* of *H.* 8. gives *the King, his Heirs, and Succeſſors, full Power and Authority from time to time to viſit*, &c. That 1 *Eliz.* 1. unites the Juriſdiction to the *Imperial Crown of this Realm*, but then it doth not proceed as the other did, *To give full Power and Authority to her, her Heirs, and Succeſſors, to viſit*, &c. But the Words are, *And that your Highneſs, your Heirs, and Succeſſors, Kings or Queens of this Realm, ſhall have full Power and Authority by this Act, by Letters Patents under the Great-Seal of* England *to aſſign, name and authorize, when and as often as your Highneſs, your Heirs, and Succeſſors ſhall think meet to exerciſe, uſe, occupy and execute under your Heighneſs, your Heirs and Succeſſors, all manner of Juriſdictions, Privileges and Preheminences, in any wiſe touching or concerning any Spiritual or Eccleſiaſtical Juriſdiction*, &c. So that the Adminiſtration of this extraordinary Juriſdiction is by this Act limited to ſuch *who are nominated and appointed by the Letters Patents.* The Fountain of all Juriſdiction is acknowledged to be *in the Imperial Crown of this Realm*, but the Adminiſtration is two-fold; *Ordinary*, in the Archbiſhops, Biſhops, and Eccleſiaſtical Courts; and to ſecure their Dependance on the Crown, the Oath of Supremacy is required by this Act to be taken by every Archbiſhop, Biſhop, and all Eccleſiaſtical Perſons and Officers. But beſides this, it was then thought fit, That there ſhould be an *Extraordinary* Adminiſtration of it, which is limited by this Act to ſuch *as ſhould be nominated and appointed in Letters Patents*, &c. and no other Reaſon can be given of the Change from what it was in the Time of *Henry* the Eighth; for it is not now placed abſolutely, as then, in the Queen, her Heirs, and Succeſſors, but the Juriſdiction is annexed to the Crown, and the extraordinary Adminiſtration to be by Commiſſion under the Broad-Seal.

Now ſince this Power of *nominating Commiſſioners for Extraordinary Juriſdiction* is taken away by Act of Parliament, the only Queſtion is, Whether notwithſtanding the Right of Juriſdiction being ſtill in the Crown, a new Commiſſion may not be granted for Extraordinary Juriſdiction?

There had been no Queſtion in this Caſe, if the Adminiſtration of Extraordinary Juriſdiction had not been ſettled, 1 *Eliz.* 1. to be by Commiſſion, and that very Power of granting ſuch a Commiſſion had not been taken away by Act of Parliament.

But as the Matter now ſtands, the only Pretence left for it, is, *That the ſame Act which confirms the Repeal, hath a Salvo for the King's Supremacy*, in theſe Words, *Provided always, That this Act ſhall not extend, or be conſtrued to extend to abridge or diminiſh the King's Supremacy in Eccleſiaſtical Matters or Affairs.* If theſe Words be taken ſtrictly, with reſpect to the ſame Matter, they make the Act inconſiſtent with it ſelf; for then the Meaning would be, The King's Supremacy ſhall not extend to the ſetting up ſuch a Court, always provided, That his Supremacy, notwithſtanding this Act, may extend to the ſetting up ſuch another Court. Is it conſiſtent with the Wiſdom of a Parliament to make ſuch de-

deluſory Acts? Therefore we muſt underſtand the *King's Supremacy in other Matters.* And there was this Reaſon for it, All the Acts of Parliament touching the Supremacy in *Henry* Eighth's Time, were repealed by Queen *Mary*, and the Reſtoring the Supremacy to the Crown, was by the ſame Act which ſet up the *High Commiſſion*; and therefore when part of that Act was repealed, and that Repeal confirmed, it was fitting to add a Clauſe, That there was no Intention to abridge or diminiſh the Supremacy ſettled by Law, eſpecially ſince by that Act the Ordinary Juriſdiction of the Biſhops in their Courts was revived; and it is very well known, what Clamours had been made, as though the Biſhops Courts being held in their own Names were inconſiſtent with the King's Supremacy: And although the *Judges* had declared, *July* the firſt, 1637. *That there was no neceſſity that Proceſſes Eccleſiaſtical ſhould be in the King's Name; and the King*, Auguſt *the eighteenth, in* 13 Car. 1. *publiſhed a Proclamation to that purpoſe*; yet all this did not ſatisfy ſome but the Biſhops were ſtill thought by them, in their Ordinary Juriſdiction, to uſurp upon the King's Supremacy, and *to abridge and diminiſh it*; therefore when this Act paſſed to revive their Juriſdiction, it was no more than reaſonable to add ſuch a Clauſe to prevent Miſconſtruction, *viz. That this Act, nor any thing in it, be conſtrued to extend to abridge or diminiſh the King's Supremacy in Eccleſiaſtical Matters*, as the Ordinary Juriſdiction of the Biſhops had been thought to do.

Vindication Eccleſ. Com *p.* 19.

And the *Vindicator* of the *Eccleſiaſtical Commiſſion* could not forbear a Marginal Note to that purpoſe; *The Court held by his Majeſty's Eccleſiaſtical Commiſſioners is more legal than the Biſhop's Court; This in the King's Name, theirs in their own Name only*: As though the new ſetting up a Court forbidden by Law did not make it illegal, in whoſe Name ſoever it were; and as though Courts expreſly owned and allowed by Law, were illegal, merely becauſe the Forms of their Proceedings do not run in the King's Name. But I deſire him to take an Anſwer from his own *Oracle* the Lord Chief Juſtice *Coke*, *Now albeit the Proceedings and Proceſs in the Eccleſiaſtical Courts be in the Name of the Biſhops*, &c. *it followeth not therefore, that either the Court is not the King's, or the Law, whereby they proceed, is not the King's Law. For taking one Example for many, every Leet or View of Frank Pledge holden by a Subject, is kept in the Lord's Name, and yet it is the King's Court, and all the Proceedings therein are directed by the King's Laws; and many Subjects in* England *have and hold Courts of Record, and other Courts, and all their Proceedings be according to the King's Laws and Cuſtoms of the Realm.*

Co. 5. R. *f.* 39.

But there is a material Objection or two yet to be anſwered.

2 Cr. *f.* 37. Moor. *f.* 755. Noy. *f.* 100

1. It is objected, That 2 *Jac. the Judges declared in the* Star-Chamber, *That the Deprivation of Non-conformiſts was lawful, becauſe the King had ſupreme Eccleſiaſtical Power, which he hath delegated to the Commiſſioners, whereby they had Power of Deprivation by the Canon-Law of this Realm; and the Statute of* 1 Eliz. *doth not confer any new Power, but explain and declare the ancient Power: And therefore they held it clear, that the King without a Parliament might make Orders and Conſtitutions for the Government of the Clergy, and might deprive them if they obeyed not.*

To which I anſwer,

1. Our Queſtion is not, Whether the King, without a Parliament, may not require the Obſervation of Canons paſſed the *Convocation*, ſo as to deprive the Obſtinate, by virtue of his Supreme Power in *Eccleſiaſtical*

ſiaſtical Matters? But whether he may appoint a *Commiſſion* with *Power to deprive* againſt an Act of Parliament; which hath taken away the Legal Power of any ſuch Commiſſion.

2. In matters of this nature, it is ſafer truſting the *Supreme Judicature* of the *Nation in Parliament*, than the *Extrajudicial Opinion* of *the Judges*.

And in this Caſe the Parliament hath declared it ſelf another way; as appears by the Canons, 1640. which were not only condemned in Parliament afterwards (which then might be imputed to the heat of the Times) but in the moſt Loyal Parliament after the King's Return, particular Care was taken, that *neither the Canons of* 1640. *ſhould be confirmed, nor any other Eccleſiaſtical Laws or Canons, not formerly confirmed, allowed, or enacted by Parliament, or by the eſtabliſhed Laws of the Land as they ſtood in* the Year of the Lord, 1639. Which implies, that the Senſe of the Parliament then was, that we are not to own any Canons but ſuch as were *confirmed, allowed*, or *enacted by Parliament*, or by *the eſtabliſhed Laws of the Land before* 1639. And therefore no new Injunctions without a Parliament or Convocation, can make the Clergy liable to a Legal Deprivation. No, not that which the Defender is ſo pleaſed with the thoughts of, *viz.* to *give their Aſſent and Conſent to the King's Declaration, on pain of Deprivation.* P. 14.

3. The Temporalties of the Clergy, eſpecially the Biſhops, are ſecured by ſeveral Acts of Parliament without a Tryal at Law. Which, becauſe I ſee none of our great Lawyers take notice of, I ſhall here ſet down.

14 *Edward* the Third, *c.* 3. *We Will and Grant for us and for our Heirs, that from henceforth We nor our Heirs ſhall not take nor cauſe to be taken into Our Hands, the Temporalties of Archbiſhops, Biſhops,* &c. *or other People of Holy Church, of what Eſtate or Condition ſoever they be, without a true and juſt Cauſe, according to the Law of the Land and Judgment thereupon given.* Statut. pro Clero.

25 *Edward* the Third, *c.* 6. The Title of the Statute is, *A Biſhop's Temporalties ſhall not be ſeized for a Contempt.* And this was received for good Law, 9 *E.* 4. 28. *Br. Ord.* 12. *Reg. f.* 32.

But a very late Writer tells the World, *That the Poſſeſſions of Eccleſiaſtical Perſons are but Conditional Freeholds; and although Abſolute Freeholds require a due Courſe of Law, yet Conditional do not*; ſo that if a Man chance to be deprived of his Office, his Freehold is gone. *Viſitatorial Power*, &c. p. 302.

This is touching *Clergymen's Freeholds* to purpoſe; and no doubt out of pure Zeal to the Church of *England*: But ſee the *Equity* and *Impartiality* of this Man!

He had undertaken before to give *publick Aſſurance of Abby-Lands to the preſent Poſſeſſors*: And for what Reaſon? *Becauſe the Pope granted a Diſpenſation with a* non-obſtante *to the Canon Law*: And yet in this Book he proves, That a *non-obſtante* is *no ways binding to the Supreme Power*; ſo that no Man could more effectually overthrow his own Aſſurance than he hath done himſelf: For, ſaith he, *Preſent Sovereigns, whether King or Pope, cannot bind their Succeſſors.* And again, *Acts of Graces and Favours, are alterable and ſuſpendable at the pleaſure of the Succeeding Sovereign*: Why then ſhould any be ſo weak as to think the Plenitude of the Pope's Power as to Abby-Lands, can be bound up by the Act of any former Pope? I confeſs the comparing theſe two Books together hath extreamly leſſened his Aſſurance of Abby-Lands with me. *Aſſurance of Abby-Lands*, p. 164, 184. *Viſitatorial Power*, &c. p. 297, 298.

p. 200. And his Anſwers to the Power of Revocation are ſo weak, that they come at laſt to no more than this, *It is a thing which cannot well be done at preſent, therefore there is no fear it ever ſhould be done.* Here is ſome Security, at leaſt till it can be done. But as to the Poſſeſſions of the Eccleſiaſtical Perſons of the Church of *England*, he endeavours to prove, That they can have no Security at all of their preſent Poſſeſſions, notwithſtanding any Promiſe, or a Legal Title: For if, as he p.297,298. ſaith, *The King by his Paramount Juriſdiction can make any Exceptions null; and ſo void a ſolemn Oath; not to accept a Diſpenſation from that Oath; why ſhould he not as well make void any Promiſe of his own, when he henders* (as he thinks) *a greater Good*, eſpecially if the Prerogative cannot be bound? But then, as to a Legal Title, that is the vaineſt thing imaginable, as to ſuch conditional Freeholds which Clergymen have; for if the Commiſſioners deprive them by their Power *ab Officio & Beneficio*, *their Attendant Freehold*, ſaith he, *is gone, without any Courſe of Law.* Defence, p. 24. And the Defender ſaith, *The Commiſſioners may deprive if Clergymen ſhould not aſſent and conſent to all contained in the King's Declaration, if he required it.* But it is to be hoped, That Princes will not take the Meaſures of Juſtice and Wiſdom, and Honour from ſuch Men: We will therefore ſet aſide the *Omnipotent Engine* of a *Non-Obſtante*, which doth not batter ſo much as it undermines, and conſider the Legal Security of theſe Conditional Freeholds.

I. All Freeholds are in ſome Senſe Conditional, or elſe they could never be forfeited: Which ſhews, that there are none Abſolute, with Reſpect to the Law. And as to their Original among us, it is agreed, That by the Ancient Right of Tenures, all Fees are Conditional; for they ſuppoſe Fealty, the non-performance whereof is Felony: Which is not that which is done *felleo animo*, as Sir *Edward Coke* trifles, but it is the ſame with Falſhood or Treachery. The Laws of *H.* 1. *c.* 5. *Si Dominus de Felonia vel Fide mentitus compellat hominem ſuum:* And in another Law, the Puniſhment of Felony is Forfeiture of the Land, *c.* 43. and therefore the *Feudiſts* ſay, That *Felony* is *delictum Vaſalli adverſus Dominum*; From the *Gothick Fell* or *Fehl*, which ſignifies in general, a *Fault*; And in this Caſe, *the Breach of Truſt towards his Lord*: Of which ſort of *Felonies* the *Feudiſts* reckon up ſome twenty, ſome thirty, any of which makes a Forfeiture: So that here is no ſuch mighty difference, that the poor Clergymen muſt only have *Conditional and Attendant Freeholds*, as though other Men's were Abſolute, whereas Sir Rep. Angl. l. 3. c. 10. *Thomas Smyth* affirms, *all in* England *are Fiduciary*, i. e. *Conditional Freeholders, beſide the King:* It is eaſie enough for any one to frame ſuch a Diſtinction of Freeholds; and to ſay, That thoſe who have but ſuch a Freehold may be ejected, without any Tryal at *Common Law:* But he ought to have ſhewed, That *Magna Charta* or the *ancient Laws* made ſuch a difference between Eccleſiaſtical Freeholds and others; which he hath not pretended to do; and therefore ſuch a Diſtinction ought Inſtit. 51. not to be allowed, eſpecially ſince I have produced an *Act of Parliament* 14 *Edward* 3. *c.* 3. which ſaith, *That Clergymen ſhall not be ejected out of their Temporalties without a true and juſt Cauſe, according to the Law of the Land:* This was none of thoſe Statutes which are in Print, but Cotton's Abr. p. 23. never enrolled, for Sir *Robert Cotton* owns the Enrolment of it, and that it was made into a Statute; and Mr. *Prynn* himſelf had nothing to object againſt it: But now it ſeems their Conditional Freeholds may be taken from them without any due Courſe of Law.

II. There is more to be ſaid concerning the *Rights* of *Eccleſiaſtical Perſons* in *Colleges*, becauſe they are *Lay Corporations*. For in *Appleford*'s Caſe it was declared to be *the Opinion of all the Judges in* Patrick'*s Caſe, That a College was a Temporal Corporation:* And therefore ſome notable Difference in point of Law muſt be ſhewed, why Men may be deprived of ſome Freeholds without *due Courſe of Law*, and not of others; for I cannot imagine, That Colleges being founded for the Encouragement of Learning, ſhould lay Men more open to Arbitrary Proceedings, than any other Legal Societies are: However Deprivation in *Coveney*'s Caſe, was agreed to be a Temporal Thing; and for that Reaſon *his Appeal was rejected, as not relating to a Matter of Eccleſiaſtical Juriſdiction, which was only provided for* 24 *and* 25 Henr. 8. But it was allowed, *That he might bring an Action at Common Law.* Our Author ſeveral times mentions this Caſe; but puts it off till he comes to Treat of Appeals, *i. e.* to the Place he knew it to be improper in. For the Queſtion is not, Whether an Appeal doth lie to the King in Chancery, in Caſe of Deprivation? but, Whether there be not a Remedy at Common Law, if a Perſon be deprived of *a Freehold without due Form of Law*? And after a great deal of Impertinency, about the manner of Appeals, he at laſt concludes, *The Remedy had been at Common Law only*; which is clear giving up the Point. For then, in caſe a Perſon be deprived without due courſe of Law, of his Freehold, he grants, that he is to have his Remedy at Law; and conſequently, that a Deprivation of ſuch a Freehold without due courſe of Law, is not ſufficient. For the Law provides no Remedy where there is no Injury done, nor juſt Cauſe to ſeek for Redreſs. And ſo I come to the ſecond Objection; which is this;

Mod. Rep. f. 84.

Dier, *f.* 209.

p. 320.

p. 224.

2. That *to deny the Juriſdiction of this Court, is to deny the King's Supremacy; and that is a dangerous thing by the Law.*

The Caſe was this; Dr. F. of *Magdalen College* in *Oxford*, being ſummoned before the Commiſſioners, denied the *Authority of the Court, and perſiſted in ſo doing*; which our Author ſaith, *in another King's Reign perhaps might have been interpreted a Queſtioning the very Supremacy it ſelf; which, how fatal it was to* John Fiſher, Biſhop *of* Rocheſter, *and Sir* Thomas Moore, *is worthy to be conſidered, both as a Demonſtration of our King's Clemency, and that the Doctor hath not ſo much reaſon to complain of his hard Uſage.*

Viſitatorial Power, p. 313.

The Meaning whereof is this, That if they had proceeded in Juſtice againſt him, he ought to have ſuffered as Biſhop *Fiſher* and Sir *Thomas Moore* did. This is more than *a bare Inſinuation*, That to deny the Juriſdiction of this Court, is to deny the King's Supremacy; and that it is meer Clemency not to deal by them who do it, as *Henry* the Eighth did by Biſhop *Fiſher* and Sir *Thomas Moore*.

But, 1. It is by no means evident, That thoſe two Perſons ſuffered meerly on that Account. For their Attainder in Parliament, was for refuſing *the Oath of Succeſſion*; and King *James* the Firſt, mentions the Words of Sir *Thomas Moore* to that purpoſe, which he ſpake to the Lords when he was condemned. And their *Attainder*, if I miſtake not, was in the ſame *Parliament* which made it *Treaſon* to dreprive the King of his Dignity, Title or Name of his Royal Eſtate, and therefore could not be by an Act not then paſſed.

King James *his Works, p.* 283.

But, 2. Suppoſe that they were at laſt proceeded againſt on the Act then paſſed, what is this to the preſent Caſe? when *Coke* ſaith, *This Act*

p. 200. And his Anſwers to the Power of Revocation are ſo weak, that they come at laſt to no more than this, *It is a thing which cannot well be done at preſent, therefore there is no fear it ever ſhould be done.* Here is ſome Security, at leaſt till it can be done. But as to the Poſſeſſions of the Eccleſiaſtical Perſons of the Church of *England*, he endeavours to prove, That they can have no Security at all [illegible] their preſent Poſſeſſions, notwithſtanding any Promiſe, or a Legal Title: For if, as he p.297,298. ſaith, *The King by his Paramount Juriſdiction can make any Exceptions null; and ſo void a ſolemn Oath; not to accept a Diſpenſation from that Oath; why ſhould he not as well make void any Promiſe of his own, when he henders* (as he thinks) *a greater Good*, eſpecially if the Prerogative cannot be bound? But then, as to a Legal Title, that is the vaineſt thing imaginable, as to ſuch Conditional Freeholds which Clergymen have; for if the Commiſſioners deprive them by their Power *ab Officio & Beneficio, their Attendant Freehold*, ſaith he, *is gone, without any Courſe of Law.* Defence, p. 24. And the Defender ſaith, *The Commiſſioners may deprive if Clergymen ſhould not aſſent and conſent to all contained in the King's Declaration, if he required it.* But it is to be hoped, That Princes will not take the Meaſures of Juſtice and Wiſdom, and Honour from ſuch Men: We will therefore ſet aſide the *Omnipotent Engine* of a *Non-Obſtante*, which doth not batter ſo much as it undermines, and conſider the Legal Security of theſe Conditional Freeholds.

I. All Freeholds are in ſome Senſe Conditional, or elſe they could never be forfeited: Which ſhews, that there are none Abſolute, with Reſpect to the Law. And as to their Original among us, it is agreed, That by the Ancient Right of Tenures, all Fees are Conditional; for they ſuppoſe Fealty, the non-performance whereof is Felony: Which is not that which is done *felleo animo*, as Sir *Edward Coke* trifles, but it is the ſame with Falſhood or Treachery. The Laws of *H.* 1. *c.* 5. *Si Dominus de Felonia vel Fide mentitus compellat hominem ſuum*: And in another Law, the Puniſhment of Felony is Forfeiture of the Land, *c.* 43. and therefore the *Feudiſts* ſay, That *Felony* is *delictum Vaſalli adverſus Dominum*; From the *Gothick Fell* or *Fehl*, which ſignifies in general, a *Fault*; And in this Caſe, *the Breach of Truſt towards his Lord*: Of which ſort of *Felonies* the *Feudiſts* reckon up ſome twenty, ſome thirty, any of which makes a Forfeiture: So that here is no ſuch mighty difference, that the poor Clergymen muſt only have *Conditional and Attendant Freeholds*, as though other Men's were Abſolute, whereas Sir Rep. Angl. l. 3. c. 10. *Thomas Smyth* affirms, *all in* England *are Fiduciary*, i. e. *Conditional Freeholders, beſide the King.* It is eaſie enough for any one to frame ſuch a Diſtinction of Freeholds; and to ſay, That thoſe who have but ſuch a Freehold may be ejected, without any Tryal at *Common Law:* But he ought to have ſhewed, That *Magna Charta* or the *ancient Laws* made ſuch a difference between Eccleſiaſtical Freeholds and others; which he hath not pretended to do; and therefore ſuch a Diſtinction ought Inſtit. 51. not to be allowed, eſpecially ſince I have produced an *Act of Parliament* 14 *Edward* 3. *c.* 3. which ſaith, *That Clergymen ſhall not be ejected out of their Temporalties without a true and juſt Cauſe, according to the Law of the Land:* This was none of thoſe Statutes which are in Print, but Cotton's Abr. p. 23. never enrolled, for Sir *Robert Cotton* owns the Enrolment of it, and that it was made into a Statute; and Mr. *Prynn* himſelf had nothing to object againſt it: But now it ſeems their Conditional Freeholds may be taken from them without any due Courſe of Law.

II. There is more to be ſaid concerning the *Rights* of *Eccleſiaſtical Perſons* in *Colleges*, becauſe they are *Lay Corporations*. For in *Appleford*'s Caſe it was declared to be *the Opinion of all the Judges in* Patrick'*s Caſe, That a College was a Temporal Corporation:* And therefore ſome notable Difference in point of Law muſt be ſhewed, why Men may be deprived of ſome Freeholds without *due Courſe of Law*, and not of others; for I cannot imagine, That Colleges being founded for the Encouragement of Learning, ſhould lay Men more open to Arbitrary Proceedings, than any other Legal Societies are: However Deprivation in *Coveney*'s Caſe, was agreed to be a Temporal Thing; and for that Reaſon *his Appeal was rejected, as not relating to a Matter of Eccleſiaſtical Juriſdiction, which was only provided for* 24 *and* 25 Henr. 8. But it was allowed, *That he might bring an Action at Common Law.* Our Author ſeveral times mentions this Caſe; but puts it off till he comes to Treat of Appeals, *i. e.* to the Place he knew it to be improper in. For the Queſtion is not, Whether an Appeal doth lie to the King in Chancery, in Caſe of Deprivation? but, Whether there be not a Remedy at Common Law, if a Perſon be deprived of *a Freehold without due Form of Law?* And after a great deal of Impertinency, about the manner of Appeals, he at laſt concludes, *The Remedy had been at Common Law only*; which is clear giving up the Point. For then, in caſe a Perſon be deprived without due courſe of Law, of his Freehold, he grants, that he is to have his Remedy at Law; and conſequently, that a Deprivation of ſuch a Freehold without due courſe of Law, is not ſufficient. For the Law provides no Remedy where there is no Injury done, nor juſt Cauſe to ſeek for Redreſs. And ſo I come to the ſecond Objection; which is this;

Mod. Rep. f. 84.

Dier, *f.* 209.

p. 320.

p. 224.

2. That *to deny the Juriſdiction of this Court, is to deny the King's Supremacy; and that is a dangerous thing by the Law.*

The Caſe was this; Dr. F. of *Magdalen College* in *Oxford*, being ſummoned before the Commiſſioners, denied the *Authority of the Court, and perſiſted in ſo doing*; which our Author ſaith, *in another King's Reign perhaps might have been interpreted a Queſtioning the very Supremacy it ſelf; which, how fatal it was to* John Fiſher, Biſhop *of* Rocheſter, *and Sir* Thomas Moore, *is worthy to be conſidered, both as a Demonſtration of our King's Clemency, and that the Doctor hath not ſo much reaſon to complain of his hard Uſage.*

Viſitatori-al Power, p. 313.

The Meaning whereof is this, That if they had proceeded in Juſtice againſt him, he ought to have ſuffered as Biſhop *Fiſher* and Sir *Thomas Moore* did. This is more than *a bare Inſinuation*, That to deny the Juriſdiction of this Court, is to deny the King's Supremacy; and that it is meer Clemency not to deal by them who do it, as *Henry* the Eighth did by Biſhop *Fiſher* and Sir *Thomas Moore.*

But, 1. It is by no means evident, That thoſe two Perſons ſuffered meerly on that Account. For their Attainder in Parliament, was for refuſing *the Oath of Succeſſion*; and King *James* the Firſt, mentions the Words of Sir *Thomas Moore* to that purpoſe, which he ſpake to the Lords when he was condemned. And their *Attainder*, if I miſtake not, was in the ſame *Parliament* which made it *Treaſon* to dreprive the King of his Dignity, Title or Name of his Royal Eſtate, and therefore could not be by an Act not then paſſed.

King James *his Works*, p. 283.

But, 2. Suppoſe that they were at laſt proceeded againſt on the Act then paſſed, what is this to the preſent Caſe? when *Coke* ſaith, *This*

Act

4 Inſt. f. 42. *Act was twice repealed.* And it is no extraordinary Clemency, not to be proceeded againſt by a Law that hath no force.

3. The Statute in Force, 5 *Eliz. c.* 1. is againſt thoſe who *defend or maintain the Authority, Juriſdiction, or Power of the Biſhop of* Rome, *or of his See, heretofore claimed, uſed, or uſurped within this Realm, or by any Speech, open Deed, or Act, adviſedly, wittingly attribute any ſuch manner of Juriſdiction, Authority, or Preheminence to the ſaid See of* Rome, *or any Biſhop of the ſame, for the time being within this Realm.* So that it cannot be denied, that there is occaſion for his Majeſty's Clemency; but it is to another ſort of Men.

4. It is very hard ſtraining to make the denying the *Juriſdiction* of this *Court*, to be denying the *King's Supremacy*, when a Perſon hath done all which the Law requires him to do towards owning the *Supremacy*. If he had ſaid Dr. *F.* had taken Poſſeſſion of his Fellowſhip there, without taking the Oath of Supremacy, which the Law requires, he had then indeed given ground to ſuſpect him for denying the King's Supremacy; but to take no notice of thoſe who refuſed to do as the Law requires, and to talk thus of what Severity might be uſed to one that hath done it, looks in him neither like Clemency nor Juſtice.

5. It was always looked on, as a *Legal Right* to make Exception to the *Juriſdiction of a Court*, eſpecially when newly eſtabliſhed, without *Act of Parliament*, and to any ordinary Underſtanding, in flat Contradiction to it. It is very new Doctrine that in a Legal Government *Exceptio Fori* ſhall be interpreted a *Denial of Supreme Authority*, which was not only allowed by the Canon and Civil Laws, but by the moſt ancient Common Lawyers we have.

Bracton obſerves ſeveral things, which are material to this purpoſe.

Bract. *l.* 5. de Excep. *c.* 1. 1. The firſt *general Exception which is allowed*, he ſaith, is *contra Juriſdictionem. Exceptions* are either dilatory or peremptory. Some that are only dilatory, as to the Action, may be peremptory as to the *Juriſdiction.* And theſe are to be put in *ante Litem conteſtatam, ad perimendum Judicium, ne procedat.* And the firſt of this ſort, are the Exceptions *contra Juriſdictionem, & contra Perſonas Judicantium, quibus deficit Autoritas judicandi.* So that he ſuppoſes, that ſuch who do not deny the King's Supreme *Authority*, may *have a legal and juſt Exception againſt the Authority of a Court.*

L. 2. *c.* 8. *n.* 9. 2. It was an allowable *Exceptio Fori* then, if any Lay-Perſons did take upon them to proceed by *Eccleſiaſtical Cenſures.*

In *Eccleſiaſtical Caſes*, ſaith he, *a Secular Judge hath no Cognizance, becauſe he hath not the Power of Coercion proper to them*, viz. *by Eccleſiaſtical Cenſures*; therefore, he ſaith, in his Cauſis pertinet Cognitio ad Judices Eccleſiaſticos. His Reaſon is, *Becauſe thoſe only are the competent Judges, who have the Power of Coercion proper to the Court.* And for the ſame Cauſe, *Eccleſiaſtical Judges* are not to interpoſe in *Secular Cauſes, cum jura ſint ſeparata & limitata.* And although the *Exemption of Eccleſiaſtical Perſons* from the Civil Courts, be certainly taken away by the *Acts of Supremacy*; yet it hath been ſtill alledged by our Divines, That *the Eccleſiaſtical Cenſures were ſtill reſerved to the Eccleſiaſtical Functions*; either in the way of Ordinary or Delegate Juriſdiction. If the *High Commiſſion* did ſeem to go further, then that Power being taken away by Act of Parliament, it muſt return to the ancient Courſe.

L. 5. de Exc. c. 14. 3. *There muſt be a Legal Authority to conſtitute a Legal Juriſdiction.*

Ad hoc quod rata ſint judicia videre oportet an Juſtic. Warrantum habeat à Rege quod judicare poſſit. Si Warrantum non habuerit, non valebit quod coram eo actum fuerit, quaſi coram non ſuo judice, quia primo legi debet Breve Originale, & poſtmodum Breve per quod Juſticiar. conſtitutus eſt, & ſi nullum omnino habuerit, aut ſi habuerit non tamen ad manum, non erit ei parendum niſi ita forte ſit, quod Breve Originale de Juſticiaria ſua faciat mentionem, Bracton, l. 5. De Except. c. 14.

1. There muſt be a Commiſſion from the King, which muſt be read; and if either they have it not, or it be not at hand, the Juriſdiction is not to be owned, unleſs it be mentioned in the *Original Writ*. For *Commiſſions* in thoſe days were moſt commonly granted by *Writ*, ſaith the Lord *Coke*. 2 Inſt. *f.* 418.

But by *Bracton*'s Words it appears, That commonly there was an *Original Writ* and a *Commiſſicn* beſides; but ſometime the *Commiſſion* was in the *Original Writ*, and then the reading of that was ſufficient.

The *Mirror* ſaith, That *the Juriſdiction may be denied, if the ſeeing or hearing the Commiſſion be denied.* Mirror de Juſtic. *c.*3. §. 6.

2. The Bounds of the Juriſdiction muſt be expreſſed; and if thoſe be exceeded, he ſaith an *Exception* lies: Which ſignifies nothing unleſs the *Commiſſion* be known.

3. The *Commiſſion muſt be according to Law*; for that is *Bracton*'s ſtanding Rule: *Nihil aliud poteſt Rex in Terris, cum ſit Dei Miniſter & Vicarius, niſi id ſolum quod Jure poteſt.* So that a Commiſſion againſt Law is void in Law. He mentions the Common Saying in the Civil Law, *Quod Principi placet, Legis habet Vigorem*; and anſwers it thus, *Quod Princi placet* is not to be underſtood of his *Preſumptive, but his Legiſlative Will* (Animo condendi Jura) and with the *Advice of his Magiſtrates*, the King himſelf giving Authority; which is the Deſcription of an Act of Parliament, as we now call it. L. 3. de Action. *c.* 9. *n.* 3.

Which he more fully expreſſes elſewhere, *Legis vigorem habet, quicquid de Conſilio & de Conſenſu Magnatum & Reipublicæ Communi Sponſione Authoritate Regis, ſine Principis præcedente, juſte fuerit definitum & approbatum.* L. 1. c. 1 n. 2.

If this were the *ancient Law of* England, how comes the Exception againſt a *Court* to be a Denial of the King's Supremacy, unleſs it be ſuppoſed impoſſible that there ſhould be an *illegal Court* with the *King's Commiſſion*.

But we may ſuppoſe it poſſible for a new kind of *Star-Chamber*, or *Court of Wards* to be ſet up; muſt no Man queſtion the Legality of ſuch a Court, without denying the King's Authority? For this is a Queſtion in Point of Law; and the King's Authority always goes with the Law: And therefore to ſuppoſe it to be in any thing againſt Law, is to ſuppoſe it to be contradictory to it ſelf.

But our Author ſaith, *It is neceſſary for every Court to aſſert its own Juriſdiction.* Very true, and to clear it too, if it be liable to a juſt Exception. I am very far from denying the King's Supremacy; yet I may be as far from thinking ſuch a Court to be Legal, if an Act of Parliament can make a Court illegal: And to ſay no more for it, *but that every Court muſt aſſert its own Juriſdiction*, is to level it with the infamous *High Court of Juſtice*, which, when King *Charles* the Firſt, of *Bleſſed Memory*, denied their Authority, all the Reply was, *That the Court was ſatisfied of its own Authority*; which could give *Satisfaction* to no body elſe. P. 317.

And if this be all can be ſaid for the *Legality* of it, for all that I can ſee, there is *juſt Reaſon* to deny it.

OF THE JURISDICTION OF THE BISHOPS IN Capital Cauſes.

102.2.P.

DISCOURSE III.

Chap. I.

The Queſtion *ſtated, and General* Prejudices *removed.*

Letter, p. 12. THE *Queſtion* in debate, as it is ſtated by the **Author** of the *Letter*, is, *Whether the Biſhops may be preſent, and Vote judicially in Capital Caſes, which come to be judged in Parliament, either in giving the Judgment it ſelf, or in reſolving and determining any Circumſtance preparatory, and leading to that Judgment?*

For our better proceeding towards a Reſolution of this Queſtion, it will be neceſſary to take notice of ſome things granted on both ſides, which may prevent needleſs Diſputes, and be of great uſe in the following Debate.

P. 93. 1. It is granted, *That the Biſhops do ſit in Parliament by virtue of their Baronies, and are bound to ſerve the King there.* And one part of the *Service* due to the King there, is to *ſit in Judgment*; for the Author of the Book entitled, *The Juriſdiction of the Houſe of Peers aſſerted,* proves at large, *That the Right of Judicature belongs to the Barons in Parliament*; and that the Lords Spiritual have a conſiderable ſhare therein, appears by this Paſſage in the Title-Page of that Book, tranſlated into *Engliſh.*

The Judgment of the Lords Spiritual and Temporal is according to the Uſe and Cuſtom of Parliament.
The Uſe and Cuſtom of Parliament is the Law of Parliament.
The Law of Parliament is the Law of England.
The Law of England *is the Law of the Land.*
The Law of the Land is according to Magna Charta.
Therefore the Judgment of the Lords Spiritual and Temporal is according to Magna Charta.

Some Right then of Judicature in Parliament the Biſhops have by *Magna Charta*; which, whatever it be, is as much theirs by that Charter as any Right of Temporal Perſons, and cannot be invaded or taken from them without breach of that Charter, any more than the Rights of the Lords Temporal, or of any other Perſons whatſoever. But how far that Right doth extend, is now the thing in Queſtion.

2. It is not denied, *That the Biſhops do ſit in Parliament by the ſame kind of Writs that other Barons do.* They are ſummon'd to adviſe and debate about the great and difficult Affairs of the Kingdom; *cum Prælatis, Magnatibus & Proceribus dicti Regni noſtri Angliæ colloquium habere & tractatum*, i.e. to join therein with the Biſhops and other Lords of the Kingdom. So that by the King's *Writ* of *Summons* they are impower'd and required to confer and treat of all the weighty Affairs that ſhall be brought before them. And no Inſtance is ſo much as offer'd to be produc'd of any *Writ* wherein the King doth limit and reſtrain the Biſhops, any more than any other Lords of Parliament, as to any matter of Conſultation, or Point of Judicature, belonging to that Houſe. They have then by their *Writ* of *Summons* as good right to ſit in all Caſes as in any: And ſince the other Lords by *their Writs* are ſummoned to adviſe with the Prelates in all matters that ſhall come before them, without limitation, it is not to be conceived how this can be done, if the Biſhops in ſome of the moſt important Debates be excluded.

3. It is yielded, That if the Houſe proceeds in a *Legiſlative way* by passing *Bills of Attainder*, the Biſhops have a Right to ſit and vote therein as well as other Lords; at theſe it is ſaid, *That the Biſhops are or ſhould be all preſent at the paſſing of them, for then they act as Members of the Houſe of Lords in their Legiſlative Capacity.* But Men do as certainly die that are condemned in the *Legiſlative*, as in the *Judicial* way. Is not this then really as much a *Caſe of Blood* as the other? If the Biſhops ſhould give their Votes in the *Legiſlative* way to condemn a Perſon for Treaſon, and yet think they had not Voted in a *Caſe of Blood*, they would then indeed be like *Chaucer*'s Fryar, mentioned by the Author of the *Letter*, that would have *of a Capon the Liver, and of a Pig the Head, yet would that nothing for him ſhould be dead.* Doth a *Bill* of *Attainder* cut off a Man's Head without making it a *Caſe of Blood*? There can be then no Objection now made againſt the *Biſhops Right* from any *Canons* of the Church; for thoſe allow no ſuch diſtinction of proceeding in the *Legiſlative* or *Judicial* way. And the late *Author of the Peerage and Juriſdiction of the Lords Spiritual* doth grant, *That the Canons do prohibit the Biſhops voting in Bills of Attainder, as much as in any Caſe whatſoever.* P. 118. P. 66. P. 21.

But we are not to ſuppoſe a Perſon of ſuch Abilities as the *Author* of the *Letter*, would go about to exclude the *Biſhops* from their *Right* of *Voting* in a *Judicial way in Caſes Capital*, unleſs there were ſome great appearance of *Law* on his ſide; becauſe he profeſſes ſo *great a Deſire that Right may prevail*; and, *That his Deſign in writing was, to ſatisfy himſelf and others where that Right is.* The diſcovery whereof is our preſent buſineſs. Yet before the *Author* of the *Letter* comes to a cloſe Debate of the matter of *Right*, he lets fall ſome general *Inſinuations* to create a *Prejudice* in the Reader's Mind, as to the *Biſhops meddling at all in ſecular Affairs*, as though it were inconſiſtent with their *Function*, P. 2, 3.

and with ſome Paſſages in the *Imperial* Law. And becauſe Men may ſometimes do more harm by what they tell us *they will not ſay*, than by what they *do ſay*, it will be fit to prevent the danger of ſuch *Inſinuations* before we come to conſider his *Arguments*.

P. 5. 1. The *firſt* is, *That meddling at all in Secular Affairs ſeems to be the doing that which the Apoſtles declared they would not do*, viz. *leave the Word of God, and ſerve Tables*. But are all Perſons of Eſtates now bound to part with them as the Chriſtians then did? *The ſerving of Tables* was a full Employment; and they who attended that Office were the Treaſurers of the Church, to diſtribute to every one as they judged fit, out of the common Stock. Is it *no Service to God*, to do Juſtice, and to ſhew Mercy? To attend upon the publick Affairs of the Kingdom, when they are called to it by their Sovereign? Or are all *Biſhops* now in the ſame Circumſtances the *Apoſtles* were when the Chriſtian Church was to be planted in the World, and ſo few Perſons as the 12 Apoſtles made choice of for that Work? Is there no difference to be made between a Church conſtituted and ſettled and incorporated into the Commonwealth, and one not yet formed, but labouring under great Difficulties, and making its way through conſtant Perſecutions? May it not be as well argued, that *Biſhops* are not to ſtay in one Country, nor to have any fixed Habitation, becauſe the *Apoſtles* paſſed from Place to Place preaching the Word of God? Doth not the *Author* of the *Letter* himſelf confeſs, *That the Clergy are one of the Three Eſtates of the Kingdom?* And by the *Act* 8 *Eliz.* 1. the *Clergy* are called *one of the greateſt States of this Realm*. And is there not then great Reaſon, that thoſe who are *the chief part of it*, as he confeſſeth the *Biſhops* to be, ſhould have a ſhare in Affairs that concern the whole Nation? And would it not ſeem ſtrange to the Chriſtian World, that *we* alone of all the *Kingdoms* of *Europe* ſhould exclude the *Biſhops* from having an equal Intereſt with the other Eſtates in Parliament? For it were eaſy to prove from unqueſtionable Teſtimonies, that as ſoon as the Chriſtian Religion was well ſettled in any of theſe *Northern Kingdoms*, the Biſhops were admitted into all the publick Councils; and have ſo continued to this Day, where the Convention of the Eſtates hath been kept up, *Bohemia* only excepted ſince the Days of *Sigiſmond*.

(P. 86.)

Hincmar. Epiſt. de ordine Palatii. I begin with *France*, where *Hincmarus* ſaith, *There were two great Councils every Year: One of the States of the Kingdom, for ordering the Affairs of the enſuing Year, and redreſſing of Grievances; and in theſe the Biſhops were always preſent: and the other of the King's Council, which managed the intervening Affairs; and into this the chief of the Biſhops were always choſen.* It were endleſs to repeat the ſeveral Parliaments in *France* in the time of the *Merovingian* and *Caroline* Race, wherein Laws were paſſed, and the great Affairs of the Kingdom managed by the *Biſhops*, *Noblemen*, and others. Thoſe who have looked into the ancient *Annals* and *Capitulars* of *France* cannot be ignorant of this. There is one thing remarkable to our purpoſe in the famous Council of *Franckford*, which oppoſed the Worſhip of Images ſo ſtoutly, *viz.* that after the matters of Religion were agreed, then, according to the Cuſtom of that Age, the other Eſtates being preſent, they proceeded to other matters; and then *Taſſilo*, Duke of *Bavaria*, was brought upon his Knees for Treaſon; and the Cauſe of *Peter*, Biſhop of *Verdun*, was heard, who was likewiſe accuſed of Treaſon, and there purged himſelf. Concerning both which Caſes there are 2 *Canons* ſtill extant among the *Canons*

nons of that Council; and in *another*, the Biſhops are appointed, by conſent of the King, to do Juſtice in their ſeveral Dioceſſes. And that they had not only a ſhare in the *Legiſlative*, but in the *Judiciary part*, appears by one of the *ancient Formulæ* in *Marculphus*, where it is ſaid, that the King ſat in Judgment, *unà cum Dominis & Patribus noſtris Epiſcopis, vel cum plurimis Optimatibus noſtris*; (*vel*, in the Language of that Age, is the ſame with, *&c.*) This was the *Palatine Court*, where *Bignonius* ſaith, *the greater Cauſes were heard, the King himſelf being preſent*; (or the *Comes Palatii*,) *Epiſcopis & Proceribus adſidentibus, the Biſhops and Lords ſitting in Judicature together with him.* And this was not only *the Original* of *the Parliament* of *Paris*, as a ſtanding *Court* of *Judicature*; but the like in *England* was the true foundation of *the Supreme Court* of *Judicature* in *the Houſe* of *Peers*. So that in the eldeſt and beſt Times of *France*, after *Chriſtianity* had prevailed there, neither *Conſultation* about publick Affairs, nor *Adminiſtration* of Juſtice were thought inconſiſtent with the Function of Biſhops.

Concil. Franc. *c.*3. *&* 9.

Marculph. Form. *l.*1. *c.* 25.

Not. in Marc. *p.* 287.

In *Spain* during the *Gothick Power*, all the great Affairs of the Kingdom, and even the Rights of their Princes, were debated and tranſacted by the greateſt of the Clergy and Nobility together; as may be ſeen in the ſeveral *Councils* of *Toledo* in that time, in the Caſe of *Suintilas*, *Siſenandus*, and others. And in one of them it is ſaid, that after they had diſpatched Matters of Religion, they proceeded *ad cæterarum Cauſarum negotia, to the handling of other Cauſes.* In the 13 Council of *Toledo*, the Caſe of *Impeachments* of *Treaſon* is brought in; and Rules ſet down for the due proceedings therein. And yet from one of theſe Councils of *Toledo* it is, that all the ſtir hath been made in the *Canon-Law* about Biſhops not being preſent in caſes of blood.

Concil. Tolet. 4. *c.* 75. 5. *c.* 7. 6. *c.* 17. 8. in Præf. 12. *c.* 1. 17. *c.* 1. Concil. Tolet. 13. *c.* 2.

In *Germany*, the firſt Laws that were ever publiſhed were thoſe by *Lotharius II. in Comitiis Regni*, ſaith *Goldaſtus*; and there were preſent 33 Biſhops, 34 Dukes, 72 Counts, beſides the People. And by the *Matriculation-Roll* of the *States* of the *Empire*, it appears what a great Intereſt the Clergy have preſerved therein, from the firſt times of the prevalency of Chriſtianity there. And *Arumæus*, a conſiderable Proteſtant Lawyer of the Empire ſaith, *the Biſhops of* Germany *ſit in a double Capacity in the* Diets, *both as* Biſhops, *and as* Princes *of the Empire.* And he commends *the prudence of that Conſtitution with reſpect both to Juſtice, and the Honour and Safety of Religion.*

Rer. Aleman. To. 2. Cod. Leg. Antiq. B. 362.

Arumæ. de Comitiis *n.* 35. *c.* 4. *n.* 98.

For the Kingdom of *Bohemia*, *Goldaſtus*, a learned Proteſtant, ſaith, that *there, as in all other well-conſtituted Kingdoms among Chriſtians, there were* 3 *Eſtates, of* Prelates, Nobles, *and* Commons; *and this continued*, he ſaith, *from the time Chriſtianity was receiv'd, till the days of* Sigiſmond.

Goldaſt. Bohem. *l.* 5. *c.* 1.

No ſooner was Chriſtianity received in *Hungary*, but their Princes, *Stephanus* and *Ladiſlaus*, called their great Councils of their Prelates and Nobles; and the Laws made in the *Concilium Zabolchianum* were paſſed by the King, with all his Biſhops and Nobles, and with the conſent of the whole Clergy and People.

Bonfin. dec. 2. *l.* 1. Decret. Ladiſl. *p.* 12.

In *Poland*, *Starovolſcius* ſaith, that *their Anceſtors, after they received Chriſtianity, out of regard to Religion, gave the* Biſhops *the firſt place in the Senate; and admitted the Clergy to the great Offices of the Kingdom.* And *Sigiſmond* in his *Conſtitution* ſaith, *the States of* Poland *conſiſt of the* Biſhops, Barons, *and* Delegates, *called Nuncii terreſtres.*

Starovolſc Polon. *p.* 265.

Herbert Stat. Regni Pol. *p.* 263.

In

Adam. Brem. de ſitu Dan. *n.* 85. Loccen. Antiq. Sueco-Goth. *c.* 8. Jus Aulicum Norveg. *c.* 3. *c.* 36.

In the *Northern* Kingdoms, *Adamus Bremenſis* ſaith, that *the Biſhops after the People received Chriſtianity, were receiv'd into their publick Councils.* And *Loccenius* reckons up among the ſeveral Eſtates, the Biſhops, Nobles, Knights, and Deputies of the Country and Cities. And it appears by the *Hirdſtraa*, or the ancient Laws of *Norway, the Biſhops as well as Nobility were preſent in the Convention of the States, and all publick Councils.*

The like might be proved here in the *Saxon* times, from the Converſion of *Ethelbert* downward. This is ſo very evident, that he muſt blind his Eyes that doth not ſee it, if he doth but caſt them on the Hiſtory of thoſe times.

Theſe things I have laid together with all poſſible brevity and clearneſs, that in one view we may ſee a conſent of all theſe parts of the Chriſtian World, in calling Biſhops to their publick Councils, and moſt ſolemn Debates; and how far they were from thinking ſuch Imployment inconſiſtent with their Sacred Function, and charging them, that thereby *they left the Word of God to ſerve Tables.* Neither can this be looked on as any part of the Degeneracy of the Church, or the Policy of the Papacy; ſince as the fore-cited *Arumæus* ſaith, *they were admitted to this Honour before the Papal Power was advanced; and were ſo far from carrying on the Pope's Deſigns, that they were, in moſt Countries, the greateſt Oppoſers of them.* And when the Popes began to ſet up the Monarchy, their buſineſs was, to draw them off from meeting in theſe Councils, under ſeveral pretences of *Caſes of Blood*, and other things; the better to keep them in a ſole Dependency on themſelves. As will appear by the following Diſcourſe.

Lett. *p.* 3, 4.

2. The next thing ſuggeſted is, that *the Imperial Law doth forbid Clergy-men having any thing to do with Secular Matters.* And for this a *Reſcript* of *Honorius* and *Theodoſius* is mentioned, and a *Decree* of *Juſtinian.* To which I anſwer,

Stat. Merton. *c.* 9. 20 *H.* 3. Diſſert. ad Flet. *c.* 9. S. 2.

1. The Imperial Edicts are not the Law of *England.* Our diſpute is about a Right by our own Laws; which a Reſcript of *Honorius* and *Theodoſius* can neither give nor take away. What would become of the whole frame of our Government, and of our juſt Rights and Properties, if the producing of Imperial Edicts would be ſufficient to overthrow them? When the Biſhops once pleaded hard in Parliament in behalf of an Imperial Conſtitution, lately adopted into the Canon-Law; the Anſwer given by all the Temporal Lords was, *Nolumus leges Angliæ mutare, quæ huc uſque uſitatæ ſunt & approbatæ.* They did not mean they would make no Alterations in Parliament, for that very Parliament did ſo in ſeveral things; but their meaning was, as Mr. *Selden* obſerves, that they owned neither Canon nor Imperial Laws here, any farther than they were agreeable to the Laws of the Land.

Soz. hiſt. *l.* 1. *c.* 9. Capitul. Carol. & Ludov. *l.* 6. *c* 281. ed. Lindenb. *c.* 366. ed. Baluz.

2. The Imperial Conſtitutions do give liberty to Church-men to have to do in Secular Affairs. The Emperor *Conſtantine*, whoſe Conſtitutions deſerve as great regard as thoſe of *Honorius* and *Theodoſius*, to ſhew his reſpect to the Chriſtian Religion, permitted all Men to bring their Cauſes before the Biſhops, without ever going to the other Tribunals, as *Sozomen*, a Lawyer of *Conſtantinople*, relates. And this is the true foundation of the Conſtitution *De Epiſcopali Judicio*; as *Gothofred* confeſſeth. Which is at large inſerted into the Capitulars, with a more than uſual Introduction; and made a Law to all the Subjects of the Empire, *Franks*, *Saxons*, *Lombards*, *Britains*, &c. and therefore

is more conſiderable to theſe parts than a bare Reſcript of *Honorius* and *Theodoſius*. And yet theſe very Emperors, in a Conſtitution of theirs, do ſo far ratifie the Judgment of Biſhops upon Trial by conſent before them that no Appeal doth lie from their Decree. What Reſcript then is this of theirs which ſo utterly forbids Clergy-men having any thing to do with publick Functions, or things appertaining to the Court? I ſuppoſe that Conſtitution of *Honorius* is meant, which confines the Biſhops Power to what concerns Religion; and leaves other Cauſes to the ordinary Judges and the Courſe of Law. But two things are well obſerved by *Jac. Gothofred* concerning this *Reſcript* of *Honorius*: 1. That it is meant of abſolute and peremptory Judgment without Appeal; 2. That whatever is meant by it, not many Years after, this Conſtitution was repealed by *Honorius* himſelf, and the Biſhop's Sentence made as abſolute as before. So that *Honorius* is clearly againſt him, if a Man's ſecond Judgment and Thoughts be better.

Cod. Juſt. de Epiſ. audient. *l.* 1. tit. 4. *c.* 8.

Cod. Theodoſ. *l.* 16. tit. 11. *c.* 1.

3. The Practice of the beſt Men in thoſe Ages ſhews, that they thought no Law in force to forbid Church-men to meddle in Secular Affairs; as might be at large proved from the practice of *Gregory Thaumaturgus* and St. *Baſil* in the *Eaſt*; of *Silvanus* Biſhop of *Troas*, of St. *Ambroſe*, St. *Auguſtine*, and others of the greateſt and moſt devout Church-men of thoſe times. And St. *Auguſtine* was ſo far from thinking it unlawful, that in his Opinion St. *Paul* commanded the Biſhops to do it. *Conſtituit enim talibus Cauſis Eccleſiaſticos Apoſtolus Cognitores.* And the learned *Gothofred* of *Geneva* ſaith, *Mos hic frequens & legitimus eundi ad Judices Epiſcopos. It was then a common and legal practice to go to Biſhops as to their Judges.* Which would never have been if there had been a Law in force to forbid Biſhops meddling in Secular Affairs.

Greg. Niſſ. vit. Greg. Baſil. in *ep.* Socr. *l.* 7. *c.* 37. Ambroſ. de Offic. *l.* 2. *c.* 24. Aug. ep. 147. in Pſ. 118. conc. 24. Jac. Goth. in cod. Theod. ad Extrav. de Epiſc. judicio.

4. The Emperors ſtill reſerved to themſelves the Power of diſpenſing with their own *Reſcripts*, and the Canons of the Church. Therefore the Council of *Sardica*, when it prohibits Biſhops going to Court, excepts the Princes calling them thither. Upon which *Balſamon* hath this *Note*; that *although the Canons prohibit it, yet if the Emperor commands, the Biſhops are bound to obey, and to do what he commands them*; without any fault either in the Emperor or them. And in other places, he aſſerts the Emperor's Power of diſpenſing with the ſtricteſt Canons againſt Churchmens meddling in Secular Affairs: Thence he ſaith, the Metropolitan of *Side* was chief Miniſter of State under *Michael Ducas*; and the Biſhop of *Neocæſarea* made the Laws of the *Admiralty* for *Greece*. And the *Gloſſe* upon *Juſtinian*'s *Novels*, obſerves that Biſhops may meddle with the Affairs of the Commonwealth, when their Prince calls them to it. And this is the preſent Caſe; for the Biſhops are ſummon'd by the *King's Writ* to ſerve him in the publick Council of the Nation; and therefore no *Imperial Reſcript*, if it were of force in *England*, could have any in this Caſe, which was allowed by the Imperial Laws themſelves.

Concil. Sardic. *c.* 7.

Balſam, in Can. 4. Concil. Chalced. Auth. Collat. 1. tit. 6. Novell. 6. c. 2.

5. There is a great Miſtake about *Juſtinian*'s Decree. For the Biſhops are not ſo much as mention'd in it; but the *Defenſores Eccleſiarum*; who were Lawyers, or Advocates of the Church: as appears by a Conſtitution of *Honorius*; where *Gothofred* proves they were not ſo much as in Orders. It is true, *Juſtinian* doth appropriate the *Probate of Wills* to the Maſter of his Revenue; but the Law and Cuſtom of *England*, as *Lynwood* obſerves, hath alter'd that Conſtitution; and which muſt we regard more, *Juſtinian*, or our *own Laws*?

Juſtin. Cod. *l.* 1. tit. 3. c. 41.

Cod. Theod. *l.* 16 tit. 2. *n.* 38.

Lynwood *l.* 3. de Teſtam.

I

I find one thing more ſuggeſted by way of Prejudice to the Cauſe in
Lett. p. 4. hand, *viz.* the Common Law of *England*, which hath provided a Writ upon a Clergy-man's being choſen an Officer in a Mannor, ſaying it was *contra Legem & Conſuetudinem Regni, & non conſonum.* The Argument had been altogether as good, if it had been taken from a Miniſter of a Pariſh not being capable of the Office of Conſtable; and it had as effectually proved, that Clergy-men ought not to meddle in Secular Affairs.

CHAP. II.

The RIGHT *in Point of* LAW *debated. Concerning the* Conſtitution *of* CLARENDON *and the* PROTESTATION, 11 *R.* 2.

HAving removed theſe general Prejudices, I now come to debate more cloſely the main Poinr. For the *Author* of the *Letter* un-
Lett. p. 68. dertakes to prove, that *Biſhops* cannot by *Law* give Votes in Capital Caſes in Parliament. Which he doth two ways, 1. By *Statute-Law*; 2. By Uſe and Cuſtom, which he ſaith is Parliament-Law; and for this he produceth many Precedents.

I. For *Statute-Law*; two Ratifications, he ſaith, there have been of it in Parliament; by the *Conſtitutions of Clarendon*, and the 11 *R.* 2.

Lett. p. 69. 1. The *Conſtitutions of Clarendon*; which he looks on as the more conſiderable, becauſe *they were not the enacting of new Laws, but a declaration of what was before.* And for the ſame Reaſon I value them too, and ſhall be content this Cauſe ſtand or fall by them.

The *Conſtitution* in debate is the 11th, which is thus repeated and tranſlated in the *Letter. Archiepiſcopi, Epiſcopi, & univerſæ Perſonæ Regni qui de Rege tenent in Capite, habeant poſſeſſiones ſuas de Rege, ſicut Baroniam, & inde Reſpondeant Juſticiariis & Miniſtris Regis, & ſequantur & faciant omnes conſuetudines Regias:* Et ſicut cæteri Barones, debent intereſſe judiciis Curiæ Regis, quouſque perveniatur ad diminutionem membrorum, vel ad mortem.

The Archbiſhops, Biſhops, and all the dignified Clergy of the Land that hold of the King in Capite, *ſhall hold their Poſſeſſions from the King, as a Barony, and anſwer for their eſtates unto the King's Juſtiſices and Miniſters, and ſhall obſerve and obey all the King's Laws: And together with the other Barons, they are to be preſent at all Judgments in the King's Courts, till it come to require either loſs of Member or Life.*

Lett. p. 71, 72. The Argument from hence he enforceth from the ſolemn *Recognition* and publick *Confirmation* of *theſe Conſtitutions*, and *the Oath* taken to obſerve them; from whence he concludes this to be *Teſtimoninium irrefragabile*; *An irrefragable and invincible Teſtimony.* And ſo I foreſee it will prove, but to a quite contrary purpoſe from what he intended it.

The whole *Queſtion* depends upon the meaning of the latter *Clauſe* of
Lett. p. 61. this *Conſtitution.* The meaning he gives of it is this, that *the Prelates of the*

the Church ſhould not be preſent at the Judgments given in the King's Courts, when loſs of Member or Life was in queſtion.

The meaning of it, I conceive to be this, that the Biſhops are required to be preſent in the King's Courts as other Barons are, till they come to give Sentence as to diſmembring, or loſs of Life.

Whether of theſe is the true meaning is now to be conſidered; and that will beſt be diſcovered theſe three ways; 1. By the Occaſion. 2. By the plain Senſe of the Words, according to their true Reading. 3. By the ſubſequent Practice upon this *Conſtitution* in the Parliament at *Northampton* ſoon after.

1. By the *Occaſion*. The *Author* of the *Letter* aſſigns that Occaſion for this Conſtitution, for which there is not the leaſt Colour, *viz. That the Prelates of that time* were ambitious *of a kind of* Omnipotency, Lett. p.73. (*in* Judicature *I ſuppoſe he means*) *and that to reſtrain their Power of* Judging Capital Caſes, *this* Conſtitution *was made: And becauſe this ſeemed to be a* Diminution *of their Power, therefore* Matt. Paris *ranks it amongſt the* Conſuetudines iniquas, the wicked Cuſtoms *of the former times.* For all which there is not the leaſt Shadow of Proof. Beſides that, it is ſo repugnant to the Hiſtory of thoſe Times, that I can hardly believe a Perſon of ſo much Learning and Judgment, as is commonly ſaid to be the *Author* of the *Letter*, could betray ſo much Unſkilfulneſs in the Affairs of thoſe Times. For this is ſo far from being true, that the *Biſhops* did then affect ſuch a *Power of Judging in all Secular Cauſes*, that they looked on their Attendance in the *King's Court* in the *Trial of Cauſes*, as a Burthen which they would fain have been rid of; becauſe they accounted it a *Mark of Subjection* to the Civil Power, and contrary to that *Eccleſiaſtical Liberty*, or Independency on Princes, which from the Days of *Gregory* VII. they had been endeavouring to ſet up. Which *H.* II. being very ſenſible of, reſolved to tie them to the *Service* of their *Baronies*, and to an attendance on the *King's Courts* together with other *Barons*. But leſt they ſhould pretend any force on their Conſciences, as to the Canons of the Church, this *Conſtitution* doth not require, but ſuffers them to withdraw *when they came to Sentence in matters of Blood.* And that this was the true occaſion, I prove by theſe two invincible Arguments.

1. By the Complaint which they made of the *Baronies* as too great *a Mark of Subjection* to the Civil Power. This is plain from *Matt. Paris* Matt. Paris, ad A. D. 1070. himſelf, to whom the *Author* of the *Letter* refers; for when he ſpeaks of *William the Conqueror*'s bringing the *Temporalties* of the *Biſhops* into the Condition of *Baronies*, i. e. forcing them to hold them of him *in Chief*, upon certain *Duties* and *Services*, he calls it *Conſtitutionem peſſimam, a moſt wicked Conſtitution*; juſt as he calls the *Cuſtoms* of *Clarendon, Conſuetudines iniquas, wicked Cuſtoms.* And he adds, That many were baniſhed rather than they would ſubmit to that *Conſtitution.* For their Privileges were ſo great with the *Frank-almoign* they enjoyed in the *Saxon* times, and their Deſires ſo hearty (eſpecially among the *Monks*, who from *Edgar*'s time had gotten into moſt *Cathedral* Churches) to advance the *Papal Monarchy*, that they rather choſe to quit all, than to give up the *Cauſe* of *the Church's Liberty*, by accepting of *Baronies*. Therefore *Matt. Paris* calls the *Rolls* that were made of the *Services* belonging to theſe *Baronies*, *Rotulas Eccleſiaſticæ Servitutis*, the *Rolls of Eccleſiaſtical Slavery*; than which nothing could be more contrary to that *Eccleſiaſtical Liberty* which was then ſetting up by Pope

Hilbebrand. And to put this out of all diſpute, *Petrus Bleſenſis*, a *Name* well known in this diſpute, in that very *Book* where he complains of the *Biſhops Hypocriſy* about *Caſes of Blood*, in being preſent at hearing and trying Cauſes, but going out at Sentence, complains likewiſe of their *Baronies* as thoſe which gave occaſion to that Hypocriſy, and as *the Marks of the vileſt Slavery. Et in occaſione turpiſſimæ Servitutis ſeipſos Barones appellant.* They may think it an Honour to be called the *King's Barons*, but he accounts it *the greateſt Slavery*; and applies that Place of *Scripture* to them, *They have reigned but not by me*; *they are become Princes, and I know them not.* Now *Pet. Bleſenſis* lived in the Time of *H.* II. and knew the whole Proceedings of the *Conſtitutions of Clarendon*, and was a zealous Maintainer of *Becket*'s Cauſe, or, which was all one, of *the Liberties of the Church*, as they call'd them, againſt the *Civil Power*.

Pet. Bleſ. de Inſtitut. Epiſc. *p.* 451.

2. By the fierce Conteſt between the *Civil and Eccleſiaſtical* Power, about the *Liberties* of *Church-men*. This was carried on from the time that *William* I. brought them into Subjection by their *Baronies*: His *Sons* ſtood upon the *Rights* of *the Crown*, whilſt *Anſelm* and his Brethren ſtruggled all they could, but to little purpoſe, till after the Death of *H.* I. Then *Stephen*, to gratify the great *Prelates*, by whoſe favour he came to the Crown, yielded all they deſired; but he ſoon repented, and they were even with him for it. *Malmesbury* takes particular notice, that he yielded they ſhould have their Poſſeſſions *free and abſolute*; and they promiſed only a *conditional Allegiance* to him as long as he maintained the *Liberties of the Church*. When King *Stephen* broke the *Canons*, as they ſaid, by impriſoning 2 Biſhops, the *Biſhop of Wincheſter* and his *Brethren* ſummoned him to anſwer it before them in *Council*; and there declared that the King had nothing to do with Church-men, till the *Cauſe* was firſt heard and determined by themſelves. All his Time they had no regard to his Authority when it contradicted their Wills; and when the Peace was made between *Him* and *H.* II. *Radulphus de Diceto* takes notice, That the Power of the Clergy increaſed by it. In this ſtate *H.* II. found Things, when *Gul. Neuburgenſis* ſaith, *The great Buſineſs of the Church-men was to preſerve their Liberties.* Upon this the great Quarrel between *Him* and *Becket* began: This made the King ſearch what the *Rights* of *the Crown* were which his Anceſtors challenged; to theſe he was reſolved to make *Becket* and his *Brethren* ſubmit. For this purpoſe the *Parliament* was called at *Clarendon*; and after great Debates the 16 *Conſtitutions* were produced, which were thoſe the King was reſolved to maintain, and he made the *Biſhops* as well as others ſwear to obſerve them. Now when the reſt of them relate to ſome *Exemptions* and *Privileges* which the *Church-men* challenged to themſelves about their *Courts*, *Excommunications*, *Appeals*, and ſuch like, and which the King thought fit to reſtrain them in. (From whence in *Becket's Epiſtles* it is ſaid, thoſe *Conſtitutions* were framed *ad ancillandam Eccleſiam, to bring the Church in ſubjection*, as *Baronius* ſhews out of the *Vatican* Copy. And *Fitz-Stephen* ſaith, *All the Conſtitutions of Clarendon were for ſuppreſſing the Liberty of the Church, and oppreſſing the Clergy*:) I ſay, conſidering this, is there not then great Reaſon to underſtand this 11*th Conſtitution* after the ſame manner, *viz.* That notwithſtanding King *Stephen's Grant*, *H.* II. would make them hold by *Baronies*, and do all the Service of *Barons* in *the King's Courts* as other *Barons* did; and he would allow them no other *Privilege*, but that of *with-*

Malmesb. Hiſt. Novel. *p.* 100. *b.*

Rad. de Diceto Imag. Hiſt. *p.* 509, 528

Gul. Neuburg. *l.* 2. *c.* 16.

Bar. ad A. D. 1164. *n.* 3.

Fitz-Stephen vit. Th. Beck. MS.

withdrawing when they came to Sentence in a Caſe of Blood? What is there in this ſenſe, but what is eaſy and natural, and fully agreeable to the ſtate of thoſe Times? Whereas there is not the leaſt foundation for the pretence of the *Biſhops* affecting to be preſent in all Cauſes, which the *King* muſt reſtrain by this *Conſtitution*.

This ſenſe of it is not only without ground, but abſolutely repugnant to all the *Hiſtory* of that *Age*. For if this *Conſtitution* was intended to *reſtrain* the *Biſhops* from trying *Cauſes of Blood*, then the *Biſhops* did deſire to be preſent in thoſe *Cauſes*, and the *King* would not ſuffer them. Whereas it is evident that the *Biſhops* pretended ſcruple of Conſcience from the *Canons* that they could not be preſent; but in truth ſtood upon their Exemption from the *Service* of *Barons*, which they call'd *Eccleſiaſtical Slavery*. And therefore that could not be the ſenſe of the *Conſtitution*, to reſtrain them in that which they deſired to be freed from, and which by this *Conſtitution* of *Clarendon* was plainly forced upon them againſt their Wills. For *Lanfranc* had brought the *Canon* of the 11*th Council* of *Toledo* into *England*, *That no Biſhop or Clergy-man ſhould condemn a Man to Death, or give Vote in the Sentence of Condemnation*: At which *Council* were preſent 2 *Archbiſhops*, 12 *Biſhops*, and 21 *Abbots*. And before *H.* II's Time this *Canon* of *Toledo* was received into the Body of the *Canon-Law*, made by *Ivo*, *Burchardus*, *Regino*, and *Gratian*, who lived in the Time of King *Stephen*. And when they ſaw ſuch a *Canon* ſo generally received, is there not far greater Reaſon to think they deſired to withdraw, than that they ſhould preſs to be preſent, and the King reſtrain them? But the *Conſtitution* is ſo framed on purpoſe to let them underſtand, that the *King* expected in all *Judgments* they ſhould do their *Duty* as other *Barons*: But leſt they ſhould think he purpoſely deſigned to make them break the *Canons*, he leaves them at liberty to *withdraw* when *Sentence* was to be given. So that I can hardly doubt but the *Author* of the *Letter*, if he pleaſe calmly to reflect upon the whole *Matter*, will ſee Reaſon to acknowledge his miſtake; and that this *Conſtitution* was ſo far from intending to reſtrain the *Biſhops* from all *Judicature* in *Caſes of Blood*, that, on the contrary, it was purpoſely framed to oblige them to be preſent, and to act in ſuch Cauſes as the *other Barons* did, at leaſt till the Cauſe was ripe for Sentence; which laſt Point the King was content to yield to them, out of regard and reverence to the *Canons* of the Church. For the Words of the *Law* are not Words of *Prohibition* and *Reſtraint* from any thing, but of *Obligation* to a *Duty*; which was, *to be preſent* and *ſerve* in the *King's Courts of Judicature*, *in like manner as the other Barons did*.

Spelm. Concil. *To.* 2. p. 8, 9, 11

From all which it is evident, I think, beyond contradiction, That the *Occaſion* of this *Law* was not *the* Ambition *of the Prelates*, (as the *Author* of the *Letter* ſuggeſts) *to thruſt themſelves into this kind of Judicature*; but an *Ambition* of a worſe kind, (though quite contrary) *viz.* under a pretence of *Eccleſiaſtical Liberty* and *Privilege*, to exempt themſelves from the *Service* of the *King* and *Kingdom*, to which by virtue of their *Baronies* they were bound, *ſicut cæteri Barones*, *as well as the other Barons*. And therefore it is ſo far from being true, that the *Biſhops* exerciſe of this *Juriſdiction* together with the *Temporal* Lords is a *Relique* of *Popery*, and one of the *Encroachments* of the *Clergy* in thoſe *Times* of *Ignorance* and *Uſurpation*, as ſome well meaning *Proteſtants* are now made to believe; that, on the contrary, the *Exemption*

P. 73.

tion of the *Clergy* from this kind of *Secular Judicature* was one of the *higheſt Points* of *Popery*, and that which the *Pope* and his *Adherents* conteſted for with more Zeal than for any *Article* of the *Creed*. This was one of thoſe *Privileges* which *Thomas Becket* ſaid *Chriſt purchaſed for his Church with his Blood*, and in the obſtinate defence whereof againſt the King, he himſelf at laſt loſt his Life. And now to put the matter beyond all doubt, I appeal to any Man skilled in the *Hiſtory* of thoſe *Times*, whether *Thomas Becket* oppoſed the *Conſtitutions* of *Clarendon* to the Death, and broke the *Oath* he had taken to obſerve them, becauſe by them (among other things) the *Biſhops* were *excluded* from *Judicature* in *Caſes of Blood*? Or for the quite contrary reaſon, (among others) becauſe this *Service* of the *King* in his Courts, impos'd on them by virtue of their *Baronies*, was look'd upon by him as a violation of the *Privileges* of the *Church*, and a *Badge* of *Eccleſiaſtical Slavery*, which by all means he deſir'd to caſt off. And if the latter be the true Reaſon, I leave it to the impartial *Reader*, and even to the *Author* of the *Letter* himſelf upon ſecond Thoughts, whether he have not widely miſtaken both the *Occaſion* and *Meaning* of this Law.

2. Let us conſider the plain *Senſe* of the *Words* according to the *true reading* of them. The *Author* of the *Letter* hath made uſe of the moſt imperfect *Copy*, *viz.* that in *Matt. Paris*; I cannot tell for what reaſon, unleſs it be that in the *laſt Clauſe* [*in Judicio*] is there left out, which is put in the Copy extant in *Gervaſe*, and in the *Vatican* Copy, and in ſeveral MSS. in all which it runs thus, *Et ſicut Barones cæteri debent intereſſe judiciis Curiæ Regis cum Baronibus*, *uſque* perveniatur in judicio *ad diminutionem membrorum*, *vel ad mortem.* Now here are two things to be diſtinguiſhed.

1. Something expreſly required of the *Biſhops* as to their *Preſence in the King's Courts*, viz. *That they muſt attend as other Barons*, and ſit together with them; and therefore it is expreſſed twice, *Et ſicut cæteri Barones*, in the beginning of that Clauſe, and *cum Baronibus* again after, and *debent intereſſe* in the middle. And can any one ſoberly think, that the meaning of all this is, they muſt not be preſent in Caſes of Blood? No: the *Conſtitution* ſaith, *they ought to be preſent as other Barons*, and ſit *with* other *Barons* in the *Trials of the King's Courts.* And yet the *Author* of the *Letter* doth (to ſpeak mildly) very unfairly repreſent this *Conſtitution*, as if it did forbid the *Prelates* to be at all *preſent in the Judgments of the King's Courts in Caſes of Blood*, and that in expreſs Words. For, ſpeaking of the *Conſtitutions* of *Clarendon*, he hath this Paſſage, *And one of theſe Conſtitutions was, That the Prelates of the Church ſhould not intereſſe Judiciis Curiæ Regis, be preſent at the Judgments given in the King's Courts.* Whereas this *Conſtitution* (as he himſelf cites it afterwards) runs thus, *Debent intereſſe Judiciis Curiæ Regis, quouſque, &c. They ought to be preſent in the Judgments of the King's Courts till it come to loſs of Members or Life.* So that this *Law* expreſly ſays, *That they ought to be preſent in the Judgments of the King's Courts, till it come, &c. And when it comes to Loſs of Members or Life*, it doth not ſay, (as the *Author* of the *Letter* affirms) that *they ſhould not be preſent* then, nor do the Words of the *Conſtitution* imply any ſuch thing; but only require (as I ſhall evidently make appear) their Preſence ſo far, and when it ſhould come to *Sentence*, leaves them at liberty to withdraw in obedience to the *Canons* of the Church, which they pre- P. 61.

pretended themſelves bound in Conſcience to obſerve. And this is the true Reaſon, why, among the 16 *Conſtitutions* of *Clarendon*, (whereof 10 were *condemned*, 6 *tolerated*, but *none approved*, by *Pope Alex.* III.) this 11 was one of the 6 which eſcaped with an *Hoc toleravit*, *this the* Pope *was content to tolerate*; becauſe in the laſt Clauſe of it there was regard had to the Canons of the Church. Of this miſrepreſentation of the Conſtitution under debate, though it might have deſerved a more ſevere animadverſion, I ſhall ſay no more, becauſe I have no deſign to provoke the *Author* or any body elſe, but only to convince them. Baronius ad Ann. 1164.

2. Something allowed to the *Biſhops* as peculiar to themſelves, *viz.* that when the *Court* hath proceeded ſo far *in judicio*, in a particular Trial, for before it is *Judiciis* in general that Sentence was to be given either as to diſmembring, or loſs of life, then they are at liberty; but till then they are required. As ſuppoſe *Charles* V. had required the *Proteſtant Princes* to attend him to *Maſſe*, as *other Princes* did; only when the *Maſs-Bell* tinkled they might withdraw; would not any reaſonable Man underſtand by this, that they were obliged to their Attendance till then? So it is here: The *King* commands their Attendance till it comes to ſuch a point; therefore before it comes thither, their Preſence is plainly required, by this Conſtitution. And ſo inſtead of there being a *Statute-Law* to exclude the *Biſhops* at ſuch *Trials*, there is one to require their Preſence *in judicio*, in the Proceedings of ſuch a Trial, till it comes to Sentence. All that can be ſaid in this Caſe is, *That the laſt Clauſe is not to be underſtood of the Sentence, but of the kind or quality of the Cauſe*; i. e. *they are to be preſent in the King's Courts, till they come to a Cauſe wherein a Man's Life or Members are concerned.* But that this cannot be the meaning will appear.

1. There is a great deal of difference between *quouſque perveniatur ad judicium mutilationis membrorum, vel mortis*, that might have been underſtood of a *Cauſe of Blood*; and *quouſque perveniatur in judicio ad mutilationem membrorum, vel ad mortem*, for this ſuppoſeth a Trial already begun, and the Biſhops preſent ſo far in it; but when it comes to the point of *mutilation* or *death*, then they have leave to withdraw. So that this laſt *Clauſe* muſt either be underſtood of *Execution*, which no one can think proper for the *King's Courts*; or for the *Sentence* given by the *Court*, which is moſt agreeable.

2. The Senſe is beſt underſtood by the Practice of *that Age*. For, if the meaning of the *Conſtitution* had been, they muſt not be preſent in any *Cauſe of Blood*, and the *Biſhops* had all ſworn to obſerve it; can we imagine we ſhould find them practiſing the contrary ſo ſoon after? And for this I appeal to *Petrus Bleſenſis*, whoſe Words are ſo material to this purpoſe, that I ſhall ſet them down. *Principes Sacerdotum & Seniores Populi, licèt non dictent judicia ſanguinis, eadem tamen tractant diſputando & diſceptando de illis*; *ſeque ideo immunes à culpa reputant, quòd mortis aut truncationis membrorum judicium decernentes, à pronunciatione duntaxat & executione pœnalis ſententiæ ſe abſentent.* Whereby it is evident that the *Biſhops* were preſent at all Debates, and gave *Votes in Cauſes of Blood*; but they abſented themſelves from the *Sentence*, and the *Execution of it*. It's true, *Pet. Bleſenſis* finds fault with them for this. But what is that to *the Law*, or to the practice of *that Age*? I do not queſtion, but *Pet. Bleſenſis* condemned the obſervation of the other *Conſtitutions* of *Clarendon*, as well as this; and in all probability this Pet. Bleſ. de Inſtit. Epiſc. p. 454.

paſſage of his was levelled at thoſe *Biſhops* who did obſerve this 11. *Conſtitution.*

3. We have a plain way to underſtand the *meaning* of *this Conſtitution*, by what happen'd ſoon after in the *Parliament* at *Northampton*, which was ſummon d upon *Becket*'s Obſtinacy and Contempt of *the King's Authority*; where *Fitz-Stephen* ſaith, *he was accuſed of Treaſon*; *and the Biſhops ſate together with other Barons*; and becauſe it did not come to a Sentence of Death, after great debate between the other *Lords* and the *Biſhops* about pronouncing the Sentence, *the Biſhop* of *Wincheſter* did it. Wherein we have as plain evidence as can be deſired, that *the Biſhops* did ſit with *the other Barons*, and *vote* with them in a *caſe of Treaſon*.

To this *Precedent* the *Author* of the *Letter* anſwers ſeveral things.

Lett. p.60. pag. 62.

Vol. Epiſt. Becket in Bib. Cotton. MS .l. 1. ep. 65.

Ep. 52.

Gervaſ. Chronic. p. 1391.

Fitz-Stephen Vit. T. Becket. de Concilio apud Clarendon.

1. That *none of the ancient Hiſtorians of thoſe Times*, *ſay any thing of his being accuſed of Treaſon:* and therefore he *thinks one may modeſtly affirm, that it was a miſtake* in *Fitz-Stephen* to ſay ſo. But what if *H. II.* and *Becket* himſelf both confeſs that he was charged with *Treaſon*? *H. II.* in his *Letter* to *Reginaldus* ſaith, *that by conſent of his Barons and Clergy he had ſent Ambaſſadors to Pope* Alexander, *with this Charge, That if he did not free him from that Traitor* Becket, *he and his Kingdom would renounce all Obedience to him.* And *Becket* did not think this a bare term of reproach; for in one of his *Letters* he ſaith, *that defending the Liberties of the Church, læſæ Majeſtatis reatus ſub perſecutore noſtro eſt*, was *looked on as Treaſon* by the King. And even *Gervaſe* himſelf, to whom *the Author* of *the Letter* appeals, ſaith, *ſome of his Friends came to him, at* Northamptom, *and told him, if he did not ſubmit to the King, he would be proceeded againſt as a Traitor, for breaking the Allegiance he had promiſed to the King, when he did ſwear to obſerve the ancient Cuſtoms at* Clarendon. And *Fitz-Stephen* ſaith, *the King's Council at* Clarendon *ſaid it was Treaſon, or taking the King's Crown from his Head, to deny him the Rights of his Anceſtors.*

Lett. p 63.

pag. 79.

2. That it was *a ſtrange kind of Treaſon Becket* was charged with at *Northampton*, *viz. for not coming when the King ſent for him*; which *at the moſt* was only *a high Contempt*; *and* Fitz-Stephen, *who was a Creature of the Archbiſhop's, might repreſent it ſo, to draw an odium on the King.* And therefore he *looks on this as a weak precedent for the Biſhops to lay any weight upon, being at beſt out of a* blind MS. *of an Author juſtly ſuſpected of partiality, againſt the tenor of all the ancient Writers that give an account of the ſame buſineſs.* What truth there is in this laſt ſuggeſtion appears in part already, and will do more by what follows. Muſt all the *unprinted Records* be anſwered with ſaying, they are *blind MSS*? I cannot but take notice how unreaſonable a way of anſwering this is. It is like turning of that preſſing *Inſtance* of the Biſhops making a *Proctor* in Capital Caſes, by ſaying it was *Error temporis*; which becauſe it will anſwer all *Inſtances* whatſoever as well as that, is therefore an anſwer to none. Juſt ſo it is equally an anſwer to all *MSS*, to ſay they are *blind*; and to all *printed Books* too, becauſe they were once *MSS*, and, for any thing that appears to the contrary, as *blind* as *Fitz-Stephen*'s. For ſurely no Authority is added to a Book by its being printed; unleſs in the Opinion of the Common People, who are ſaid *to take all for true that is in print.* I do not go about to parallel *Fitz-Stephen* with *Parliament Rolls*; but I ſay, his Authority is very good; being preſent upon the Place, and the beſt we have, of all the Proceedings in the *Parliament*

ament at *Northampton.* And if the *Author* of the *Letter* had taken the pains to peruſe him, he would not have contemned the *Precedent* drawn from thence; which being ſo near the *Parliament* at *Clarendon*, (that, as himſelf confeſſeth, the *one* was in *February*, the *other* in *October following*,) it gives the beſt Light into this matter of any thing in that Age; and being not yet fully printed, it will be worth our while to ſet it down. Mr. *Selden* hath indeed printed very exactly the Proceedings of the *firſt Judgment* upon *Becket* about the Cauſe of Contempt, for not coming upon the *King's Summons*, at the complaint of *John* the *Marſhall*; wherein the *Biſhops* did certainly *ſit in Judgment* upon him with the other *Barons*; but there is a farther ſtrength in this *Precedent*, not yet taken notice of. Which is, that after this *Judgment* paſſed *Becket* behaved himſelf with ſo great inſolency towards the *King* and the *Biſhops*, upon the *King's* calling him to farther account, for many other things laid to his Charge, as *diverting the King's Treaſure* and applying it to his own uſe, and *great Accounts to the King while he was Chancellor*, &c. that the *King* required him to ſtand to the *Judgment* of his *Court*. *Becket* gave a dilatory Anſwer: the *King* ſummons the *Biſhops* and *Earls* and *Barons* to give *Judgment* againſt him; the *Biſhops* tell the *King*, *Becket* had appealed to *the Pope*, and prohibited them to give any farther Judgment upon any Secular Complaint againſt him. Whereupon the *King* ſent ſome *Earls* and *Barons* to him to expoſtulate the matter, ſince he was the *King's Subject*, and had ſo lately ſworn to *the Conſtitutions at Clarendon*; and to know whether he would give Security to the *King* about making up his Accounts, and ſtand to the Judgment of his Court. *Becket* refuſeth to give anſwer to any thing, but the *Cauſe* of *John the Marſhal*, for which he was ſummoned to appear, ſlights his *Oath*, as contrary to *the Rights of the Church*, and confirms his *Appeal* to the *Pope*. And *ſuch an owning of the Pope's Power, in derogation to the Rights of the Crown*, Sir *Edward Coke* ſaith, *was Treaſon by the ancient Common-Law, before any Statutes were made.* However, *the King* charges *the Biſhops* by virtue of *their Allegiance*, that, *together with the Barons*, they would give *Judgment* upon the *Archbiſhop*. They excuſed themſelves *on the account of the Archbiſhop's Prohibition.* The *King* replied, *That had no force againſt the Conſtitution of* Clarendon, *ſo lately made aud acknowledged by them.* The Words of *Fitz-Stephen* are theſe: *Rex, reſponſo Archiepiſcopi accepto, inſtat Epiſcopis, præcipiens & obteſtans per homagium & fidelitatem ſibi debitam & juratam, ut ſimul cum Baronibus de Archiepiſcopo ſibi dictent Sententiam. Illi ſe excuſare cœperunt per interpoſitam Archiepiſcopi prohibitionem. Rex non acquievit, aſſerens, quòd non teneat hæc ejus ſimplex Prohibitio contra hoc quod Clarendonæ factum & initum fuerat.* So *that H.* II. in the *Parliament* at *Northampton* declared, *that Biſhops were bound, by virtue of the Conſtitution of* Clarendon; *to be preſent*, and *to give their Votes in caſes of Treaſon.* And the *Biſhops* did not deny this, but uſed prudential Arguments to diſſwade *the King* from proceeding any farther, the *Appeal* being made; and that *it was for the Good of King and Kingdoms*, for them *to ſubmit to the Prohibition.* And the Biſhop of *Chicheſter* told *Becket*, he *made them go againſt the Conſtitutions of* Clarendon, which they had ſo lately ſworn to obſerve; in theſe remarkable Words; *Quo contra nos venire compellitis, interdicendo, nè ei quod de nobis exigit adeſſe poſſumus Judicio.* By which we ſee this *Conſtitution* is indeed *an irrefragable Teſtimony*; but it is to prove that *Biſhops are bound to be preſent* even in *Caſes of Treaſon*, when the

pag. 61.

Titles of Honour, p.2
c. 5. n.20.

King ſummons them. And as to the caſe of *Becket's Treaſon*, the ſame *Biſhop* told him, it lay in *breaking his Oath* about thoſe *Conſtitutions*, wherein *the Rights of the Crown were declared*. And if this be not *Treaſon* by the *Common Law*, Sir *Edward Coke*'s *Preface* to his fifth *Book of Reports* ſignifies nothing.

pag. 14. The late *Author* of the *Peerage and Juriſdiction of the Lord's Spiritual* takes it for granted, that by the *Conſtitution of* Clarendon, the *Juriſdiction* of Biſhops was limited, that it ſhould not extend *ad diminutionem membrorum, vel ad mortem*. But the foregoing Diſcourſe hath, I ſuppoſe, made it evident, that thoſe Words contain no *Limitation* but a *Privilege* or *Indulgence* to them with reſpect to the *Canon-Law*. And he takes very needleſs pains to prove this to be *declarative of the Common Law*; and that the Meeting at *Clarendon* was a full Parliament: which are very much beſides the buſineſs.

All that looks towards this matter is, that he ſaith, this *Statute was confirmed by a Council at Weſtminſter*; for which he cites *Rog. Hoveden*'s Authority. But I wiſh he had produced the *Canon* entire as he there found it; for then the ſenſe of it would have been better underſtood. In this *Synod* at *Weſtminſter*, *Richard*, *Archbiſhop* of *Canterbury*, produceth ſeveral ancient Canons, which he thought fit to be obſerved here. Among the reſt he mentions *that* of the *Council* of *Toledo*. The Words are theſe: *His qui in Sacris Ordinibus conſtituti ſunt*, *Judicium ſanguinis agitare non licet.* Here he makes his *&c.* and leaves out the *Prohibition* which declares the meaning and extent of this Canon: *Unde prohibemus*, *ne aut per ſe membrorum truncationes faciant*, *aut inferendas judicent*; *wherefore we forbid them*, *either to diſmember any Perſons themſelves*, *or to give Judgment for the doing of it*. Both which were practiſed in *Spain* in the time of the Council of *Toledo*, which was the occaſion of this Canon. And then follows the *Sanction* of *Deprivation* if Men did otherwiſe. And what now doth this ſignifie more to the Conſtitution of *Clarendon*, than that the ſame Canons were now revived; which gave the occaſion to that Permiſſion of withdrawing, when the Sentence came to be pronounced as to diſmembring or loſs of Life.

pag. 18. But he urges farther about this Conſtitution, that it muſt be ſo underſtood, as to exclude the Biſhops from all antecedent and *præliminary* things which do *relate* or *tend ad diminutionem*, &c. or elſe ſaith he, *it muſt be only the exemption of the Prelates from doing the Office of Executioners*, *which is Nonſenſe*. Why ſo? Though it be not the whole ſenſe of the Canon, yet ſurely it is Senſe. But he might have thought of *giving Sentence*, which the *Canons* forbid, and is different from *Execution*, and doth not exclude the Biſhops preſence at *præliminaries*. The *Conſtitution* of *Weſtminſter*, he ſaith, is plainer, *Non debent agitare judicium ſanguinis*; which he ſaith, excludes the exerciſe of any Judicial Power in Caſes of *Blood*. Whereas it appears by the *Prohibition* there extant, nothing is forbidden but giving *Sentence*; at which the Conſtitution of *Clarendon* allows them to withdraw.

Lett p.73. 2. The *ſecond time* we are told that the *Excluſion* of the *Biſhops* in Caſes Capital *received a confirmation in Parliament*, *was the* 11. *of* R. *II.* when *the Archbiſhop and the other Biſhops*, *upon their withdrawing then from the Parliament*, *in regard matters of Blood were there to be agitated and determined*, *in quibus non licet alicui eorum perſonaliter intereſſe*, as they ſay, *in which it was not lawful for any of them to be preſent in Perſon*, *did therefore enter a Proteſtation, with a Salvo to their Right of Sitting and Voting in that and all other Parliaments, when ſuch matters were not in Queſtion; which Proteſtation of theirs was at their deſire enrolled in full Parliament by the King's Command, with the Aſſent of the Lords Temporal and Commons.* So that it is here ſaid to be *a perfect and compleat Act of Parliament; and if it had not been a Law before, would then have been made one.* This is the ſubſtance of what is more largely inſiſted on in another Place; and what ſtrength is there added ſhall be duly conſidered.

To underſtand this buſineſs aright, it will be neceſſary to ſet down the *Proteſtation* it ſelf at large, as it is taken out of *Courtney*'s Regiſter, and the *Parliament-Rolls*; and then examine the *Points* that do ariſe from thence. The *Proteſtation* runs thus: Rot. Parl. 11. *R.* 2. *n.* 9.

In Dei nomine Amen. Cùm de jure & conſuetudine Regni Angliæ, ad Archiepiſcopum Cantuarienſem, qui pro tempore fuerit, necnon cæteros ſuos Suffraganeos, Confratres & Coëpiſcopos, Abbatéſque, & priores, alioſque Prælatos quoſcunque, per Baroniam de Domino Rege tenentes, pertineat in Parliamentis Regis quibuſcunque, ut Pares Regni prædicti, perſonaliter intereſſe, ibidémque de Regni Negotiis, & aliis ibidem tractari conſuetis, cum cæteris dicti Regni Paribus, & aliis ibidem jus intereſſendi habentibus, conſulere, tractare, ordinare, ſtatuere, & definire, ac cætera facere quæ Parlamenti tempore ibidem imminent facienda; in quibus omnibus & ſingulis, Nos Willielmus Cantuar. Archiepiſcopus, totius Angliæ Primas, & Apoſtolicæ ſedis Legatus, pro nobis, noſtriſque Suffraganeis, Co-epiſcopis, & Confratribus, nec non Abbatibus, Prioribus, ac Prælatis omnibus ſupradictis, proteſtamur, & eorum quilibet proteſtatur, qui per ſe, vel per procuratorem hic fuerit modò præſens, publicè, & expreſſe, quod intendimus, & intendit, volumus, ac vult quilibet eorum, in hoc præſenti Parlamento, & aliis, ut pares Regni prædicti, more ſolito intereſſe, conſulere, tractare, ordinare, ſtatuere, & definire, ac cætera exercere, cum cæteris jus intereſſendi habentibus in eiſdem, ſtatu & ordine noſtris & eorum cujuſlibet in omnibus ſemper ſalvis. Verum quia in præſenti Parlamento agitur de nonnullis materiis in quibus not licet nobis, aut alicui eorum, juxta Sacrorum Canonum inſtituta quomodolibet perſonaliter intereſſe, *ea propter pro nobis & eorum quolibet proteſtamur & eorum quilibet hìc præſens etiam proteſtatur, quòd non intendimus, nec volumus, ſicuti de jure non poſſumus, nec debemus, intendit, nec vult aliquis eorundem, in præſenti Parlamento, dum de hujuſmodi materiis agitur, vel agetur, quomodolibet intereſſe; ſed nos & eorum quemlibet in ea parte penitùs abſentare, jure paritatis & cujuſlibet eorundem intereſſendi in dicto Parlamento, quoad omnia & ſingula mihi exercenda, noſtris & eorum cujuſlibet ſtatu & ordine congruentia, in omnibus ſemper ſalvo. Ad hæc inſuper proteſtamur, & eorum, quilibet proteſtatur, quòd propter hujuſmodi abſentiam, non intendimus, nec volumus, nec eorum aliquis intendit vel vult, quòd proceſſus habiti & habendi in præſenti Parlamento ſuper materiis antedictis, in quibus* non poſſumus, nec debemus, ut præmittitur, intereſſe, *quantum ad nos & eorum quemlibet attinet, futuris temporibus quomodolibet impugnentur, infirmentur, ſeu etiam infringentur.*

This *Proteſtation*, ſetting aſide the legal Formalities of it, conſiſts of 3 Parts; 1. A Declaration of their undoubted *Right as Peers of the Realm*, by virtue of their *Baronies*, to *Sit* and *Vote* in *all Debates* of Parliament. 2. Of their intention to *withdraw this Parliament*, becauſe ſeveral matters were to be handled, at which *it was not lawful for them, according to the Canons, to be preſent*. 3. That by *this abſenting* themſelves they did not intend, as far as concerned them, to *null the Proceedings* of that *Parliament*.

Here now ariſe three main *Points* to be diſcuſſed.

1. Upon what Grounds the *Prelates* declared, it was not lawful for them to be preſent in *Parliament*, at ſuch matters?

2. How far the *Parliament*'s receiving that *Proteſtation* makes it a *Law*?

3. Whether on ſuppoſition it were a part of *Canon-Law* then in force, it continues ſo ſtill ſince the *Reformation*.

1. Upon what Grounds they declared it unlawful for them to be preſent in Parliament at ſuch matters? One would think the very reading the *Proteſtation* were ſufficient to convince any Man; for the *Biſhops* declare as plainly as Men could do, that it was out of regard to the *Canons of the Church*, and not from any *Law of the Land*. For how was it poſſible that the ſame Men ſhould declare, That by Reaſon of their *Baronies*, they had full Right to be perſonally preſent in all Debates of *Parliament*, if there were ſome Law in force which made it unlawful for them to be perſonally preſent? The greater force there is in the *Proteſtations* being receiv'd in Parliament, the greater ſtrength there is in this Argument. For if the *Proteſtations* being allow'd by *King*, *Lords*, *and Commons*, make it (as the *Author* of the *Letter* affirms) a perfect and compleat *Law*, then their *Right* to be preſent in all Debates in Parliament is a *Law*; and ſo much the more conſiderable, becauſe it is no enacting Law, making that to be ſo which was not before, but declarative of what was confeſſed to be their *undoubted Right* by *King*, *Lords*, *and Commons*. And therefore I do not wonder, that the *Author* of the *Letter*, ſo conveniently to his purpoſe, left out all the beginning of the *Proteſtation*, which ſo fully clears the ſenſe of the reſt. For the very ſame thing which afterwards the *Biſhops* ſay they are forbid to do by the *Canons*, that is, *perſonaliter intereſſe*, *to give their perſonal Attendance*, they ſay at firſt, by *Right* of their *Peerage*, as *Barons by tenure*, did belong to them; for there the Words are *perſonaliter intereſſe* too. Therefore *that* perſonal Attendance in ſuch matters, which they ſaid was unlawful to them by the Canons, they challenge to themſelves as their juſt *Right* by virtue of their *Baronies*. But is it poſſible to imagine, if they had been precluded from ſitting by any antecedent Law, that ever ſuch a publick avowing their Right would have paſſed the *King* and both *Houſes*? So unſucceſsful hath the *Author* of the *Letter* been in his *Statute-Laws*, that there can be no ſtronger Evidence of the *Biſhops Right* to ſit in ſuch *Caſes*, than thoſe which he produceth againſt them.

But he goes about to prove, this *Prohibition* cannot be underſtood
Letter, p. 21, 22. *only of the Canon-Law*; *for the Canon-Law*, ſaith he, *was to them above all Laws*; *and what was forbidden by that Law, they could not have a Thought, that it could in any ſort be lawful for them to challenge as their Right, upon any Account*. I confeſs I can ſee no force in this Reaſoning: For when a thing is forbidden to Men meerly by a *poſitive Law* of the *Church*, and the *Penalty* of it is a bare *Irregularity* by the *Canons*, why may not ſuch Men challenge their own *Right* notwithſtanding thoſe *Canons*, becauſe the *Irregularity* might be diſpenſed with, when the
Conſt. Othob c. *Nè Clerici.* Pope ſaw convenient? And by the *Conſtitutions* of *Othobon*, which were made in the Time of *H.* III. we find, that if an inferiour Clergyman tranſgreſſed this *Canon*, it was in the Power of the *Dioceſan* to abſolve him from his Irregularity. And this Canon was received and en-

enforced moſt here in *England* on the inferiour Clergy, as appears by the Canons of *Stephen Langton* in the *Council* of *Oxford*, and other *Synodal Conſtitutions* here. For it is a *Rule* in *Lynwood*, *Clericus ex vi verbi non comprehendit Epiſcopum, ſed cum adjuncto, ſic in quantum illud adjunctum poteſt concernere Epiſcopum.* That by *Clerici* we are not to underſtand Biſhops, unleſs there be ſome adjunct that implieth it. And among the *Decretals*, there is *one* from *Alexander* III. to the *Archbiſhop* of *Canterbury*, under the *Title Ne Clerici*, to the ſame purpoſe. Where the *Gloſs*, I grant, comprehends *Prelates*; therefore I will not deny, but they were to be *irregular* by the *Canon-Law* as well as others. But then we are to conſider how far the *Legatine* Power, veſted in the *Archbiſhop* of *Canterbury*, might extend in ſuch a *Caſe*; and that there was the ſame Severity in the *Canons* againſt *Clergy-men*'s taking upon them any *Secular* Office; and yet in this very *Parliament*, *Thomas Arundel*, *Biſhop* of *Ely*, was *Lord-Chancellor*; and after him *William* of *Wickham*, *Biſhop* of *Wincheſter*; and before them, *R. Baybroke*, *Biſhop* of *London*; and the *Biſhops* of *Durham* and *Exeter* were *Lords-Treaſurers* under *R.*II. And in *H.*III's Time we find 3 *Clergy-men Lords Chief Juſtices*, *Pateſhull*, *Lovell*, and *Manſell*, notwithſtanding *theſe Canons*: And in *Edward* III's Time almoſt all the great *Offices* of the *Court* were executed by Clergymen. By which we ſee they did not think themſelves ſo ſtrictly bound to obſerve thoſe *Canons*, or it was ſo eaſy to be diſpenſed with, that they had great Reaſon to inſiſt upon the challenge of their own *Right*, notwithſtanding the *Canon-Law*.

Spelman. *Con.To.*2.*p.* 183.*p.*451. Lynwood ad tit. de Loc.&con. c. vendentes, Si quis Clericus. Decretal 3. *tit.* 50. *c.* 5.

The Truth is, The *Canon-Law*, as it was managed in thoſe Days, was one of the moſt myſterious pieces of *Eccleſiaſtical Policy*: It was an *Engine*, which the artificial Church-men could ſcrew up or let down as they pleaſed. If it were in a matter likely to be prejudicial to their Intereſt, (as it was moſt apparently the Caſe in 11 *R.* II. when matters grew ſo high between *R.* II. and the *powerful Lords*, and ſo many *Favourites* were to be impeached, and among them *Alexander Archbiſhop* of *York*) then it was a time to quote the Canons, and to enter a *Proteſtation*, and to withdraw: If the Times were calmer, and more ſettled, or ſome great Reaſon moved them, then they could ſtick to their *Right* of *Peerage*, and make uſe of it, either in *Perſon* or by *Proxy*, as they thought convenient. Nor was it ſo eaſy a matter to reſolve what was *Canon-Law* in *England*, but they might with ſome Colour make uſe of either of theſe *Pleas*. For in this very *Parliament* 11 *R.* II. the *Commons* deſire that thoſe may be reputed *Traitors* who brought in the *Pope*'s Bulls of *Volumus & Imponimus*; which ſhews that they did not think all *Canon-Law* that paſſed for ſuch at *Rome*. And 15 *R.* II. Sir *Will. Brian* was ſent to the Tower, for bringing a *Bull* from *Rome* which was judg'd prejudicial to the *King*, and derogatory to his *Laws*. And in 16 *R.*II. *Will Courtney*, *Archbiſhop* of *Canterbury*, (the ſame who enter'd the *Proteſtation* before-mentioned) makes another of a different kind, owning the *Rights* of the *Crown* in oppoſition to the *Pope's Encroachments*. Now, by the ſame reaſon, no *Canon* made at *Rome*, no *Legatine* or *Synodal Conſtitutions* could have any force againſt the *King's Authority*. But the *King* himſelf being under a force at that time, as he always declared afterwards; and that being, as *Knighton* ſaith, it was called, *Parlamentum ſine Miſericordia*, the King having tied himſelf up, not to pardon any without Conſent of the Lords; he might be willing to let the *Biſhops* excuſe themſelves, becauſe that might give ſome colour to

Rot. Parliam. 11 R. 2.*p.*1.*n.*26.

Knighton, *p.* 2701.

to call in queſtion the Proceedings then, as it did 21 *R.* II. when all the Acts of this *Parliament* were nulled; and the *Lords* and *Commons* might be very willing to let the *Biſhops* withdraw, that their buſineſs might proceed with leſs difficulty againſt all the *King's Miniſters.* So that here was a concurrence of many circumſtances, which made the *Biſhops* think fit not to appear in the *Houſe this Parliament*; and the *King, Lords and Commons* to be willing to receive their *Proteſtation.* But in the *Anti-Parliament* to this, that I mean 21 *R.* II. the *Commons* pray the *King, That ſince divers Judgments were undone heretofore, for that the Clergy were not preſent,* they might appoint *ſome common Proctor* with ſufficient Authority to that purpoſe. This is a *Paſſage* which deſerves Conſideration, and tends very much to clear the whole Matter.

For the *Houſe of Commons* declare, *That divers Judgments had been undone for want of the Preſence of the Clergy.* Therefore their Concurrence, in the Judgment of the *Houſe of Commons*, was thought neceſſary to make a *Judgment* valid. A very late *Author* finds himſelf ſo perplexed with this, that he knows not how to get off from it. He cannot deny this to be in the *Rolls* of *Parliament*, and to be the *firſt Petition* of *the Commons*; but then he blames them for Raſhneſs and Error, and *want of due Examination of Precedents*; as though it were poſſible for any Man now to underſtand the Law and Practice better than the whole *Houſe of Commons* then did. He ſaith, *They were miſtaken palpably* de facto *in ſaying that divers Judgments have been heretofore undone*; and yet preſently confeſſeth, *That the two Judgments againſt the two* Spencers *were reverſed for this Cauſe*; but he ſaith, *There are no more to be found.* Where doth he mean? In his *Study?* Or not now extant in the *Parliament-Rolls?* But have we all the *Rolls* of *Parliament* that were then in being? Or muſt Men ſo boldly charge the *Houſe of Commons* with *Ignorance, Error, breaking the Laws,* becauſe they ſpeak againſt their Fancies? But this *Gentleman* very peremptorily concludes *the Houſe of Commons then guilty of a very ſtrange and unaccountable Overſight.* It is great pity a certain *Gentleman* had not been there to have ſearched *Records* for them, and to have informed them better. But we think a *Judgment* of the *whole Houſe of Commons* in ſuch a Caſe, declared in ſo ſolemn a manner, without the leaſt contradiction from the *King* or the *Lords*, might deſerve a little more reſpect; and it had certainly had it, if it had made for the other ſide. But we ſee the *Houſe of Commons* it ſelf is reverenced or not, as the Judgment of it ſerves Mens purpoſes. And yet this was more than the bare *Judgment* of the *Houſe of Commons*: for a *Petition* was made upon it, and that *Petition* granted; and conſequently a *Common Proctor* appointed, and that *Proctor* allowed by *King, Lords and Commons.* So that this was a Judgment ratified by Conſent of the *King* and the *whole Parliament.* For if a *Petition* were made on a falſe ground, what had been more proper than for the *Lords* to have open'd this to the *Commons*, and to have told them how unadviſed and falſe their *Judgment* was? Whereas the *Lords* conſented, and the *Proctor* was admitted, and gave his *Vote* in the *Name* of the *Clergy.* But there is ſomething more to confirm this *Judgment* of the *Commons*, and that is, the *Parliament* 11 *R.* II. making *Petition* to the *King, That all Judgments then given might be approved, affirmed, and ſtabliſhed, as a thing duly made for the Weal and Profit of the King our Sovereign Lord, notwithſtanding that the Lords Spiritual and* their

A Diſcourſe of the Peerage, and Juriſdiction of the Lords Spiritual, p. 26.

their Procurators were abſent at the time of the ſaid Judgments given. What means this *Petition*, if there had been no doubt at that time, that theſe Judgments might be reverſed, as not duly made, by reaſon of the abſence of the *Prelates?* The only anſwer in my mind is, that it was *Error Temporis*, they were of that mind then, but ſome are reſolved to be of another now.

But from hence we plainly ſee, that even in *R.* II's time the Concurrence of the *Biſhops* was thought ſo neceſſary, that one *Parliament* declared *Judgments had been reverſed for want of it*; and that very *Parliament* wherein they abſented themſelves, got a Clauſe inſerted on purpoſe to prevent *the nulling of thoſe Judgments*; which ſignified nothing to *the Parliament* 21 *R.* II. which reverſed them all.

There is ſomething more conſiderable to our purpoſe in *this Parliament*; *viz.* that the ſame *Author* produceth the Teſtimony of a *MS.* Chronicle, which largely handles the Affairs of *that Parliament*, wherein it is confeſſed, that *the Biſhops*, by *concurring with the Lords* in the Revocation of the *Earl* of *Arundel*'s Pardon, did give Vote in a Caſe Capital; for ſo the Words are there cited, *Dederunt ergo locum Prælati judicio Sanguinis in hoc facto.* Which ſhews that the *Biſhops* did then give their *Votes* about *the validity of the Pardon:* Which *the Author* of *that Chronicle* indeed condemns them for, and tells us ſome thought they incurred *Irregularity* by it. From whence it follows, that all *the Penalty* ſuppoſed to be incurred was only Canonical; but he never charges them with going againſt the Law or Cuſtom of *Parliament* therein. *Diſcourſe of the Peerage, &c. p.* 20.

But the *Author* of the *Letter* ſaith, *Whatever was done this Parliament ſignifies nothing, becauſe the whole Parliament ſtands repealed by* 1 *H.* IV. *and all done in it declared null and void.* Yet, to our comfort, the ſame *Author* tells us, *the three* Henrys *were Uſurpers*; and therefore I deſire to be ſatisfied, whether an *Uſurper*, by a *Parliament* of his calling, can null and repeal what was done by a *King and his Parliament.* If he may, then the *King* loſt his *Title* to the *Crown* by the late *Uſurpers*; if not, then the *Parliament* 21 *R.* II. could not be repealed by that 1 *H.* IV, If the *Author* of the *Letter* had conſidered this, he is a *Perſon* of too great Judgment and Loyalty, to have mention'd, more than once, the Repeal of that *Parliament*, by the ſubſequent *Parliament*, 1 *H.* IV. Lett. p. 30. p. 79. p. 80. p. 115.

From all this we ſee, that by the Judgment of the *whole Parliament*, both 11 *R.* II. and 21 *R.* II. the *Biſhops* had a Right to ſit, ſo far that *Judgments* were reverſed where they were not preſent; and therefore all the pretence they could have for withdrawing muſt be from the Canon-Law: which although not ſufficient to bind them, if the matter had been conteſted, yet it ſerved them for a very colourable pretence of abſenting themſelves in ſuch dangerous times, as thoſe of 11. *R.* II.

Here the *Author of the Peerage and Juriſdiction of the Lords Spiritual* thinks he brings ſeaſonable relief to the *Cauſe*, when he undertakes to prove, that the *Biſhops* withdrawing was not meerly on the account of the Canon-Law. This, I confeſs, is home to the buſineſs, if he can make it out. (1) He ſaith, *there was an Act of Parliament* before, *that did expreſly prohibit them to exerciſe Juriſdiction in thoſe Caſes.* This we utterly deny. And the Conſtitution of *Clarendon*, to which he referrs, proves the contrary. (2.) *The Biſhops made bold with the Canons* when they p. 19. p. 20.

they thought fit, as 21 *R.* II. But how could they do that, unleſs they had a *Parliamentary Right* to be preſent? He ſaith, *the conſtituting a Proxy was as great a violation of the Canons, as being perſonally preſent:* and what then? therefore the *Parliament* would not have ſuffer'd them to do that, if there had been a *Law* to exclude them. How doth this prove that the *Biſhops* did not withdraw on the account of the Canons 11 *R.* II. becauſe they made a *Proxie* 21 *R.* II? But why did they not appear perſonally, if they had no regard to the *Canons*; when the receiving their *Proxie* ſhewed they had a *legal Right* to appear? But he grievouſly miſtakes the meaning of the Canon of *Stephen Langton* in *Lynwood*, when he interprets *Literas pro pœna ſanguinis infligenda ſcribere vel dictare*, againſt making of *Proxies*; which is only meant of p. 21. giving or *writing the Sentence for Execution.* (3.) He ſaith, they were excluded *by ancient Cuſtom*; which, by a very ſubtle way of reaſoning, he proves to have been *part of the Fundamental Contract of the Nation*, as he ſpeaks. *Seeing then*, ſaith he, *it is without doubt that there was ſuch a Cuſtom, that the Prelates ſhould not exerciſe Juriſdiction in Capital Caſes*; (not ſo altogether *without doubt*, unleſs it were better proved than we have yet ſeen it;) *and there is no Record that doth mention when it did begin, nor any time when it could be ſaid there never was ſuch an Uſage*; (yes, before the Council of *Toledo* being publiſhed in *Spain*, and receiv'd here;) *it muſt of neceſſity be ſuppoſed, that it is as ancient as the Government it ſelf, and part of the Fundamental Contract of the Nation.* Which looks ſo like a *Jeſuitical* Argument, that one would have thought he had been proving *Tranſubſtantiation* by it. For juſt thus the Argument runs at this day among the *Party*; There was a time when it was receiv'd, and no time can be inſtanced in wherein it was not, therefore it was a part of the Fundamental Religion of *Jeſus Chriſt.* The plain Anſwer in both Caſes is the ſame: If we can produce unqueſtionable Authority to which a Doctrine or Practice is repugnant, we are not obliged to aſſign any punctual time in which it muſt firſt come in. But in this caſe, we do aſſign the very time and occaſion of the *Biſhops* abſenting themſelves in *Capital Judgments*, and that was from the receiving the Canon of the Council of *Toledo* here: For no ſuch practice can ever be proved before. And therefore this can never be proved to be any *part* of the *ancient Common Law of England.* And that this came in by way of imitation of other *Countries*, appears by the citing the *Council* of *Toledo* both by *Lanfranc* and *Richard* in the p. 23. *Council* of *Wincheſter.* (4.) He ſaith the Practice is *ancienter than any of the Canons of the Church.* But how doth that appear? The eldeſt Canon he can find is that of *Stephen Langton* in *Lynwood*, which was made above 50 Years after the *Parliament* at *Clarendon.* But we have made it evident, there was a Canon receiv'd here in *Lanfranc*'s time, long before the Conſtitution of *Clarendon.* And ſo a full Anſwer is given to theſe Objections.

But we are told, by the *Author* of the *Letter*, that the *Biſhops Proteſtation* being *receiv'd* and *enter'd* in the *Roll* or *Journal-Book*, makes it to paſs for *a Law*, it being agreed to by the *King* and two *Houſes*; ſo as whatever was the *Law* before, if it were only the *Canon-Law*, it is now come to be the *Law* and *Rule* of *Parliament*, and the *Law of the Land.*

2. This is therefore the ſecond *Point* to be examined, Whether the receiving this *Proteſtation* amounts to a *Law* of *Excluſion*? which

it can by no means do for theſe *two* Reaſons: 1. From the nature of *Proteſtations* in general; 2. From the particular nature of *this Proteſtation*.

2. From the nature of *Proteſtations* in general. For a *Proteſtation* is only a Declaration of their Minds that make it, and not of theirs who receive it, or ſuffer it to be enter'd in the *Acts* or *Records* of the *Court*; unleſs it be receiv'd in ſuch a manner, as implies their conſent. For the very next *Parliament* after this, 13 *R.* II. the two *Archbiſhops*, in the name of *the whole Clergy*, enter a *Proteſtation*, *That they gave no aſſent to any Law or Statute made in reſtraint of the Pope's Authority*; and it is ſaid in the *Rolls* of *Parliament*, *that at their requeſts theſe Proteſtations were enrolled*. Will any Man hence inferr, that theſe *Proteſtations* were made *Acts of Parliament*? If the *Cauſe* would have born any better, a Perſon of ſo much Skill in *Proceedings* of *Parliament* would never have uſed ſuch an Argument as this. Beſides, it is a Rule in *Proteſtations*, *Si Proteſtatio in Judicio fiat, ſemper per contrarium actum tollitur*, ſaith *Hoſtienſis*; *A Proteſtation, although allowed in Court, is taken off by a ſubſequent Act contrary to it.* Which ſhews, that a *Proteſtation* can never have the force of a *Law*; becauſe it may be deſtroy'd by the *Act* of the *Parties* themſelves. If therefore the *Biſhops* did afterwards act contrary to this *Proteſtation*, they took away all the force of it.

Sum. *l.* 1. de Conſtit. *n.* 18. *p.* 24.

2. The particular nature of this *Proteſtation* is ſuch, as doth moſt evidently preſerve their *Right* to be perſonally preſent on the account of their *Peerage* and *Baronies*; and the great deſign of a *Proteſtation* is, *to preſerve a Right, notwithſtanding ſome Act which ſeems to deſtroy it*; as their *abſenting themſelves* on the account of the *Canons* might ſeem to do: But of this already.

3. We are now to conſider the third *Point*, Whether, on ſuppoſition that on the account of the *Canon-Law*, the *Biſhops* had always withdrawn in the time of *Popery*, that had continued in force ſtill ſince the *Reformation*? I think not, upon theſe Reaſons,

1. Becauſe the *Canon-Law* was founded upon a Superſtitious Fancy, *viz.* that if *Clergy-men* be preſent in *Cauſes of Blood*, they contract Irregularity *ex defectu perfectæ Lenitatis*, as the excellent Canoniſt, *Navarr* ſaith, becauſe it argues *a want of perfect Lenity*. But if we conſider the Caſes they allow, which do *not incur Irregularity*, and thoſe they do not allow, which do incurr it, we ſhall find all this ſtir in the *Canon-Law* about this matter, to be only a Superſtitious kind of Hypocriſy.

Manual. *c.* 27.

1. If a Man in *Orders* gives another Man Weapons, without which he could not defend himſelf, and by thoſe Weapons he maims him that aſſaulted him; this doth not make him *irregular*; but if he kills him, it doth: and yet the Canons make the caſe of Diſmembring and Death the ſame.

2. It makes a Man act againſt the *Law of Nature* to prevent *Irregularity*. For they ſay, if it be for the defence of Father or Mother, or prevent the ruin of his Country, although the Cauſe be never ſo juſt, a *Clergy-man* that diſmembers, or takes away another's Life, is *irregular*.

3. If a *Clergy-man* diſcovers Treaſon, or accuſes another for Treaſon, without a Proteſtation, that he doth not do it with a deſign to have him puniſhed; he is *irregulur*; but if he makes that *Proteſtation*, although death follows, he is not.

4. If a *Clergy-man* be in an Army, and perſwades the Soldiers to fight manfully, and kill as many as they can; this doth not make him *irregular*; nay, although he beats them, if they will not fight: But if he happens to kill an Enemy himſelf, then he is.

5. If he gives a Soldier a Sword or a Gun, by which he diſpatches his Enemies, if he did it with a particular intention that he ſhould ſlay or maim them, he is *irregular*; if only with a general Intention, that he ſhould overcome, he is not. This being ſomewhat a nice Caſe, the Canoniſts take more than uſual pains to prove it. And from hence they defend their *Prieſts* and *Jeſuits* in the *Indies*, who carry the *Croſs* before their Armies into the Field, and encourage them to kill all they can; and yet *Navarr* ſaith, they are ſo far from being *irregular*, that they are *regulariſſimi*, as his Word is.

6. If a Man, to gain an Indulgence, carries a Faggot to burn an Heretick, if it be with a deſign to take away his life, he is *irregular*; but if he be hanged firſt, or dead before it be thrown into the fire, then he is not.

7. If a Man in *Orders* helps a Chirurgeon in cutting off a Man's Leg, he is not *irregular*: but if a Man be juſtly condemned to have his Leg cut off, if he then gives any aſſiſtance, he is *irregular*: becauſe the one is moved out of Mercy, and the other out of Juſtice.

8. If the *Biſhops* ſit and condemn a Man for Hereſy, and deliver him over to the *Secular Power* for Execution; yet they free this from *Irregularity*, or elſe the practice of the *Inquiſition* were loſt. This ſeems a very difficult Caſe; but the Canoniſts ſalve this, by ſaying, that the *Inquiſitors*, when they deliver them over to the *Secular Power*, do pray *that they may not be hurt either Wind or Limb*; as it appears by the *Forms* uſed in the *Directorium Inquiſitorum*. And if this be not the height of Hypocriſie, let the World Judge. And therefore this part of the *Canon Law* is not conſiſtent with the Sincerity of the *Reformation*.

Covarruv. ad Clem. ſi furioſ. *p.* 2. §. 5. *n.* 6.

2. This part of *Canon Law* is inconſiſtent with the *King's Power* over *Eccleſiaſtical Perſons*. For it ſuppoſeth them liable to the *Penalty* of a *Law*, which he hath no cogniſance of, and derives no force or authority from him; which tends to the diminution of the *King's Prerogative Royal*, and therefore it is nulled by *the Stat.* 25 *H.* VIII. *c.* 19. I do very much queſtion whether this ever were any part of the *Canon-Law* of *England*, notwithſtanding the *Pope's Decretals*; *i. e.* Whether theſe Canons ever received Confirmation by *the Royal Authority*, either in *Synodal Conſtitutions*, or elſewhere. And it would be a very hard caſe, if *our Kings* had not the ſame Privileges which are allow'd in *Popiſh Countries*, *viz.* that nothing paſſes for *Canon-Law* within their *Territories*, till it paſs the examination of the *King's Council*, and approbation by his *Authority*, Thence in *France* nothing paſſes without the *King's Pareatis*; nor in *Spain* or *Flanders*, without the *King* of *Spain's Placet*; no nor in the Kingdom of *Naples*, without *the Royal Exequatur*. It is well known, that the 6. *Book* of *Decretals* was not allowed in *France*, becauſe of the quarrel betwen the *King* and *Boniface* VIII. and that even the Council of *Trent* it ſelf was not allowed by *Philip* II. till it had been ſtrictly examined by the *King's Council*, that nothing might be allowed which tended to the diminution of his *Prerogative*. How then will Men juſtifie the making that part of the *Canon-Law* of *England*, which was repugnant to the *Rights* of the *Crown*, and de-

prives the *King* of the *Power* of taking Advice of thoſe of his Subjects whom he hath ſummon'd for that end?

3. The *Sanction* of this *Law* is ceaſed, which was *Irregularity?* And ſome of our moſt Learned *Judges* have declared, that is taken away by the *Reformation*. But in caſe any be of another Opinion, I ſhall urge them with this Inconveniency, *viz.* That the great *Inſtrument* of diſcovering the *Plot* falls under *Irregularity* by it. For it is moſt certain, by the *Canon-Law*, that a Man in *Orders* accuſing others of *Treaſon*, without making his due *Proteſtation* in *Court*, is *irregular*. But if this be now thought unreaſonable, as it is in the Perſon of an *Accuſer*, why ſhould it not be ſo in the caſe of *Judges?* And if the *Irregularity* be taken away, then the *Sanction* is gone; and if the *Sanction* be taken off in a meer *poſitive Law*, the *force* of the *Law* is gone too. And therefore this *Canon-Law*, which forbids *Clergy-men being preſent in Capital Caſes, and giving Votes therein*, is wholly taken away by the *Reformation.* And we do not find any mention of it for 80 years and more after the *Reformation*, till about the Time of the *Earl* of *Strafford*'s Trial, a *Book* being printed about the *Privilege* of *Peers*, wherein this *Proteſtation* was mention'd, hold was preſently taken of it, by Men who thought they could not compaſs their ends without removing the *Biſhops* out of the *Houſe*: And when the *Biſhops* inſiſted on their *Right*, and could not be heard, but at laſt were willing to *ſalve* their *Right* by *Proxies*, the *Lords* of the *Cabal* prevailed with their Friends, to declare they would uſe no *Proxies* themſelves, and ſo by that artifice ſhut the *Biſhops* out of Doors.

4. The Practice hath been ſo contrary ſince the Reformation, that I find no manner of regard hath been ſhewed to it. For the *Archbiſhop* of *Canterbury* was the firſt nominated in the *Commiſſion* for the Trial of the Queen of *Scots*, as appears by the *Commiſſion* it ſelf in *Cambden*; which is directly contrary to the *Canon-Law*. Some diſtinguiſh the *Biſhops* acting by *Commiſſion*, from their being *Judges in Parliament*. For which there is no manner of Reaſon with reſpect to the *Canon-Law*, which is rather more expreſs againſt any kind of *Commiſſions* in Caſes of Blood; as appears by the *Council* of *Toledo*, the *Synodal Conſtitution*, and the *Pope's Decretals*. And there hath never been any ſcruple about *Divines* ſitting on the *Crown ſide* as *Juſtices of the Peace*, when *Sentence of death is pronounced*; nor in the *Ordinary*'s declaring *Legit* or *Non Legit*, when a Man's Life depends upon it. But which is yet more to our preſent purpoſe, in the *Parliament* 22 *May*, 1626. upon the Impeachment of the *Earl* of *Briſtol* of *High Treaſon*, 10 *Biſhops*, 10 *Earls*, 10 *Barons*, were appointed to examine the Evidence; and upon their Report he was ſent to the *Tower* by the *whole Houſe*. All which ſhews, that there hath been no regard had to the force of the *Canon-Law* in this matter ſince the *Reformation*; that being a Spirit lay'd long ſince by the Principles of our Church: and it would be ſtrange, if ſome Mens Zeal againſt *Popery* ſhould raiſe it again.

Cambden. Annal. A. D. 1586.

Vid. Lynwood in Conſtit. Othob. c. Ne Clerici. v. in eiſdem.

CHAP. III.

The Precedents *on both ſides laid down: thoſe againſt the Biſhops examined and anſwered.*

II. I Now come to examine the *Precedents*, and ſhall proceed therein according to due Order of Time.

Lett. *p.* 57. And ſo the *firſt* is taken from the *Saxon* times, *viz.* from *Brompton*'s Relation about *Edward* the Confeſſor's appealing to the *Earls* and *Barons* about *Earl Godwin*'s murthering of his Brother *Alfred*. *Here we*

P. 59. *ſee*, ſaith the *Author* of the *Letter*, *it was only* ad Comites & Barones, *that he appealed, and they were only to judge of it, and not Biſhops or Prelates.*

I have 2 things to anſwer to this *Precedent*; 1. That we have great reaſon to ſuſpect the Truth of it. 2. That if it were true, we have no reaſon to ſuſpect the Biſhops to be excluded.

1. For the Truth of the Story. That there is great reaſon to ſuſpect it, appears, in that it is the ſingle relation of *Brompton* againſt the conſent of the other *Hiſtorians*, (and ſome of them much ancienter, and nearer to that time) who mention *K. Edward*'s charging *Earl Godwin* with the Death of his Brother, not in *Parliament*, but as they were at Table together at *Wincheſter*, upon the occaſion of a Saying of *Earl Godwin*'s, upon the King's Cup-bearer ſtumbling with one Foot, and recovering with another; *See*, ſaith he, *how one Brother helps another.* Upon which *Matth. Weſtminſter*, *Knighton*, and others ſay, that the King charged him about the Death of his Brother *Alfred*. Whatever the occaſion was, our beſt *Hiſtorians* of that time, *Malmesbury* and *Ingulphus* ſay, it was at an Entertainment at *Wincheſter*, and that *Earl Godwin* died upon the Place, being choaked, as they ſay, with a Morſel of Bread he took with a great Execration upon himſelf if he were not innocent. *Knighton* ſaith, he was queſtioned for the Death of his Brother by *Hardeknute*, and that he cleared himſelf, by ſaying, he did nothing but by the King's Command. But ſuppoſe *Edward* to be never ſo weak a Prince, is it likely this ſhould be done by an Appeal in Parliament by the King himſelf; and that afterwards, by the Judgment of his Earls and Barons, he and his Sons and 12 Kinſmen ſhould make the King amends, by as much Gold and Silver as they could carry between their Arms? Beſides, *Brompton* ſaith, this was done by *Godwin* when he returned to *England*, after King *Edward*'s coming to the Throne; whereas *Malmesbury* ſhews, that it was through *Earl Godwin*'s Intereſt that ever he came to it, and ſo the marrying his Daughter would make any one believe.

2. But ſuppoſe it true. What reaſon is there to conclude the Biſhops not preſent, who were never abſent through all the *Saxon* Times, after *Ethelbert*'s Converſion, in any publick *Councils* of the Nation? They had no *Canon* then to be afraid of; for that of the Council of *Toledo* was brought in by *Lanfranc*. And it was not againſt the Practice of thoſe Times. For if we believe as true a *Story* as this of *Brompton*, the *Archbiſhop* of *Canterbury* himſelf condemned King *Edward*'s Mother *Emma* to a Trial by hot Irons, which was preſent Death without a Mi-

Miracle; and this, it is ſaid, was done by the conſent *of the King and the Biſhops*; which is as good a *Precedent* againſt *Temporal Lords*, as the other is againſt the *Biſhops*. However, this is certain, that the Biſhops then ſate in the *County Court* at all *Judgments*. And whereas the *Author* of the *Letter* would avoid this, by ſaying that no *Capital Crimes* P. 110. were tried there; the contrary is moſt certainly true. For the *Laws* of King *Edward*, as they were ſet forth by *H.* I. *c.* 31. mention the *Capitalia Placita* that were there held. And the Author of the MS. Life of S. *Cuthbert* ſaith, that when one of *Earl Godwin*'s Sons was *Earl* of *Northumberland*, and one *Hamel*, a very bad Man, was impriſon'd by him, his Friends interceeded earneſtly with him, *Nè capite plecteretur, that he ſhould not loſe his Head*, by which it appears, That *Caſes Capital* were heard and determin'd in thoſe *Courts*, the *Biſhop* and *Earl* ſitting together in *Judgment*. And here the Point is plainly gain'd, becauſe the *Author* of the *Letter* grants that the *Biſhops* ſate in all *Judgments* in the *County Courts*, and then puts the matter upon this Iſſue, whether *Capital* Crimes were there tried or not; which I have clearly proved that they were. But I ſhall make another Advantage of this againſt the *Author* of *the Peerage, &c.* for it plainly overthrows that confident Aſſertion of his, That *without doubt* there was a Negative *Cuſtom, That* P. 21. *the Prelates ſhould not exerciſe Juriſdiction in Capital Caſes*, ſo *ancient* as to be *part of the Fundamental Contract of the Nation*. It were a thouſand pities, that ſuch well-ſounding Words, ſo handſomely put together, ſhould ſignify nothing. I dare not be ſo poſitive as he is, but am of Opinion, that if he could be perſwaded to produce this *Fundamental Contract of the Nation*, which I perceive he hath lying by him, it would not amount to ſo much as a *blind Manuſcript*. If it be ſaid, that *Brompton* only mentions *Earls* and *Barons*, and *Biſhops* were not then made *Barons*: I anſwer, That *Baronies* were brought into *England* by the *Conqueror*, and therefore *Brompton* muſt ſpeak improperly, and conſequently, taking it only for a Title of Honour, he means no more than thoſe who were the great Men of that time, and ſo may take in the Biſhops too, of which more afterwards. But there is one thing more in the *Laws* of *H.* I. (which were only a reſtoring K. *Edward's Laws*) that implies that *Biſhops* had then a Power of Judging in *Caſes Capital*; which is, *c.* 58. *Qui occiderit Epiſcopum ſit in arbitrio Principis & Epiſcoporum, He that killed a Biſhop was to be left to the Will of the King and the Biſhops*. Which ſhews that they were to hear and examine the whole Evidence, and to give Judgment according to it.

After the *Saxon* times, the *firſt Precedent* produced is of the 33 *Edw.* P. 55. I. concerning *Nicholas Segrave*, who was ſummon'd to appear in *Parliament*, and after his Offences were open'd, the King adviſes *only with the Temporal Lords*, who declared, ſuch a Man deſerved to loſe his Life. But is he ſure the *Biſhops* were not preſent? No: he ſaith, *that doth not appear by the Record; but it appears clearly they were not to meddle with it*. How ſo? *The King declares, that he would have the Advice Comitum, Baronum, Magnatum, & aliorum de Conſilio ſuo*. But is he ſure they are not comprehended under *Magnates*, and that there were no *Clergy-men* at that time of the King's Council? What thinks he of *William de Hamilton, Dean* of *York*, who was made *Lord-Chancellor*, *Jan.* 16. 33 *Edw.* I. and this *Parliament* was held the next Sunday after St. *Matthias*, which was the latter end of *February*? And in the 35*th* Year, *Ralph de Baldock*, *Biſhop* of *London*, was made *Lord-Chan-*

Chancellor; and ſcarce any other but *Church-men* had that *Office* all his Days. The *Biſhop* of *Bath* and *Wells* was *Chancellor* near twenty Years of his Reign; after him the *Biſhop* of *Ely*, after him the *Dean* of *Chicheſter*, and then comes the *Dean* of *York*. And among the *Lords-Treaſurers* of his Time were the *Arch-deacon* of *Dorſet*, the *Abbot* of *Weſtminſter*, two *Biſhops* of *Bath* and *Wells*, whereof one was *Treaſurer* at this time. Theſe *two*, I hope, we may ſuppoſe to be of the *King's Council* in this buſineſs, who we are certain were both *Church-men*. And if they adjudged *Nic. de Segrave* worthy of Death, who ſo likely to deliver that Judgment as the *Chancellor*? But ſuppoſe theſe were not there, whom doth he mean by the *Magnates* then diſtinct from *Earls* and *Barons*, who were of the *Houſe of Peers*? Mr. *Selden* will inform him, if he need it, that there were no *Dukes* till the 11 of *Edw.* III. nor the Title of *Marqueſs* till *R.* II. nor of *Vicount* till *H* VI. And yet here were *Magnates* in Parliament, who were neither Earls nor Barons; and therefore we muſt in all reaſon underſtand the great *Church-men*, who were not ſo nice of meddling with *Criminal Cauſes* in Parliament of the higheſt nature in the time of *Edw.* I. as appears by the great *Cauſe* ſo much agitated in Parliament 20 *Edw.* I. concerning the *Earls* of *Hereford* and *Glouceſter*; where this latter is charged with raiſing Arms without Commiſſion, and committing Murthers and horrible Devaſtation in the Lands belonging to the other; and the King in Parliament appoints the *Biſhop* of *Ely* with others to be a *Committee* for examination of this matter. And when they had both ſubmitted to the King's Pleaſure, we have theſe remarkable Words in the *Placita Parlamentaria*, *Per Conſilium Archiepiſcoporum, Epiſcoporum, Comitum, Baronum, Cæterorumque de Conſilio ſuo exiſtentium, facere volens in præmiſſis & ut voluntas ſua juſta ſit & rationabilis, prout decet, eorumque aſſenſum in præmiſſis petiit, & Conſilium. Propter quod, habito tractatu diligenti coram ipſo Domino Rege & Conſilio ſuo ſuper prædictis, tam ipſi Domino Regi quam cæteris Prælatis & Magnatibus, & ſingulis de Conſilio ſuo, videtur quoad Comit. Gloceſtr.* and that follows the *Sentence*; which I confeſs did not extend to Life, but to a Forfeiture of his Eſtate to the King. However, we ſee hereby that the *Biſhops* were preſent at all the *preliminary Debates*, and the King asked their *Advice*: ſo that they had their *Votes* in the *Sentence*, whether it ſhould extend to Life or not.

In the Reign of *Edw.* II. we meet with a remarkable *Precedent* in behalf of the *Biſhops Right*, which is of a *Judgment* reverſed, made by the *Lords without the Prelates*, viz. the *Judgment* againſt the two *Spencers*, 15 *E.*II. which *Judgment* is ſaid to be paſſed at *Oxford* that year, but in the *Parliament* at *York* the ſame year it was nulled and made void before the King, Lords and Commons; and one of the Reaſons given for it is, *becauſe the Lords Spiritual, who were Peers, aſſented not to it.* This *Precedent* had been cited and allowed by Mr. *Pryn*, in his *Plea for the Lords*, and therefore it is to be wonder'd the *Author* of the *Letter* takes no notice of it. But the later *Author of the Diſcourſe about the Biſhops Peerage and Juriſdiction*, owns the truth of the thing, ſaying, *That the two Judgments againſt the two* Spencers *were reverſed,* 15 Edw. *II. for this Cauſe, through the great Favour and Intereſt they then had at Court.* But then he thinks he hath taken off the force of this *Precedent*, by ſaying *that* 1 Edw. *III.* c. 1. *this Judgment is declared good, and therefore the ſaid Reverſal null and void; and the two* Spencers *upon this affir-*

Clauſ. 15 Ed. 2. *n.* 23, 24. & *dorſ.* 13, 32

Plea for the Lords, *p.* 193.
Diſcourſe of the Biſhops Peerage, *p.* 20.

mance of the Judgment were executed. This laſt Aſſertion every one knows to be a grievous miſtake, that hath but looked into our *Hiſtory:* for the *Spencers* were executed before *Edw. III.* came to the Crown; the elder in *October*, 19 *Edw. II.* the other the latter end of *November* 20 *Ed. II.* And whereas he inſiſts upon the *Affirmance of the Judgment* 1 *Edw. III.* he had done well to have look'd a little farther; and then he would have found that Act alſo repealed 21 *R. II.* So that if the Act of 1 *Ed. III.* which affirms the firſt Judgment may ſeem to take off the force of this Precedent, the repealing of that *Act* in the 21 *R. II.* reſtores it again, and leaves it in its full force. Eſpecially if it be conſidered, that the *Act* of 1 *Ed. III.* was not barely repealed, but declared in Parliament to be unlawful, becauſe *Ed. II. was living, and true King and impriſon'd by his Subjects at the time of that very* Parliament *of* 1 *Ed. III.*

Rot. 64. 21 R. 2.

Thus far this *Precedent* is good. But I will conceal nothing that may with any colour be objected againſt it. And I cannot deny but what the *Author of the Letter* objects againſt the Biſhops conſtituting a *Proctor* to repreſent them in Capital Cauſes, ſeems to be of equal force againſt this *Precedent, viz. That this Parliament of the* 21 *R. II. and all that was done in it, was repeal'd in the* 1 *H. IV.* And if that be ſo, (and thoſe Acts of State which then paſſed had not again been repealed 1 *Ed. IV.*) then the Repealing of that of 1 *Ed. III.* ſignifies nothing, and conſequently the *Affirmance* of the *firſt Judgment* againſt the two *Spencers* is good notwithſtanding that Repeal. And therefore that we may examine this matter to the bottom, I ſhall ſet down the very Words of the *Author* of the *Letter* concerning it. Speaking of the *Declaration* made by the Lawyers in the 10 *Ed. IV.* concerning the Biſhops making a *Procurator* in Capital Cauſes, he hath theſe Words: *It is true, here is mention made of their making a Proctor, which was* Error temporis, *the Error of thoſe Times, grounded upon what was ſo lately done, (as they looked upon it) though irregularly done, in the laſt Parliament of* R. II. *whom they conſider'd as their lawful King; and in truth he was ſo, the three* Henry's *that came between being but Uſurpers.* And again, ſpeaking of the ſame buſineſs of a *Proctor* in the 21 R. II. he hath this remarkable paſſage: *I have already ſhewed, that this whole Parliament was repeal'd for the extravagant things that were done in it, of which this was one. And therefore nothing that was then done can ſignifie any thing to a leading caſe any ways to be followed;* and this as little as any: except it could be made appear, which I am confident it cannot, that ſome Judgment had been reverſed upon that account, becauſe the Prelates were not preſent, and had not given their aſſent to it.

p. 79.

p. 115.

Now if I can make out theſe two things, 1. That the Parliament of *R. II.* was not legally repeal'd; 2. That the *Judgment* againſt the two *Spencers* was revers'd, and that the repeal of that Reverſal in 1 *Ed. III.* was revok'd in 21 *R. II.* upon this very account, *becauſe the Prelates were not preſent, and had not given their aſſent to it;* I hope the *Author* of the *Letter* will be ſatisfy'd, that both this *Precedent*, and the Caſe of a *Proctor*, are very ſignificant in this Cauſe; and that there is a great difference between being *confident* and *certain* of any thing.

1. That the Parliament of 21 *R. II.* was not legally repeal'd. And for this I take the *Authors* own acknowledgment that *R. II. was in truth lawful King*, and that *H. IV.* was but an *Uſurper*: Nay, I add farther,

ther, that *R. II.* was alive and in Priſon when *H. IV.* repeal'd the Parliament of 21 *R. II.* For ſo it is ſaid in the very *Act* of *Repeal*, that *R. II. late King of* England *was purſued, taken, put in ward, and* yet remaineth in ward. And now I leave it to the *Author* of the *Letter*, whether a Parliament call'd by a Lawful King, and the Acts of it, ought to be deem'd legally repeal'd by a Parliament that was call'd by an Uſurper, and held whilſt the lawful King was alive and detain'd in Priſon.

2. That the *Judgment* againſt the two *Spencers* was reverſed and the Repeal of the Reverſal of it in 1 *Ed. III.* revok'd in 21 *R. II.* and that upon this very account, *becauſe the Prelates were not preſent, and had*
p. 15. *not given their aſſent to it*; which the *Author* of the *Letter* is *confident cannot be made appear.* That this *Judgment* was reverſed for this Reaſon I have already ſhewn, *viz.* in the Parliament at *York*, 15 *Ed. II.* And I ſhall now ſhew, that the Repeal of that Reverſal in 1 *Ed. III.* was revok'd in 21 *R. II.* and that upon the account mentioned. For in this Parliament, *Tho. de Spencer*, Earl of *Gloceſter*, exhibited *two Bills*, in which he prayeth, that the Revocation of the Exile of the two *Spencers* in 15 *Ed. II.* might be brought before the King and confirmed, and that the *Repeal* of the ſame made in the 1 *Ed. III.* might be revoked. Of which *Act* of *Repeal* theſe *Errors* are aſſigned, among o-
Rot. 55. thers: *becauſe the Prelates*, who are Peers of the Realm, *did not aſ-*
56.21 R.2. *ſent to the Judgment*; and *becauſe it was made only by the Earls and Barons, Peers of the Realm*, &c. and *becauſe it was made againſt the form of the Great Charter of* England, *in which it is contain'd, that no Man ſhall be exil'd, or otherwiſe deſtroyed, but by the lawful Judgment of his Peers, or by the Law of the Land.* So that it ſeems it was look'd upon as a breach of the *Great Charter*, for the Temporal Lords to condemn a Peer without the Aſſent of the Biſhops, and that ſuch a *Judgment* was not eſteem'd *a lawful Judgment by his Peers.* And thoſe *Errors* of the *firſt Judgment* aſſign'd in the *Revocation* of it in 15 *Ed. II.* are allowed in this Parliament of 21 *R. II.* and that *Revocation* confirm'd and the *Re-*
R. 2. 21. *peal* of it in 1 *Ed. III.* revok'd upon the ſame account. I ſhall only obſerve, that in this Parliament (as before in 15 *Ed. II.*) the *Biſhops are* declared to be *Peers*; Peers of the Realm, *Rot.* 55. Peers in Parliament, *Rot.* 56. & 61; but moſt fully and diſtinctly in the *Roll* laſt cited, *Peers of the Realm in Parliament.* Of which farther uſe may be made in the *laſt Chapter* concerning the *Peerage of the Biſhops.*

And now to ſum up the force of this *Precedent* for the *Juriſdiction* of the *Biſhops* in *Caſes of Treaſon.* Here is a *Reverſal* of a *Judgment*, becauſe *made without the Aſſent of the Prelates*, by the Parliament at *York* in 15 *Ed. II.* And whereas it is ſaid, this *Reverſal* was *Repealed*, and the *firſt Judgment affirm'd* in 1 *Ed. III.* I have ſhew'd, that this was no *legal Repeal* becauſe *Ed. II. was alive* and *lawful King*, or elſe *Ed. III.* could never have been ſo) in the time of that firſt Parliament of *Edw. III.* and conſequently *Ed. III.* at that time was an Uſurper, and the Proceedings of that Parliament null and void. So that the *Reverſal* in 15 *Ed. II.* ſtands good notwithſtanding the *Repeal* in 1 *Ed. III.* Beſides that this *Repeal* (whatever it was) is ſolemnly *revoked* in 21 *R. II.* And *H. IV.* who *reverſ'd* all the Proceedings of the Parliament of 21 *R. II.* during the Life of *R. II.* is acknowledg'd by the *Author* of the *Letter* to have been an *Uſurper* and *R. II.* to have been a *lawful King.* And now I think that this *Precedent* hath all the advantage that can be, and that the *Juriſdi-*

ction of the Biſhops in *Caſes of Treaſon* could not have been aſſerted in a
higher manner, than to have a *Judgment* in *Caſe* of *Treaſon* ſolemnly revers'd
in two Parliaments for this very cauſe, *becauſe the Biſhops, who are*
Peers, *aſſented not to it.* And this Precedent own'd by the *Houſe of*
Commons, in their Petition to have a *Common Proctor* appointed by the
Clergy, in this very Parliament of 21 *R. II.* as is acknowledg'd by the p. 115.
Author of the *Letter*.

To conclude this matter; whether the Acts of Parliament which contain this Declaration of the Peerage of Biſhops, and their *Juriſdiction in Caſes of Treaſon*, were ſufficiently repeal'd or not; this ſolemn Aſſertion of it in two ſeveral Parliaments, together with the *Petition* of the *Commons* mentioned before, are a moſt clear evidence, that in the general Opinion of the *King*, *Lords*, and *Commons*, this *Juriſdiction* did of right belong to the Biſhops: And I am ſure they are a Demonſtration againſt the *Author of the* Peerage his Aſſertion, of a Negative *Cuſtom, ancient as the Conſtitution of the Nation, that Prelates ſhould not exerciſe Juriſdiction in Capital Caſes.* For had this been a clear and undoubted Cuſtom from the firſt Original of this Nation, it is morally impoſſible it could have entred into the minds of two Parliaments, ſolemnly to have raiſed this doubt, whether a Judgment given in a caſe of Treaſon by the Temporal Lords without the Aſſent of the Biſhops were valid, and to have determined that it was not; when yet there was no manner of reaſon to imagine that the Biſhops ever had any Juriſdiction in ſuch Caſes, nay, when there was an immemorial Cuſtom and Uſage to the contrary, namely, that the Temporal Lords had in all times exerciſed this Juriſdiction alone, and the Biſhops had been excluded from any ſhare in it.

And in the *Apology* of *Adam D'Orleton*, *Biſhop* of *Hereford*, and after of *Wincheſter*, for his impriſoning *R. de Baldock*, a great Confident of *Hugh de Spencer*'s, he declares, that the reaſon why he was carried to *Newgate* was through the violence of the People; although ſaith he, the Parliament then *ſitting*, there was no cauſe of fear but Juſtice would be done. His Words are, *Domino Rege, Prælatis, Comitibus, ac aliis terræ Optimatibus Lundoniæ tunc congregatis & præſentibus, pro Juſtitia ibidem in Parlamento convocatis omnibus exhibenda.* Which ſhews that the Prelates then did ſit in *Matters* of Juſtice in the Houſe of Lords, and in *Caſes Capital*; for this *R. de Baldock* was arraigned at *Hereford* for the ſame Crimes that *Hugh de Spencer* was.

But the main ſtrength of the Cauſe is ſuppoſed to lie in the Precedents produced out of the *Rolls of Parliament* from the 4 *Ed. III.* to the 38 *H. VI.* The force of theſe Precedents will be better underſtood, if we conſider theſe things.

I. That many of them are meer Negative Teſtimonies. So 4 *Ed. III.*
at the Trial of *Roger Mortimer*, it is ſaid, the *Earls, Barons and Peers* Lett. p. 6.
of the Realm were preſent, therefore the Biſhops were not 5 *Ed III. only the* p. 9.
Great ones returned, therefore the Biſhops did not. So in the Caſe of Sir
John Grey. From whence he infers, *that the Biſhops were not to Judge*
ſo much as of a Battery. 25 *Ed. III.* in Sir *William Thorp*'s Caſe, *the* p. 10.
Grantz de Parliament were asked their advice, therefore not the Biſhops.
1 *R. II.* in the Caſe of *Weſton* and *Gomenitz, the Biſhops not mention'd;* p. 13.
but other Lords, Barons and Bannerets, Sir *Ralph de Ferrers* Caſe 4 *R. II.* p. 16.
the Biſhops not preſent, becauſe not compriſed under les Seigneurs de Parliament.
The like in Sir *John Oldcaſtle*'s Caſe, 5 *H. V.* The *Queſtion*, p. 37.
he

he ſaith is, *whether Biſhops be comprehended under les Seigneurs de ceſt preſent Parliament.* p. 151. In the *Earl* of *Devonſhire*'s Caſe 31 *H. VI.* the ſtrength lies in this, *that the Peers are only mention'd*; *and he ſuppoſes no Man will* *Juriſdiction of the Houſe of Peers aſſerted,* p. 91. *ſay, the Biſhops were his Peers or Lords of the Realm.* So that here are eight Precedents that are no more than *Negative Teſtimonies*; concerning which in general, *the Author* of *the Juriſdiction of the* Houſe of Peers *aſſerted*, hath a good Obſervation; viz. *That one, or two, or twenty* Precedents *in the Negative, nay, I ſay more, were the number equally as many in the Negative as in the Affirmative, yet it could not diſprove their Juriſdiction: It would only ſhew, their Lordſhips were free Agents, to do it, or not to do it, as they ſaw Cauſe; but their Juriſdiction remained entire ſtill, to do it whenſoever they would.* So I ſay here; ſuppoſing *that the Spiritual Lords* were not preſent in theſe Caſes, it only ſhews that they were *free Agents*, and might withdraw at ſome times, and be perſent at others; which cannot overthrow *their Right*, for theſe Reaſons.

(1.) Several of his *Negative Precedents* if they prove any thing, prove *the Biſhops* were not there, when he confeſſes they might have been there. As,

Lett. p. 11. 1. In *Caſes* of *Miſdemeanours*. At the Trial of Sir *John de Lee*, 42 *Ed. III.* being charged with ſeveral Miſdemeanours, *the Record* ſaith, p. 12. *the Prelates were preſent*, 50 *Ed. III.* Several Perſons were accuſed by *the Commons* for *Miſdemeanours*, and the *Biſhops* he confeſſeth were preſent; as *Rich. Lions*, *John Lord Latimer*, *William Ellis*, *John Peecher*, *Lord John Nevil*; at all theſe *Trials the Biſhops*, ſaith he, *were preſent*; *and no body ſays but they might.* So in the Caſe of *Alice Perrers*, 50 p. 14. *Ed. III. the Record* ſaith, *the Prelates were preſent, and gave Judgment* as to Baniſhment, and Forfeiture of her *Eſtate*. 10 *R. II. Mich. de la Pool*, *Lord Chancellor*, was accuſed by the *Commons* for ſeveral Miſdep. 18. meanours before the *King*, *Prelates* and the *Lords*. Here he yields the *Prelates* were *Judges* of *Miſdemeanours*, together with other Lords. And yet if ſeveral of his *Negative Precedents* do prove any thing they prove too much, *viz. that the* Biſhops *ought not to be preſent at the* Trial of *Miſdemeanours: For*, he ſaith, *the Biſhops were not preſent at the Trial of* Weſton *and* Gomenitz, 1 *R. II. nor at the Trial of the Biſhop of* Lett. p. 10. Norwich, 7 *R. II.* nor at ſuch *Judgments* as that of Sir *William de Thorp*, 25 *Ed. III. who was condemned for Bribery*; and yet he yields they were at the Trial of *Mich. de la Pool*, 10 *R. II.* But if they ought not to be preſent at thoſe of 25 *Ed. III.* and 1 *R. II.* and 7 *R. II.* neither ought they to have been preſent at the Trial of *Mich. de la Pool.* Either therefore his Argument doth not prove they were not preſent at the former, being only from *general Words*; or they ought not to have been preſent at the latter, which he confeſſes they were. This will beſt appear by comparing the Caſes together. 1 *R. II.* the *Commons* deliver in a *Schedule* to the *Lords* of their Demands, before they would proceed to a *Subſidy*; among which one was, *That all ſuch who without cauſe had loſt or given up any Caſtle, or Town, or Fortreſs, to the diſhonour of the King, or damage of the People, may be put to their Anſwer before the* Lords *and* Commons *that Pharliament.* Here was no particular Impeachment of theſe Perſons; but upon this the Lords ſent for theſe two Perſons who were Priſoners in the Tower upon this account; and the Charge againſt them was, delivering two Towns in *Flanders* without Commiſſion. *Weſton* made a long and plauſible Defence, to which no Anſwer was given; yet both were condemned to die. The *Biſhop of Norwich was charged with ſeveral Miſcarriages* and *Miſdemeanors*, ſaith P. 17. he; why might not the Biſhops be preſent at this *Trial?* To that he ſaith, *he was charged with one Capital Crime*, viz. *betraying* Graveling *to the French*; but he confeſſeth, *he cleared himſelf of this before they came to Judgment*: And yet he would have the *Biſhops* excluded at this *Judgment*, and that of Sir *William Elmham*, Sir *Thomas Trivet* and others; but confeſſes they were preſent at the *Trial* and *Judgment of Mich. de la Pool.* Let us then ſee what kind of Trial this was. He was impeached in the Name of the *Commons of England*, and 6 *Articles* were exhibited againſt him. The main were, *concerning defrauding the King, and miſemploying the Aids granted to the King laſt Parliament, whereby much Miſchief happen'd to the Kingdom*; as may appear by the *Rolls*, and the *Articles* printed in *Knighton.* Upon theſe Articles, the Knighton de Event. p. 2684. Record ſaith that the *Commons* prayed *that Judgment of Death might paſs upon him, as it did upon Sir* William de Thorp *for receiving* 20 l. *by way of Bribery.* And yet this *Judgment* of Sir *William de Thorp* is one of the *Precedents* againſt the Biſhops being preſent; when he allows they were preſent at the whole Trial of this *Mich. de la Pool*, when a great *Miniſter of State* was ſo hotly charged by the *Commons*, for offences of ſo great a nature, and which in their Judgment *deſerved no leſs than Death.* From whence it follows, by his own confeſſion, that the *Biſhops* may be preſent when the *Miniſters of State* are impeached by the *Commons* of ſuch *Crimes* which, in their *Judgment*, deſerve no leſs than *Death.*

2. In *Acts* of *Attainder*, when the Houſes proceed in a *Legiſlative way*, he grants *the Biſhops may be preſent*; and yet if ſome of his *Precedents* ſignify any thing, they prove they ought not to be preſent at the paſſing of them. As, Lett. *p.* 6.

1. In the Caſe of *Roger Mortimer* and others accuſed and tried in Parliament, 4 *Edw.* III. He confeſſeth the *Roll* cannot be read, and therefore refers to 28 *Edw* III. where *Roger of Wigmore* deſires *that the Attainder may be examined*, which was reverſed by *Act* of *Parliament*; and therefore we may juſtly ſuppoſe the *Judgment* given againſt him was ratified in Parliament. And ſome of our *Hiſtorians* ſay, he was Ceſtrenſ. *l.* 7. *c.* 44. Knighton, *p.* 2558. condemned *judicio Parlamenti.* And in the *petition* of *Roger Wigmore*, he prays *that the ſaid Statute and Judgment may be reverſed and annulled.* If therefore the Prelates could not be preſent here, then they are not to be preſent in the *Legiſlative way*: If they were preſent in Acts of *Attainder*, then this general *Negative* way of arguing proves nothing; for then the *Biſhops* were comprehended under the Name of *Peers*; which, without any reaſon, he ſaith *the Biſhops cannot pretend to be*, when it is notorious that they challenged it in Parliament, 11 *R.* II. and it was then allowed as well as their *proteſtation.*

In caſe of the Murther of *John Imperial*, 3 R. *II. an Act of Parliament paſſed to make it Treaſon*; and he proves *the Biſhops had no vote in* P. 15. *it, nor were preſent at the preparing it.* And yet he confeſſes *that the* P. 3, 118. *Biſhops have a right to ſit in all Acts of Attainder, becauſe they ſit then in their Legiſlative Capacity.* Therefore theſe *Negative Precedents* prove nothing.

(2.) The Inſufficiency of theſe *Negative Precedents* appears by this, that we can make it appear by good Teſtimonies, that the Biſhops have been often comprehended under the general Titles of *Grantz*, *Peers*, and *Lords of Parliament*, without any expreſs mention made of them.

And becauſe the great force of many of his Teſtimonies lies wholly in this, that the Biſhops are not comprehended under the Names of *Grantz*, *Seigneurs*, and *Peers*, I ſhall endeavour to make it clear beyond Exception, that if the Precedents muſt be determined by the general Words, all the advantage lies on the *Biſhops* ſide.

It is certain that in elder times the *Baronagium Angliæ* did take in all the *Lords* of *Parliament*, both *Spiritual* and *Temporal*. But I betake my ſelf to the Expreſſions uſed in the *Records*; and becauſe the matter of the Debate is confined within the Times of *Edw.* II. and IV. I ſhall take notice of the Language of Parliament within that time; reſerving that of their *Peerage* to the proper place for it.

I begin, as the *Author* of the *Letter* doth, with 4 *Edw.* III. and in that year, *n.* 6. the Record runs thus; *El eſt aſſentu & accorde per noſtre Seigneur le Roi, & tout le Grantz en pleyn Parlement*, where a Law was paſſed concerning Trial by *Peers*; and in the paſſing of a Law our Author allows *the Biſhops to be preſent*. But it is more plain, *n.*12. *Acorde per noſtre Seigneur le Roi, & les Grantz de meſme le Parlement*; *It is agreed by the King, and the Great ones in Parliament.* But that the *Biſhops* are comprehended under theſe *Grantz* is evident; for it is there ſaid, *That the Petitions of* Edmund *Earl of* Kent, *and* Margaret *Counteſs of* Kent, to which that Agreement refers, *were read before the King, the Prelates, the Counts, the Barons, and other* Grantz *of the Parliament.* In the ſame year, *n.* 14. we meet with *les Prieres, des Prelatz & autres Grantz, the petition of the Biſhops and other Great Men*; and then it follows, *Noſtre Seigneur le Roi en pleyn Parlement, per aſſent, accord, prieces & conſeil des ditz Prelatz & autres Grantz*; *Our Lord the King in full Parliament, by the aſſent, accord, petition and advice of the ſaid Prelates and other* Grantz. Which ſhews that they are ſome of the *Grantz* of Parliament.

5 *Ed.* III. *n.* 3. *Touz les Prelatz & autres Grantz*: *n.* 13. *Grantz* in general is uſed in the Debate between the *Abbot* of *Crowland* and Sir *Thomas Wake*: and *n.* 15. *le Roi & as autres Grantz en pleyn Parlement*: *n.* 16. *Item fu accorde per le Roi & touz le Grantz en meſme le Parlement, auxibien per Prelatz come per autres*; *It was agreed by the King and the Great Men of the Parliament, as well by the Prelates as others.* Nothing can be plainer than that the Biſhops are called *Grantz*, as well as the other Lords of Parliament.

6 *Ed.* III. *n.* 1. *Devant noſtre Seigneur le Roi, & touz le Prelatz, & autres Grantz*; *The Articles were read before the King, the Prelates, and other Great Men.* If the Biſhops had not been comprehended under *Grantz*, the Record would have only uſed *Grantz*, and not *autres Grantz*. But the ſame Expreſſion is again uſed, *n.* 5. In the ſecond part of the Rolls of that year, *n.* 1. we find three ſeveral ways of expreſſing the Perſons then preſent: The firſt, *les Prelatz, Countes, Barons, & autres Grantz du Parlement*; the next is, *queux Prelatz & autres Grantz*; the third is, *touz le Grants en meſme le Parlement*: and all theſe are uſed to expreſs the ſame Perſons. And again, *n.* 3. *touz le Grantz du dit Parlement*, which are there oppoſed to *Chivalers des Countes*; and are more diſtinctly mention'd before in theſe Words, *les ditz Prelatz, Countes, Barons, & autres Grantz, & les Chivalers des Countes, & tote la Commune.* Sometimes the *Grantz* are taken in general

ral for all of the Houſe of Peers, and the *Commons* for the Lower Houſe. So 21 *Ed.* III. *n.* 63. *il aſſentuz per lui, les Grantz, & la dit Communalte a ſon Parlement*; and again, *ditz Grantz & de tote la Come ſuſditz*; and, *le Roi per aſſent des Grantz commanda a la ditz Come.* From theſe Examples, and many more which might, if it were needful, be produced, it evidently appears that the Biſhops were *Grantz* in Parliament, according to the Language of that Time; and therefore the *Precedents* produced wherein only the *Grantz* are mentioned, are of no force at all againſt the Preſence of the Biſhops. And that Aſſertion of the *Author* of the *Peerage*, &c. appears to be without any ground, *viz. that the Biſhops are never ſpoken of in any Record, but by the Name of Biſhops or Prelates, or ſome ſuch Name, to diſtinguiſh them from the Laity.* P. 15. Theſe general Negatives are very bold and dangerous things; and one Affirmative overthrows them. But I have produced many Inſtances to the contrary, and might do many more. Such Men who dare venture upon ſuch bold Sayings, muſt be preſumed to have read over all the Records themſelves, and muſt preſume that none elſe ever ſo much as looked into them. But that *Author* diſcovers too much his *Second-hand* Learning in theſe matters; and we might have wanted ſeveral of his *Precedents*, had it not been for Mr. *Selden*'s *Baronage*.

As to the Title of *Seigneurs du Parlement*, being common to the *Biſhops*, I am prevented by another hand. *Rights of the Biſhops, p. 56, 57, &c.*

I ſhall only add two Precedents more, not taken notice of by others. The one 7 *R.* II. The Anſwer of *Mich. de la Pool* is ſaid to be *coram Magnatibus & Communitate in Parlamento*; where the *Author* of the *Letter* confeſſeth *the Biſhops were preſent*, and therefore comprehended under the *Magnates*. The other 15 *H.* VI. *One* Phillips *complained againſt the Biſhop of* London *to the Houſe of Commons*; *they ſent the Complaint up to the Lords*; *the Biſhop asks the Advice of the Houſe, who gave this Anſwer*, Non conſentaneum fuit aliquem Procerum alicui in eo loco reſponſurum. Which had ſignified nothing, if the Biſhops had not been allowed to be *Proceres Regni.* So much for his *Negative Precedents.*

II. Some of his *Precedents* were condemned in Parliament to be irregular and erroneous in other reſpects; and therefore it is no wonder if they ſhould be ſo in this.

1. The *Judgment* upon *Roger Mortimer*, Earl of *March*, 4 *Ed.* III. was reverſed in Parliament 28 *Ed.* III. as *defective and erroneous* in all Points, being without any *Proof or Witneſſes*, or bringing the *Perſon to anſwer for himſelf.* And therefore it was an Honour for the *Biſhops* not to be preſent.

2. The *Judgment* upon Haxey, 20 *R.* II. is confeſſed by the *Author* to be *moſt unjuſt, and would not only have ſhaken, but wholly deſtroyed the very Foundation of Parliament*; *and reverſed* 1 *H.* IV. *as againſt Right and Courſe of Parliaments.* And he confeſſeth *the Biſhops were preſent at condemning it, but not at paſſing it.* Which alſo makes much for their Honour. Letter, p. 24

III. Some of his *Precedents* prove that when the *Biſhops* did withdraw, they did it *voluntarily*, and took care to preſerve their *Right*, either by *proteſtation* or appointing a *proxy.*

[1.] That they withdrew *voluntarily.* So 5 *Ed.* III. it is ſaid, *That the Biſhops did withdraw at that time, being of Opinion that it did not properly belong to them to give Counſel about keeping the Peace, and puniſhing* P. 8.

Ppppp 2

ing of Malefactors; and ſo, ſaith he, *they went away by themſelves, and returned no more.* But altho' this proves nothing but a *voluntary Act* of the *Biſhops* in *withdrawing*; yet the Repreſentation made of this matter is ſo partial, and different from the *Record*, that I cannot but take a little more notice of it.

1. He ſaith, *That the Prelates being of Opinion that it belonged not properly to them to give Counſel about keeping the peace, or puniſhing ſuch Evils, they went away by themſelves, and returned no more.* Thereby inſinuating, that they looked on this matter as wholly unfit for them to meddle in, and thereupon left the Houſe. Whereas the Words of the Record are, *Si alerent meſmes les Prelatz & les Procurators de la Clergie per eux meſmes a conſeiler de choſes ſuſdites, & les ditz Countes, Barons & autres Grantz per eux meſmes*; *So the Prelats and Proctors of the Clergy went by themſelves to* conſult about the aforeſaid matters, *and the Earls, Barons, and other Great Men by themſelves.* So that this withdrawing was but into ſeveral *Committees*, as was uſual at that time, by which the Senſe of the *Three Eſtates* was beſt underſtood; and then they met together, and agreed upon what was fit to be made a Law. This appears by 6 *Edw.* III. *A queu jour de Joedi eu one tret, & deliberation, ceſt aſſavoir les ditz Prelatz per eux meſmes, & les ditz Countes, Barons, & autres Grantz, per eux meſmes, & auxint les Chivalers des Countes per eux meſmes*; *Upon which* Thurſday *they enter'd upon debate,* (concerning the News from *Scotland*) *the Prelates by themſelves, the Lords and other Great Men by themſelves, and ſo the Knights of Counties by themſelves.* The Houſes being then not wholly ſeparate, not always together, but dividing into *Committees*, and not into *Houſes*, as occaſion required, and then joining together to expreſs their common Senſe. So 40 *Ed.* III. when the occaſion of their meeting was deliver'd, which was an extraordinary Meſſage from *Rome*, the Pope ſending for *Tribute* and *Homage*, it is ſaid, *The Biſhops went by themſelves, and the other Lords by themſelves, and the Commons by themſelves*; and then met together, and declared their unanimous Reſolution to oppoſe to the uttermoſt any ſuch Demand. Such a withdrawing of the *Biſhops* it was in this caſe. For they and the *Proctors of the Clergy* (whether by them we underſtand the *Procuratores Cleri*, who, according to the *Modus tenendi Parlamentum*, made a *part of the Parliament*, or the *proxies* of the *abſent Biſhops*, who were allow'd to ſupply their places, as appears by 35 *Ed.* I. and the Caſe of the Biſhops of *Durham* and *Carliſle* in the Parliament at *Weſtminſter*, *Ed.* II. and 17 *R.* II. and many other Inſtances afterwards) thought fit to conſider in this matter what was *moſt proper* for them. And accordingly we find Eccleſiaſtical Cenſures added to the Civil Sanctions, and brought in by the Prelates at that time, which are ſtill extant in the *Record*.

2. Whereas he ſaith, *the Biſhops returned no more*, the Record ſaith the contrary. For it expreſly ſaith, *That the Orders for keeping of the Peace agreed on by the Committee of Lords were read before the King, the Biſhops, the Knights of Counties, and the Commons, and did pleaſe them all*; & per noſtre Seigneur le Roi, Prelatz, Countes, Barons, & autres Grantz, & auxint per les Chivalers de Countes & gentz de Commun, furent pleynment aſſentuz & accordez. And the ſame is immediately ſaid of the Cenſures brought in by the *Biſhops*. Which made me extremely wonder at his ſaying, *that the Biſhops returned no more*; whereas it is very plain, they did not only *return*, but the *Orders*

were read before them, and they did give their *aſſent* to the *paſſing* of them.

In the Parliament 11 *R. II.* that it was only a voluntary withdrawing, I prove from the Conceſſions of the Author of the Letter; viz. *that they might be preſent in all Acts of Attainder.* For it is evident from the printed Statutes, that they proceeded by way of Attainder againſt the Miniſters of State; and therefore they might have been preſent, if they pleaſed, upon the Author's own grounds. How is it then poſſible for him to underſtand *de Jure non poſſumus, in their Proteſtation* 11 *R. II.* of the *Law of the Land,* when he grants that in all Acts of Attainder, they may *de jure* be preſent and give their Votes?

[2.] When they did ſolemnly withdraw they took care to preſerve their Right two ways; (1.) By *Proteſtation,* (2.) By *Proxy.*

1. By *Proteſtation,* ſaving their *Right*; which was received by the *Houſe,* and enter'd; of which before. The late *Author* of the *Peerage and Juriſdiction of the Lords Spiritual* will not allow the Proteſtation to be an Argument of any Right; *neither,* ſaith he, *doth the permiſſion or allowance of any Proteſtation yield the Right which the Proteſtor is deſirous to ſave, but only ſaves the Right which he had before, if he had any.* Whereas the *Author* of the *Letter* makes it as good as a *Law,* being entred in the *Journal-Book,* that ſuch a thing was agreed *by the King and the two Houſes.* I will not deny that the former *Author* ſpeaks more reaſonably in this matter, when he ſaith, *That the utmoſt a Proteſtation can do is, to anticipate a Concluſion,* or *Eſtoppel*; i. e. *to provide that the doing of any ſuch Act as is contained in the Proteſtation, ſhall not be conſtrued to the prejudice of the Party, ſo as to bar or conclude him from claiming afterwards that which in truth is his Right.* It is true, this Proteſtation paſſed with greater Solemnity than uſually; for it was with the *Conſent of the King and both Houſes*; but however it retained the nature of a Proteſtation. And there was no diſtinction at that time between a *Journal-Book* and the *Rolls of Parliament.* For a good Author aſſures us, *the Journals of the Upper Houſe began* 1 *H. VIII.* and therefore the *Author* of the Peerage, *&c.* deſerved no ſuch ſevere Reproof on that account. But this is all I plead for, *viz.* That this Proteſtation was a *Salvo* to their Right; which meeting with no Conteſt or Oppoſition in the *Houſes,* but paſſing with unanimous Conſent, is a certain Argument the *Houſes* did not think there was any Law to exclude them. And therefore the *Author* of the *Judicature* very well ſaith, *That had it not been for the Canon-Law,* (for which he refers to the *Synodal Conſtitutions* at *Weſtminſter* 21 *H. II.* which is only reviving the *Council* of *Toledo's Canon*) *they might have been preſent both by Common Law, and by the Law of God.*

p. 24

Lett. p. 23.

Selden's Bar. *p.* 6. *Rights of the Biſhops, p.* 76.

2. By Proxy, or one common Procurator to appear in Parliament for them, and to vote in the name of the whole Body. This was receiv'd and allow'd 21 *R. II.* upon the *Petition* of the *Houſe of Commons, becauſe Judgments had been reverſed without their concurrence.* Againſt this the *Author* of the *Letter* objects many things which are eaſily anſwer'd.

1. That *hence it appears they could not be perſonally preſent.* On the contrary, from hence it follows they had a *Parliamentary Right* to be preſent; although they ſaid by *Canon-Law they could not.*

Lett. p. 28.

2. *That it was never practiſed but in this one Parliament.* That is ſtrange, when himſelf confeſſeth, that it paſſed for good Law, 10 *Ed. IV.*

p. 78.

IV. Term. Paſch. n. 35. and the ſame is cited by *Stamford Placit: Cor. l.* 3. *f.* 153. To which Judgment of the *Lawyers*, and the greateſt of their time, (for *Littleton* was then Judge 10 *Ed. IV.*) we have a very extraordinary Anſwer called *Error Temporis*; which will equally make void the *Law* or *Judgment* of any *Age*. But is it poſſible, that ſhould paſs for *Law* 10 *Ed. IV.* which was never practiſed but once 21 *R. II.* and the contrary practice had been only allowed all the intermediate times? Thus a ſhort Anſwer may be given to the *Conſtitution* of *Clarendon*, it was *Error Temporis*; to the *allowing the Proteſtation*, 11 *R. II.* it was *Error Temporis*; and ſo on to the end of the *Chapter*. If there were any *Error Temporis* in this matter, it lay in this, that they took this Precedent 21 *R. II.* for a ſufficient Ground, *that the Biſhops ſhould only appear by* Proxy *in ſuch Caſes*; whereas the *Canon-Law* being taken away ſince the Reformation as to theſe matters, their Right of Perſonal appearing doth return to them of courſe. p. 79.

Lett. *p.*79. 3. That *this Parliament was repealed* 1 *H. IV.* But this I have anſwer'd already from his own Words, wherein he acknowledges him to be an *Uſurper*, and conſequently the Repeal not made by a legal Parliament. And this Repeal was again taken off 1 *Ed. IV.*

4. *That it is not at all Parliamentary, for one or two Men to repreſent a whole Body.* The Conſequence then is, that they ought to enjoy their own Perſonal Right. All that we urge from hence is, that the *Biſhops* kept up their Right ſtill by their Proxies, when they thought the *Canons* would not allow voting in their *own Perſons*.

IV. Some of his Precedents do prove, that after the Proteſtations and Proxies, they did aſſert their *own Perſonal Right*, and were preſent both at Examinations, and at the whole Proceedings.

Lett. *p.*31. 1. At *Examinations*. As in the Caſe of Sir *William Rickill* 1 *H. IV.* who was brought to Parliament *before the King and the two Houſes, the Lords Spiritual and Temporal and the Commons then aſſembled together.* And he grants the *Biſhops* were preſent at his Examination.

p. 41. *to p.* 48. 2. At the whole Proceedings, 28 *H. VI.* where he confeſſeth, *the Biſhops were not only perſonally preſent, but did act and bear a principal part in a* Judicial *proceeding in Parliament, in a Caſe that was in it ſelf Capital, viz. of* William de la Pool, *Duke of Suffolk.* Which is very fully related by the *Author*, and needs no repetition. All that he hath to ſay to this, is, *that the whole proceedings were irregular, and not to be drawn into Precedent.* Whereas a great Lawyer in his time, Sir *E. C.* made uſe of this as a ſufficient Precedent in a Caſe of great moment, *about Commitment upon a general Accuſation.* But there is not any Irregularity expreſſed or intimated in the *Biſhops* appearing and judging as other Lords did; and the Judgment was not reverſed becauſe of their being there, as we have ſhewed others have been for their being abſent.

V. None of all his Precedents do prove that the *Biſhops* were ever excluded from ſitting, by any *Vote* of the *Houſe* of *Lords* or *Commons*. That they might *voluntarily withdraw*, we deny not; or not *be preſent at giving of Judgment out of regard to the Canons*; which is all that is proved by the Precedent of *John Hall* 1 *H.* IV. of the *Earls* of *Kent*, *Huntington*, &c. 2 *H.* IV. of Sir *John Oldcaſtle*, 5 *H.* V. and of Sir *John Mortimer*, 2 *H.* VI. And this we have made appear was done by them out of regard to the *Canon-Law*; the force of which being taken
p. 32.
p. 34.
p. 37.
p. 39.

away by the *Reformation*, the *Biſhops* are thereby reſtored to their juſt Parliamentary Right. Neither can any Diſuſage be a bar to that Right, ſince the ground of that Diſuſage was ſome thing then ſuppoſed to be in force, which is now removed by the Reformation. And I fear, if this kind of arguing be ſufficient to overthrow the *Biſhops Rights*, much ſtronger of the ſame kind may be uſed to overthrow the *King's Supremacy* in matters of Religion. So great care ought Men to have, leſt under the colour of a mighty zeal againſt *Popery*, they do not overthrow the very Principles of our Reformation.

VI. There are Precedents upon Record in the *Rolls* of *Parliament*, which are not mention'd by *the Author* of *the Letter*, which do prove that *the Biſhops* were preſent at the Examination of *Treaſon* and *Capital Offences* in *Parliament*. And that within the time, wherein he pretends p. 5, 51. to give an account of *all the Trials recorded in the Rolls*. Which ſhews how eaſily Men paſs by thoſe things they have no mind to ſee.

I begin with 4 *Ed.* III. and I muſt do him that right, as to ſay, that he doth not only mention the Trial of *Roger Mortimer*, but of Sir *Simon Bereford and others who were accuſed and tried in Parliament.* p. 6. But pretending, *that the Roll of that Parliament is ſo defaced that it cannot be read*, he runs to that of 28 *Ed.* III. and ſo gently paſſes over all *the other Trials* which are in the *Record*, and are more plain and expreſs as to this matter. Among the *Articles* againſt *Roger Mortimer*, *Earl* of *March*, one is, *that after he knew certainly the death of Edw.* II. *he made uſe of Inſtruments to perſwade* Edward *Earl of* Kent, *that King's Brother, that he was ſtill living, and ſo drew him into a deſign for his Reſcue; for which he was attainted at* Wincheſter, *and there ſuffer'd death for it.* Among theſe Inſtruments the chief was one *Mautravers*, who for that Reaſon was attainted this Parliament; and the Words of the Record are, *Treſtouz les Prieres, Counts & Barons aſſemblez a ceſt Parliament a* Weſt. Rot. Parl. 4. Ed. 3. n. 3. *ſi ont examine eſtraitement, & ſur ce ſont aſſentuz & accordez, que* John Mautravers, *ſi eſt culpable de la mort Cimon Count de* Kent, &c. *All the Peers, Counts and Barons aſſembled in this preſent Parliament, upon ſtrict examination do aſſent and agree, that* John Mautravers *is guilty of the death of* Edmund *Earl of* Kent. Here we have the ſtrict Examination of a *Capital Caſe* in Parliament, and all the Peers are ſaid to be preſent at it. It is uſed as an Argument by the Author of the *Letter*, *that in the caſe of* Roger Mortimer, *the Biſhops could not be comprized under the general name of Peers, ſince the Barons are firſt in Rank.* p. 7. But here the Peers are mentioned before *Counts* and *Barons*; and it will be impoſſible for him to aſſign any other Peers at that time, that were named before them, but the Prelates; who frequently are ſo put in the Records of that time: as in the ſame Parliament, *n.* 12. *Prelatz, Countes, Barons, n.* 13. *Et per aſſent des ditz Prelatz, Countes, Barons*; ſo again, *n.* 14. 15, 17, 24, 25. But the *Author* of the *Letter* ſaith, *they cannot pretend to be Peers of the Realm.* p. 7. Let him name then other Peers of the Realm at that time, who were neither *Counts* nor *Barons*, and were before them. But if we are to judge who are Peers of the Realm by the Records of Parliament, I do not queſtion but I ſhall make it evident, that the Biſhops were ſo eſteemed, and that ſome Perſons, who pretend to great Skill in Records, either have not ſearched ſo diligently, or have not obſerved ſo carefully about this matter as they might have done. But of this afterwards.

In the ſame Parliament Judgment was paſſed upon *Boges de Boyons*, *John Deveril*, *Thomas Gurnay*, *William Ocle*; but being by way of *Attainder*, and not upon particular examination, which is mentioned in the caſe of *Mautravers*, I paſs them over.

In the Pleas of the Crown held before the King in this Parliament, we find another Caſe which relates to our preſent debate, *viz.* of *Thomas Lord Berkley* and *Knight*, who was arraigned for the *death of King Ed.*II. *who came before the King* in pleno Parlamento, *in full Parliament*, and there pleaded *Not guilty*; *and declared he was ready to clear himſelf as the King's Court ſhould adviſe. Then they proceeded to particular Examination of him, how he could acquit himſelf, being Lord of the Caſtle where the King was murthered, he being committed to his Cuſtody and* John Mautravers. *He pleaded for himſelf, that he was then ſick at* Bradley, *and knew nothing of it. They charged him, that the Keepers of the Caſtle were of his own appointing, and therefore he was bound to anſwer for them. He anſwer'd, that they with* Mautravers *having receiv'd the King into their cuſtody, he was not to be blamed for what they did: and for this he put himſelf upon his Country. At the day appointed for his Trial, he appears again,* coram Domino Rege in pleno Parlamento; *and the Jury returned him Not guilty. But becauſe he appointed* Gurnay *and* Ocle *to keep his Caſtle of* Berkely, *by whom the King was murthered, the King appoints him a day the next Parliament to hear his Sentence; and in the mean time he was committed to the Cuſtody of* Ralph Nevil, *Steward of the King's Houſe.* In the next Parliament 5 *Ed.* III. *n.* 18. *The Prelates, Earls and Barons petition the King, that he might be diſcharged of his mainpriſors: the which was granted, and a farther day given him to appear next* Parliament. But we read no more of him, till the Summons he had 14 *Ed.* III. as one of the *Lords in Parliament*. The great force of this Precedent lies in underſtanding what is meant by appearing before the King in full Parliament. If under this the *Biſhops* be comprehended, then this will be an uncontroulable Precedent of the preſence of the *Biſhops* in the Examination of a *Caſe Capital*.

What the importance of this phraſe of *full Parliament* is, will beſt appear by the uſe of it in the *Records* of that time. 4 *Ed.* III. *n.* 6. *Et eſt aſſentu & accorde per noſtre Seigneur le Roi, & touz les Grantz en pleyn Parlement.* Where it was agreed, *that the proceedings at that time by the Lords againſt thoſe who were not* Peers *ſhould not be drawn into conſequence; and that the* Peers *ſhould be charged only to try* Peers. Which hath all the formality of an *Act* of *Parliament*: and therefore *all the Eſtates were preſent*, *n.* 8. Accorde eſt per noſtre Seigneur le Roi & ſon Conſeil en pleyn Parlement. Which was an Act of Pardon concerning thoſe who followed the *Earl* of *Lancaſter*, 5 *Ed.* III. *n.* 10. we have the particular mention of the *Biſhops*, as ſome of thoſe who do make a *full Parleament*. *Accorde eſt per noſtre Seigneur le Roi, Prelatz, Countes, Barons, & autres Grantz du Royalm en pleyn Parlement*; and *n.* 17. *En pleyn Parliment ſi prierent les Prelatz, Countes, Barons, & autres Grantz de meſme le Parlement, a noſtre Seigneur le Roi*, &c.

6. *Ed.* II. *n.* 5. the Archbiſhop of *Canterbury* made his Oration *en pleyn Parlement*, which is explained by *en la preſence noſtre Seigneur le Roi, & de touz les Prelatz, & autres Grantz. n.* 9. *Si eſt accorde & aſſentu per touz en pleyn Parlement*; who thoſe were, we are told before in the ſame number, *viz. Les Prelatz, Countes, Barons, & touz les autres ſomons a meſme le Parlement.* Which is the cleareſt explication

of *full Parliament, in the preſence of all thoſe who were ſummon'd to Parliament.* From whence it follows, that where a *full Parliament* was mention'd at that time, the *Biſhops* were certainly preſent, and conſequently did aſſiſt at the Trial of *Thomas Lord Berkely*, who appeared before the *King in full Parliament*; as *Nich. de Segrave* did 33 *Ed.* I. and there the *Biſhops* are expreſly mention'd as *preſent*; as appears by what hath been ſaid before concerning his Caſe.

5 *H.* IV. *Henry Hotſpur*, Son to the *Earl* of *Northumberland*, was declared a *Traitor* by the *King* and *Lords in full Parliament*; and the ſame day the *Father* was, upon examination, *acquitted of Treaſon by the Peers.* It is not ſaid that this was done *in full Parliament*, as the other was; but there are ſeveral Circumſtances which make it very probable the *Biſhops* were then preſent. (1.) When the *Earl* of *Northumberland* took his *Oath of Fidelity to the King, he did it*, ſaith the Record, *upon the Croſs of the Archbiſhop*; which was to be carried before him, if he went out of the Houſe. (2.) The *Archbiſhop* of *Canterbury pray'd the King, that foraſmuch as himſelf and other Biſhops were ſuſpected to be in* Piercie'*s Conſpiracy, that the Earl might upon his Oath declare the Truth*, who thereupon did clear them all; which ſhews that the *Archbiſhop* was then preſent in the Houſe. And for the ſame reaſon that he was preſent, we may juſtly ſuppoſe the other *Biſhops* to have been ſo too. (3.) The *Earl* of *Northumberland beſeeched the Lords, and Earls, and Commoners, that if he brake this Oath, they would intercede no more with the King for him.* Now the better to underſtand this, we are to conſider, that *H.* IV. takes notice in his Declaration, upon the *Rebellion* of Walſingh. hiſt. Angl. p.366. Sir *Henry Piercy*, That *the Earl of* Northumberland *and his Son gave out, That they could have no acceſs to the King, but by the Mediation of the Biſhops and Earls, and therefore did beſeech them to intercede with the King for them.* It is not then probable, that thoſe ſhould be now left out, when the Words are *large enough* to comprehend them, and no one Circumſtance is brought to exclude them. For that general one, of *their not being Peers*, will be fully refuted afterwards.

But that which puts this out of diſpute is, (4.) that the Record ſaith, *n.* 17. the Commons not only gave the King Thanks for the Pardon of the Earl of *Northumberland*, but the Lords Spiritual and Temporal, in theſe remarkable Words, *Et aux meſmes les Coes remerciermt le Seigneurs Eſpirituelx & Temporelx de lour bon & droiturel judgment quils voient fait come Piers du Parlement*; *And likewiſe the Commons gave Thanks to the Lords Spiritual and Temporal for the good and right Judgment which they had given* in this Caſe *as Peers of Parliament.* Which is a clear Precedent of the Biſhops judging in a Capital Caſe, and that as Peers.

2 *H.* VI. *n.* 9. *John Lord Talbott* had accuſed *James Boteler, Earl of Ormond*, of ſundry *Treaſons* before *the King and his great Council*; and after, before *John Duke of Bedford, Conſtable of England.* The *King* takes advice of his Parliament about it, and then it is expreſly ſaid in the *Record, De aviſamento & aſſenſu Dominorum Spiritualium & Temporalium ac Communitatis Regni Angliæ, in eodem Parlamento exiſtent', facta fuit quædam abolitio delationis, nuntiationis & detectionis prædict', &c.* Here the King adviſeth with the *Lords Spiritual* in an *Accuſation* of *Treaſon*; and therefore they muſt be preſent in the *Debates* concerning it.

I leave now any conſiderate Perſon to judge impartially on which ſide the *Right* lies. For on the *one* ſide,

1. There is the *Conſtitution* of *Clarendon* interpreted by *H.* II. and the *Biſhops* at *Northampton.*

2. A *Proteſtation* of their *Right* enter'd and allowed by King, Lords and Commons, 11 *R.* II.

3. A *Reverſing* of *Judgments* owned by Parliament for *want of their Preſence*, 21 *R.* II.

4. A preſerving of their *Right* by *Proxy*, when they thought their perſonal Attendance contrary to the *Canons.*

5. A Bar to a total diſcontinuance of their perſonal *Right*, by an allowed *Precedent*, 28 *H.* VI.

6. A reſtoring them to their former *Right*, by removing of the force of the *Canon-Law* upon the *Reformation.*

7. No one *Law* or *Precedent* produced for excluding them, even in thoſe Times, when they thought the *Canons* did forbid their Preſence.

8. Several *Precedents* upon *Record*, wherein they were preſent at *Examinations* and *Debates* about *Caſes Capital.*

On the *other* ſide,

1. The *Precedents* are *General* and *Negative.*

2. Or relating to ſuch *Caſes* wherein they are allowed to be preſent.

3. Or of *Judgments* condemned as *erroneous* by Parliament.

4. Or of *voluntrary withdrawing*, with *Proteſtation* of their *Right*, and making of *Proxies.*

5. Or of *not being preſent* at the paſſing of *Judgment* out of regard to the *Canon-Law.*

And now on which ſide the *Right* lies, let the *Author* of the *Letter* himſelf judge.

CHAP. IV.

The Peerage *of the Biſhops cleared: How far they make the* Third Eſtate *in Parliament.* Objections *againſt it anſwered.*

THERE remain *Two* things to be conſidered, which are put in by way of *Poſtſcript* by the *Author* of the *Letter*: The one concerns the *Peerage* of the *Biſhops*, the other their being a *Third Eſtate* in Parliament.

I. Concerning their *Peerage.* To prove this *Two Statutes* had been alledged, 25 *Ed.* III. *c.* 6. and 4 *Hen.* V. *c.* 6. and the Opinion of *Judges* and *Lawyers* out of the *Year-Books.* But although theſe had been very ſignificant, if they had been againſt them; they have the hard fortune to ſignify nothing, when they are for them. A meer *Proteſtation* becomes *good Law, very ſubſtantial Law*, if it be ſuppoſed to make againſt the *Biſhops*; and yet in that very Proteſtation the *Right of Peerage* is expreſly challenged (as well as it is aſſerted and taken for granted in the *Statutes* mention'd.) Is that part of the Proteſtation *invalid?* And muſt nothing paſs for *Law* but what is againſt them? Is it credible that a *Right* of *Peerage* ſhould be owned and received in *Acts* of

Parliament, in Proteſtations, in Year-Books, time after time, and no Oppoſition made againſt it by the *Temporal Lords* all that time, in caſe they believed the *Biſhops* had challenged that which by no means did belong to them? Did not the *Temporal Lords* underſtand their own *Privileges?* Or were they willing to ſuffer the *Biſhops* to aſſume their Titles to themſelves without the leaſt Check or Contradiction, and let their Proteſtations be enter'd in the *Rolls* of *Parliament* without any contrary *Proteſtation*? I do not queſtion but the *Author* of the Letter did read the *Biſhops* Proteſtation at large in the *Parliament-Rolls*, 11 *R.* II. And can any thing be plainer, than that therein they challenge a *Right* of *Peerage* to themſelves, *ut Pares Regni——cum cæteris Regni Paribus*, &c? And this Proteſtation, he ſaith, *was enter'd by conſent of the King, Lords Temporal, and Commons*; as is expreſſed in the *Rolls*. Were the *Temporal Lords* awake? Or were they mean and low-ſpirited Men? No, they were never higher than at this time, when the *King* himſelf durſt not withſtand them. What could it be then but meer Conviction of their juſt *Right* of *Peerage*, which made them ſuffer ſuch a Proteſtation as that to paſs, after ſo ſolemn and uſual a manner, and to be enrolled *par Commandment du Roy, & aſſent des Seigneurs Temporels & Communs*; as it is in the *Rolls?* Was all this only *Complement to the potent Clergy at that time?* But who can imagine, that *King*, *Lords*, and *Commons*, ſhould Complement at that rate, as to ſuffer the *Biſhops* to challenge a *Peerage* to themſelves in *Parliament*, if they had not an undoubted Right to it? This *one Argument* is ſufficient to convince any reaſonable Man. Eſpecially when we conſider, that in the ſame *Parliament*, before the Proteſtation was brought in, a Motion was made, *n. 7.* by all the *Lords Spiritual and Temporal, which they claimed*, come leur libertez & franchiſe, *as their Liberty and Privilege, that all weighty matters moved in this* Parliament, *or to be moved in any to come*, touchant Pieres de la Terre, *concerning the Peers of the Realm, ſhould be determined, adjudged, and diſcuſſed by the courſe of Parliament; and not by the Civil, nor by the Common-Law of the Land, uſed in inferior Courts of the Realm. The which Claim, Liberty, and Franchiſe, the King moſt willingly allowed and granted in full Parliament.* From whence it is evident, that the King and Parliament did allow the *Right* of *Peerage* in the *Lords Spiritual*; for it is ſaid expreſly in the Record, *that all the Spiritual as well as Temporal Lords joyned in this Claim:* Which being allowed them in full Parliament, is an evidence beyond contradiction of their *Right* of *Peerage*.

But againſt this, no leſs is pretended than *Magna Charta*, *viz.* that every Man who is tried at the *King's Suit*, muſt *be tried by his Peers.* Lett. p.85. *Now if a Biſhop be tried for any Capital Offence, he is tried by the Commoners, and that is the Common-Law of* England; *it hath ever been ſo, never otherwiſe; then muſt Commoners be his* Peers, *and he and Commoners muſt be* Pares.

To this *Argument*, how ſtrong ſoever it appears, theſe two things may be juſtly anſwered.

1. That the matter of Fact cannot be made out, that a *Biſhop* hath always been tried by *Commoners*.
2. That if it could, it doth not overthrow their *Peerage* in *Parliament*.

(1.) That the matter of Fact cannot be made out, *viz. That if a Biſhop be tried for a Capital Offence, he is tried by the Commoners; that it*

Ant. Brit. p. 223. *hath ever been ſo, never otherwiſe.* For in 15 *Ed.* III. *John Stratford, Archbiſhop* of *Canterbury*, was, at the King's Suit, accuſed of *Capital Crimes, viz.* of no leſs than *Treaſon*, and *Conſpiracy* with the *French King*. He put himſelf upon his *Tryal in Parliament*. A *Parliament* was called; and he at firſt refuſed Admiſſion into the *Houſe*; which he challenged *tanquam major par Regni poſt Regem, & Vocem primam in Parlamento habere debens, As the firſt Peer of the Realm after the King, and having the firſt Vote in Parliament.* Upon which, and the Interceſſion of his Friends, he is admitted into the *Houſe*; and there he put himſelf upon the *Tryal* of his *Peers*. At which time a great Debate aroſe in the *Houſe*, which continued a whole Week; and it was reſolved, *that the Peers ſhould be tried only by Peers in Parliament.* Whereupon the Archbiſhop had twelve Peers appointed to examine the *Articles* againſt him: Four Biſhops, *viz. London*, *Hereford*, *Bath*, and *Exeter*; Four Earls, *Arundel*, *Saliſbury*, *Huntingdon*, and *Suffolk*; and four Barons, *Percy*, *Wake*, *Baſſet*, and *Nevil*. Here we have all that can be deſired in the Caſe. Here is a *Biſhop* tried at the *King's Suit*, and for a *Capital Crime*; and yet not tried by *Commoners*, but by his *Peers*, and that after long debate in the *Houſe* concerning it. If it be ſaid, *that he was tried by the Lords as Judges in Parliament, and not as his Peers*; it is anſwer'd, 1. Then Biſhops are *Judges in Parliament* in *Caſes Capital*; for ſo this was; and 4 *Biſhops* appointed to examine it. 2. The Debate in the *Houſe* was about *Tryal of Peers by their Peers*; and upon that it was reſolved, that the Archbiſhop ſhould be tryed by the *Houſe*. For the King deſigned to have him tried in the *Exchequer* for the matters objected againſt him, and the *Steward* of the *King's Houſe* and *Lord Chamberlain* would not ſuffer him to enter into the *Houſe of Lords*, till he had put in his Anſwer in the *Exchequer*. Upon which the great Debate aroſe; and therefore the Reſolution of the *Houſe* is as full a Precedent in this Caſe as can be deſired.

I do not deny, that the Rolls of Parliament of that Year ſeem to repreſent the 12 Peers, as *Birchinton* calls them, not as appointed to examine the particular Caſe of *Stratford*; but to draw up in form the deſire of the Peers, as to a Trial by their Peers, in Parliament; the which is extant in the *Record*, 15 *Ed. III. n.* 7. However, this Argument doth not loſe its force, as to the Peerage of the Biſhops; but it is rather confirmed by it. For there they pray the King, by the Aſſent of the Prelates, Counts and Barons, that the Peers of the Realm may not be judged but in Parliament, *& per lour Piers, and by their Peers*; and after it follows, *that they may not loſe their Temporalties, Lands, Goods and Chattels*, &c. Who were capable of *loſing their Temporalties*, but the Prelates? Therefore this Law muſt reſpect them as well as others. As farther appears not only by the Occaſion, but by the Conſequent of it. For it follows, *n.* 8. that the *Archbiſhop of Canterbury was admitted into the King's Preſence; and to anſwer for himſelf in Parliament* devant les Piers, *before his Peers*; which the King granted. So that the Rolls of Parliament put this matter beyond contradiction.

In 21 *R. II. Thomas Arundel, Archbiſhop of Canterbury*, was impeached of *High Treaſon* before the King and Lords in Parliament. The King's Anſwer was, *That foraſmuch as this Impeachment did concern ſo high a Perſon*, & Pier de ſon Royalm, (it is in the *Record*, but left out in the *Abridgment*) and a Peer of the Realm, *The King would be adviſed.* But ſoon after he was condemned for *Treaſon* by the *Houſe*, the *Proxie* *of the Biſhops*, Sir *Tho. Percy*, giving his *Vote*. The force of this doth not lie barely in his being impeach'd before *the Houſe of Peers* in time of Parliament; but that the King called him in his Anſwer *a Peer of the Realm*.

And becauſe two Laws were already paſſed, the one, *that Peers were to try none but Peers*, 4 *Ed.* III. *n.* 6. the other, *that Peers were to be tried only by their Peers*, 15 *Ed.* III. *n.* 7. the former of theſe, the *Author* of the *Juriſdiction of the Houſe of Peers aſſerted* (one well known to the *Author* of the *Letter*) *would have only looked on as a Temporary Order of the Houſe.* But our greateſt Lawyers are of another Opinion. And an eminent Lawyer ſtill living urged this as an *Act* of *Parliament*, *becauſe it is ſaid, that the King in full Parliament aſſented to it*; and he added, *that the Words are both Affirmative and Negative; they ſhall not be bound, or charged to try any other than Peers, but be thereof diſcharged; and that therein they declare it to be againſt Law for them to exerciſe Juriſdiction on thoſe who were not their Peers.* From whence it follows, that ſince *Stratford* and *Arundel*, Archbiſhops of *Canterbury*, were allow'd to be tried by the Houſe of *Peers*, (without Impeachment from the Commons) they were looked on as Peers by the whole Houſe.

p. 192.
Coke 2. Inſt. c. 29. p. 50.
Sir J. M. *Arg. concerning the Juriſdiction of the Peers, in* Skinner's *Caſe.*

The latter Act, the ſame *Author* cannot deny *to be a binding Law*; but he hath a ſtrange fetch to avoid the force of it; *viz. that this Law was made with reſpect to the Caſe of* Roger Mortimer, 4 *Ed.* III. *and not to the Caſe of* Stratford *then in Agitation:* which is without all colour of Reaſon. For the Caſe then was of a different nature, *viz.* about the *Peers* trying thoſe who were not *Peers*, as Sir *Simon Bereford*, *&c.* but here the Caſe was, *whether Peers ſhould be tried by any others than their Peers; and the King granted they ſhould not.* Now upon this *Stratford* was allowed to be tried by his *Peers* in Parliament; and therefore this Trial upon theſe Acts is an invincible Argument of the *Peerage* of the *Biſhops*.

p. 193.

In 28 *H.* VI. when *William de la Pool*, Duke of *Suffolk*, waved being tried by his Peers, and ſubmitted to the King's Mercy; the Record ſaith, (as the Author of the Letter himſelf confeſſeth) that *Viſcount* Beaumont, *on the behalf of the Lords* Spiritual *and Temporal, and by their advice, aſſent and deſire*, moved the King, that *a Proteſtation might be enter'd in the Parliament Roll*, that *this ſhould not be, nor turn in prejudice nor derogation of them, their Heirs, nor of their Succeſſors in time coming; but that they may have and enjoy their Liberties and Freedoms as largely as ever their Anceſtors and Predeceſſors had or enjoy'd them before this time.* Which Sir *R. Cotton* more briefly expreſſeth, *n.* 52. *that neither they nor their Heirs ſhould by this example be barred of their* Peerage. The Author of the Letter more fully puts in *Succeſſors*, as well as *Heirs*; for this Proteſtation was made in behalf of the *Lords Spiritual* as well as Temporal. But very unfairly leaves out the moſt material Words in the Record, *viz.* [after *Freedoms*,] *in caſe of their Peerage.* And I appeal to the Author himſelf, whether theſe Words be not in the *Record*; and with what ingenuity they are left out, I cannot underſtand. I do not charge the Author of the Letter himſelf with this; but whoſoever ſearched the *Records* for him, hath dealt very unfaithfully with him. And I ſuppoſe, if he had ſeen this paſſage himſelf, he would never have ſo peremptorily denied the Peerage of the Biſhops; nor aſſerted with ſo much aſſurance, that they *are only to be tried by the Commoners, and that it was always ſo, and never otherwiſe.*

p. 47.

(2.) Suppoſe the Biſhops have been tried by *Commoners out of Parliament*, this doth not take away their Right of Peerage in Parliament. For all our diſpute is, concerning the Right of their Peerage in Parliament; and if that be allowed, we are not to diſpute concerning the difference that in ſome reſpects may ariſe by Cuſtom, or Practice of Common Law, between Peers by Deſcent, and Peers by Tenure in Right of their Baronies. And therefore the Author of the Peerage of p 3,4, &c. the Lords Spiritual might have ſpared all the needleſs pains he takes about this; for we do not contend that they have an Inheritable Peerage, but that they are Peers in Parliament, having a Right to ſit and Judge there by virtue of their Baronies.

But from hence he undertakes to prove, *that by Magna Charta they* p. 4. *cannot be Judges of ſuch who are ennobled in Blood.* This comes home to our preſent buſineſs, and therefore muſt be conſidered.

1. He ſaith, that he who had only a Prædial or Feudal, and not Perſonal, Peerage, *can have no Juriſdiction but ſuch as is ſuitable to the nature of his* Peerage; and therefore can only *extend to matters of property and poſſeſſion, and not to matters of blood.* But that this is a very trifling and ill-conſider'd Argument appears by this, that he grants a *Lord Keeper*, *Lord Privy Seal*, *Lord Treaſurer*, to be *Peers* by their *Offices*; for, as he ſpeaks, *after Regradation their Peerage is ended*; and he will not deny that theſe may ſit as *Judges* in Capital Caſes, although they be Peers only by their Offices. Thoſe that are Peers in Parliament p. 5. have Right to judge in all Caſes that belong to the *Judicature* of Parliament.

2. He ſaith, that the *Reaſon* of *Magna Charta* is, that the Judges and Priſoner *may be under the ſame Circumſtances.* But this kind of arguing as well excludes a *Lord Keeper*, who is no Baron, as a *Biſhop*; and ſuppoſes that Mens Capacity for Judgment depends upon perfect equality of Circumſtances, whereas *Knowledge* and *Integrity* go farther towards conſtituting one that is a Peer but in one reſpect, a juſt Judge, than bare Inheritance of Honour can do. But to give a full Anſwer to this Argument, on which that Author lays ſo much weight, and challenges any Perſon, *to give a rational account wherein the Advantage of a Man's being tried by his Peers doth conſiſt*; I ſhall (1.) ſhew that this was not the Reaſon of *Trial by Peers*; (2.) give a brief account of the true and original Reaſon of it.

[1.] That this was not the Reaſon.

1. Not in the Judgment of the Peers themſelves, as that Author hath himſelf ſufficiently proved, when he takes ſo much pains to prove, *p.* 3. *that a Writ of Summons to Parliament doth not ennoble the Blood*; and conſequently, doth not put Perſons into equality of Circumſtances with thoſe *whoſe Blood is ennobled*; and yet he grants, *that thoſe who ſat in the Houſe of Peers by virtue of their Summons, did judge as Peers*; as is manifeſt from his own Precedents, *p.* 15. from the 4 *Ed.* 3. From whence it follows, that this was not thought to be the Reaſon by the Peers themſelves in Parliament.

2. That this was not the Reaſon in the Judgment of our greateſt Lawyers; becauſe they tell us, that where this Reaſon holds, yet it doth not make Men Judges. As for inſtance, *thoſe who are ennobled by Blood, if they be not Lords of Parliament*, are not to be Judges in the caſe of one ennobled by Blood. *Only a Lord of the Parliament* 2 *Inſt. p.* 48. *of* England, ſaith *Coke*, *ſhall be tried by his Peers being Lords of Parliament*;

ment; *and neither Noblemen of any other Country, nor others that are called Lords, and are no Lords of Parliament, are accounted* Pares *Peers within this Statute.* Therefore the Parity is not of Blood, but of Privilege in Parliament.

3. The Practice it ſelf ſhews that this was not the Reaſon. For this Reaſon would equally hold, whether the Trial be at the King's Suit, or the Suit of the Party; but in the latter caſe, as in *an Appeal for Murder*, a Man whoſe Blood is ennobled muſt be tried by thoſe whoſe Blood is not ennobled; even by an ordinary Jury of 12 Men. And I deſire our Author to conſider what becomes of the inheritable quality of Blood in this Caſe, when Life and Fortune lies at the mercy of 12 Subſtantial Freeholders? who, it is likely, do not ſet ſuch a value upon Nobility as Noble-men themſelves do; and yet our Law, which ſurely is not againſt *Magna Charta*, allows an *Ordinary Jury at the Suit of the* Party to ſit in Judgment upon the greateſt Noblemen. Therefore this Reaſon can ſignifie nothing againſt the Biſhops, who are Lords in Parliament, as I have already proved.

Coke 2 Inſtit. *p.* 49. Selden's *Titles of Honour*, 4. *tc. p.* 347.

[2.] I ſhall give a brief account of the true and original Reaſon of this Trial by Peers; without which, that *Author* it ſeems is reſolved to conclude, *that the Juriſdiction of the Biſhops in Capital Caſes is an abuſe of Magna Charta, and a Violation offer'd to the Liberties of Engliſh Subjects.*

As to the general Reaſon of the Trial by Peers, it is eaſie to conceive it to have riſen from the care that was taken, to prevent any unfair Proceedings in what did concern the Lives and Fortunes of Men. From hence *Tacitus* obſerves of the old *Germans*, that *their Princes, who were choſen in their great Councils to do juſtice in the ſeveral Provinces, had ſome of the People joyned with them, both for Advice and Authority.* Theſe were Aſſeſſors to the Judges; that Mens Lives and Fortunes might not depend on the pleaſure of one Man; and they were choſen out of the Chief of the People, none but thoſe who were born free being capable of this Honour. In the latter times of the *German State*, before the ſubduing it by *Charlemaign*, ſome learned Men ſay, *their Judges were choſen out of the Colleges of Prieſts, eſpecially among the Saxons.* After their being conquer'd by him, there were 2 Courts of Judicature eſtabliſhed among them, as in other parts of the *German* Empire.

De Morib. Germ. *c.* 12.

H. Meibom. de Irmenſulâ, *c.* 4.

1. One ordinary and popular, *viz.* by the *Comites*, or great Officers ſent by the Emperor into the ſeveral Diſtricts; and the *Scabini*, who were Aſſiſtants to the other, and were generally choſen by the People. The number of theſe at firſt was uncertain; but in the Capitulars they are required to be ſeven, who were always to aſſiſt the *Comes* in paſſing Judgments. But *Ludovicus Pius*, in his ſecond Capitular, *A. D.* 819. *c.* 2. enlarged their number to 12. And if they did not come along with him, they were to be choſen out of the moſt ſubſtantial *Free-holders* of the County; for the Words are, *De melioribus illius Comitatûs ſuppleat numerum duodenarium.* This I take to be the true Original of our Juries. For our *Saxon* Laws were taken very much from the Laws of the Chriſtian Emperors of the *Caroline* Race, as I could at large prove, if it were not impertinent to our buſineſs; and thence diſcover a great miſtake of our Lawyers, who make our ancient Laws and Cuſtoms peculiar to our ſelves. As in this very caſe of Trial by Peers, which was the common practice of theſe parts of the World. Therefore *Otto Friſingenſis* takes notice of it as an unuſual thing in *Hungary*; *Nulla ſententia*

Otto Friſing. de geſtis Fred. *l.* 1. c. 31.

tentia à Principe, ſicut apud nos moris eſt, per pares ſuos expoſcitur——*ſola ſed Principis voluntas apud omnes pro ratione habetur*; that *they were not judged by their Peers, but by the Will of their Prince.* Which ſhews, that this way of Trial was looked on as the practice of the Empire, and as preventing the inconveniences of arbitrary Government. And it was eſtabliſhed in the Laws of the *Lombards*, and the Conſtitutions of *Sicily.* In the one it is ſaid to be *Judicium Parium*; in the other, *proborum virorum.* In the *Saxon* Laws of King *Ethelred* at *Wanting*, c. 4. *Twelve Free-men are appointed to be ſworn to do Juſtice among their Neighbours in every Hundred.* Thoſe in the Laws of *Alfred* are rather 12 Compurgators than Judges; however ſome make him the Author of the Trial by Peers in *England*. But by whomſoever it was brought into requeſt here, it was no other way of Trial, than what was ordinary in other parts of Europe; and was a great inſtance of the Moderation of the Government of the *Northern Kingdoms.*

Leg. Longobard. *l.* 3. tit. 8. §. 4.
Conſtit. Sicil. *l.* 1. tit. 44.
Alfred. vit. *l.* 2. *p.* 72.

2. There was an extraordinary or Royal Court of Judicature: and that either by way of Appeal, which was allowed from inferior Courts; or in the *Cauſes of Great Men*, which were reſerved to this Supream Court. In which either the King himſelf was preſent, or the *Comes Palatii*, who was *Lord High Steward*; and all the Great Perſons were Aſſeſſors to him. In ſuch a Court *Brunichildis* was condemned in *France*; and *Taſſilo* Duke of *Bavaria* in the Empire; and *Erneſtus*, and other Great Men, *A. D.* 861. and *Erchingerus* and *Bartoldus* under *Conradus*, the laſt of the *French Race.* And among the *Cauſes* expreſly reſerved for this *Supreme Court*, were thoſe which concerned the *Prelates* as well as the *Nobles.* *Ut Epiſcopi, Abbates, Comites, & potentiores quique, ſi cauſam inter ſe habuerint, ac ſe pacificare noluerint, ad noſtram jubeantur venire præſentiam: neque illorum contentio alicubi judicetur.* But in this Court they challenged that as their Privilege to be *tried by their Peers*; who were called *Pares Curiæ.* So the *Emperor Sigiſmund*, in his *Proteſtation* before the *States* of the *Empire*; *Cùm ſecundùm juris communis diſpoſitionem, nec non uſum, morem, ſtylum & conſuetudinem ſacri Romani Imperii, feudalis contentio per Dominum feudi, ac* Pares *Curiæ terminanda ſit*, &c. And again, *niſi Parium noſtræ Curiæ arbitrio.* So likewiſe in *France*, as *Tilius* ſaith, *Hæc judiciorum ratio, ut de cauſis feudalibus judicent Feudales Pares, in Gallia eſt perantiqua.* So in *Fulbertus* one *Count* ſends word to another, *that their Cauſe ſhould not be determin'd, niſi in Conventu Parium ſuorum.* And many other Examples might be produced; but theſe are ſufficient to make us underſtand the true Original of this Right of Peerage; which was from the *Feodal Laws*; and all thoſe who held of the ſame Lord, and by the ſame Tenure, were ſaid to be *Pares*, Peers. And therefore ſince the Biſhops in *England* were Barons by Tenure ever ſince *William* I. by conſequence they were *Peers* to other *Barons*; and had the ſame original *Right* of *Trial* by other *Barons* as their *Peers*, holding by the *ſame Tenure*, and ſitting in the *ſame Court.* And thus I hope I have given (what that Author ſo impatiently deſired, *viz.*) *a rational account of the Trial by Peers*; and have thereby ſhewed, that this is ſo far from being any diſadvantage to the *Biſhops* Cauſe, that it adds very much to the Juſtice of it.

Aimoin. *l.* 4. *c.* 1.
Rhegin. *l.* 2.
Capit. *l.* 3. *c.* 77.
Sigiſm. Orat. A. D. 1434.
Tilius de rebus Gallicis.
Fulbert, *ep.* 96.

And that this is ſo far from being *a violation of Magna Charta*, that it is within the intention and meaning of it, I thus prove. In the 14. ch. of *Magna Charta* we read, *Comites & Barones non amercientur niſi per Pares ſuos*: but by the Common Law the Amerciament of a *Biſhop* is the ſame with that of a *Lay-Baron*; and therefore in the ſenſe of the Law, they are looked on as Peers. And all the *Parlamentary Barons*, whether *Biſhops* os *Abbots*, were amerced as *Barons*. Thence 15 *Ed.* 2. a Writ was directed to the Juſtice of the Common Pleas, that they ſhould not amerce the *Abbot* of *Crowland tanquam Baro*, becauſe he did not hold *per Baroniam aut partem Baroniæ*. And it is confeſſed by the moſt learned Lawyers, that the *Lords Spiritual do enjoy* the ſame *legal Privileges*, in other reſpects, which the Temporal Barons do; as in *real Actions to have a Knight returned in their Jury*; *as to a day of Grace*; *hunting in the King's Foreſt*; *Scandalum Magnatum*, &c. Now ſince the Law of *England* allows only a *double Party*, *viz.* as *to Lords of Parliament*, and *Commons*, whether Knights, Eſquires, Gentlemen, or Yeomen, without any Conſideration of the great inequality of Circumſtances among them; (*Yeomen* having as little ſenſe of *Gentility*, as *Commons* can have of the Privileges of *Nobles*;) it is apparent that this *Trial by Peers* was not founded upon *equality of Circumſtances*; and that in all reaſon, thoſe who do enjoy the *legal Privileges of Peers*, are to be looked on as ſuch by *Magna Charta*.

Clauſ. 15. E..m. 12.

Selden of Baron. *p.* 152.

Titles of Hon. 4. *to p.* 347.

But the great Objection is, *that the Lawyers are of another Opinion, as to this Trial by Peers*; *and not only the common ſort*, who take all upon Truſt, which they find in the modern Law-Books, but *thoſe who have ſearched moſt into Antiquity, ſuch as Mr.* Selden *and Sir* Ed. Coke.

To this therefore I anſwer,

1. The *Author of the Peerage, &c.* proves *the Biſhops are not Peers, becauſe not to be tried by Peers.* This conſequence Mr. *Selden* utterly denies; for he ſaith, *it is true and plain that the Biſhops have been Peers.* For which he quotes *the Biſhop of Wincheſter's Caſe, who was queſtion'd in the King's Bench for leaving the Parliament at Salisbury in the beginning of Ed.* III. *and he pleaded to the declaration,* quod ipſe eſt unus è Paribus Regni, *that he was one of the Peers of the Realm*; which, he ſaith, *was allowed in Court.* And from other *Book-caſes* and *Parliament-Rolls* he there evidently proves, that the *Biſhops* were *Peers*; which he not only aſſerts in that confuſed *Rhapſody*, which went abroad under his name; but in his elaborate Work of the laſt Edition of his *Titles of Honour*, in which he corrected and left out the falſe or doubtful paſſages of his firſt Edition. And among the reſt, that paſſage wherein this *Author* triumphs, *A Biſhop ſhall not be tried by Peers in Capital Crimes.* The ſame thing I confeſs is ſaid in the *Privileges of the Baronage*; which he there calls *a point of Common Law as it is diſtinguiſhed from Acts of Parliament*; i. e. *the cuſtom and practice hath been ſo.* And the only evaſion he hath for *Magna Charta* is this; *that it is now to be interpreted according to the current practice, and not by the literal interpretation of the Words.* Which is an admirable anſwer, if one well conſiders it, and juſtifies all violations of *Magna Charta*, if once they obtain and grow into *Cuſtom.* For then, no matter for the expreſs Words of *Magna Charta*, if the contrary practice hath been received and allowed in legal Proceedings. This is to do by *Magna Charta*, as the Papiſts do by the *Scriptures*, *viz.* make it a *meer Noſe of Wax*, and ſay, *it is to be interpreted according to the practice of the Church.*

p. 6.

Privil. of. Baronage, *p.* 143.

Titles of Honour, Sect. Part. ch. 5. §. 32. *in. Marg.*

p. 153.

2. Some things are affirmed about this matter with as great aſſurance as this is, which have not been the conſtant practice. *Coke* is poſitive, *that Biſhops are not to be tried by their Peers*; but ſo he is in the ſame page, *that a Nobleman cannot wave his Trial by his Peers, and put him-*

3. Inſt. *p.* 30.

himſelf upon the Trial of the Countrey: Whereas it is ſaid in the *Record*, 4 *Ed.* III. that *Thomas Lord Berkely*, *ponit ſe ſuper Patriam*, *puts himſelf upon his Countrey*, and was tried by a Jury of 12 Knights. And 28 *H.* VI. the Duke of *Suffolk* declined the Trial of his Peers, and ſubmitted to the King's Mercy. By which it appears, that this was a Privilege which was not to be denied them, if they challenged it; but, at leaſt before 15 *Ed.* III. they might wave it if they pleaſed, and after that too, if they were tried out of Parliament. For this *Trial by Peers* was intended for a Security againſt arbitrary Power in taking away Mens Lives; and therefore it was allowed *at the King's Suit*, but not *at the Suit of the Party*. But if Biſhops were tried out of Parliament, and did voluntarily decline the challenge of this Privilege, this is no argument at all againſt their *Right of Peerage*; and ſo I find ſome ſay it was in the Caſe of *Fiſher*, *Biſhop of Rocheſter*, in *H.* VIII's time; which is the great Precedent in the Law-Books.

Godwin. vit. Rich. Scroop Archiep. Eborac.

3. The method of Proceeding as to the *Trial of Biſhops* by *Common Juries*, while the *Pope's Power* continued in *England*, is not ſo clear, that any forcible Argument can be drawn from thence. Becauſe the *Biſhops* then looked on themſelves as having *no Peers* out of Parliament, in point of Judgment, but *Biſhops*. As in the famous Caſe of *Adam* Biſhop of *Hereford*, under *Ed.* II. who was reſcued from the King's Bench by his *Brethren* the *Biſhops*, becauſe they looked on his appearing there as a *Violation* of the *Liberties* of the *Church*. I do not go about to defend theſe Proceedings; but I am ſure the Author of the Peerage, *&c.* very much miſrepreſents this buſineſs; for he makes it as if the Biſhops were *legally convicted in Court by a common Jury*, and that *after conviction he was deliver'd to the Archbiſhop*, *to the intent*, as he ſuppoſes, *that he ſhould be degraded*. Whereas, in truth, the Biſhops carried him out of the Court, without his giving any Anſwer to the Indictment; and when he was abſent, the *King* commanded the *Jury* to bring in their Verdict; and without ever being heard to make any Defence for himſelf, they found him *guilty* in all the Articles laid to his Charge. That *Author* very freely beſtows the terms of *Impudence* on the Biſhops of that time, and *Ignorance* on thoſe who go about to defend them; but I deſire to know, whether of theſe two makes a Man thus miſrepreſent a matter of fact? For it was ſo far from being true, *that upon Conviction he was deliver'd to the Archbiſhop to be degraded*; that he never appeared in Court after, but continued under the Archbiſhop's care, till, after a while, he fully reconciled him to the King; notwithſtanding the Jury found him guilty of Treaſon. I deſire to be informed, whether we are to underſtand *Magna Charta* by ſuch a Trial as this? Whether he were *judged by his Peers*, I know not, but I am ſure he was not *by the Law of the Land*; which I think is as good a part of *Magna Charta* as the other. And *this*, our Hiſtorians tell us, *is the Firſt Inſtance of any Trial of this kind, of any Biſhop in England*; which hath too much of force and violence in it, to be a good Interpreter of *Magna Charta*.

p. 7.

Walſingh. p. 119.

Antiq. Cantuar. in Walt. Raynolds p. 215. ed. Han.

The *Second Precedent* is *verbatim* out of Mr. *Selden*, concerning *John de Iſle*, and *the Biſhop of Ely his Brother*; which concerns ſuch matters, wherein himſelf confeſſes the *Privilegium Clericale* was allowed; and the Record ſaith, *the Archbiſhop entring his plea*, *that he was to be deliver'd to him as a member of his Church*, *he was accordingly deliver'd*, after the Jury had given in their Verdict. Which ſhews, indeed, the good will that was then uſed, to take away even the *allowed Privileges* of the *Clergy* by common Juries. And this is another ſtout Interpreter of *Magna Charta*, when *Bracton*, *Briton*, *Fleta*, *Stat. Weſt.* 1 *Articuli Cleri*, *c.* 15. are confeſſed, even by Sir *Edw. Coke*, to be ſo clear in the *Clergy*'s behalf in theſe matters. 2 Inſtit. *f.* 633. *&c.*

The *Third Precedent*, which is likewiſe out of the ſame Author, is of *Thomas Merks*, *Biſhop* of *Carliſle*; who, for his fidelity to *R.* II. and the true Heirs of the Crown, againſt the Uſurpation of *H.* IV. was found guilty of Treaſon by a *common Jury*. But Mr. *Selden* is ſo ingenuous as to take notice, that the Writ directed to the Juſtices had in it a *Non-obſtante* to a Statute lately made at *Weſtminſter*; *Licèt in Stat. apud Weſtm. nuper edito inter cætera continetur, quòd nullus Archiep. nec Epiſcopus coram Juſticiariis noſtris occaſione alicujus criminis impetatur, abſque ſpeciali præcepto noſtro, quouſque*, &c. Which was read in Court: But the Judges urging, *That the Liberties of the Church did not extend to High-Treaſon*, then it is ſaid he did *ponere ſe ſuper Patriam*; juſt as *Thomas Lord Berkely* did, 4 *Ed.* III. This is the only *Precedent* that proves that a Biſhop, before the time of *H.* VIII. did *put himſelf upon a common Jury*; and yet we find as good a *Precedent* of this ſort, concerning an allowed Peer of the Realm. And whether this ſingle *Precedent* be ſufficient to interpret *Magna Charta*, againſt the plain Senſe of theſe Words, and to make a *conſtant Practice*, I leave any rational Man to judge.

But if this were yielded in Caſes of High-Treaſon, wherein the Privilege of Clergy holds not, (eſpecially ſince the *Statutes* 25 *Ed.* III. *c.* 4. and 4 *H.* IV. *c.* 2, 3.) Mr. *Selden* tells them, that there is no conſequence from hence, becauſe *they are not to be tried by Peers, therefore they are not Peers*; ſince the Common Law may limit this *Privilege* of *Peers* in one particular Caſe, which may hold in all others. As it is no diminution to the *Peerage* of the *Temporal Lords* to be tried by a *common Jury at the Suit of the Party*. I conclude the Anſwer to this Argument, as Mr. *Camden* doth his Diſcourſe about this Subject; who having proved that the Biſhops do enjoy all other Privileges of Peers, except this of being tried by them, (which he ſeems to attribute to a kind of Revenge upon them, for pleading ſuch Exemptions by the *Canon-Law*.) After all, he *leaves it to the Lawyers to determine*, *whether this be* juris explorati. The meaning of which I am ſure is not, as the *Author* of the *Letter* expreſſeth it, *that it was always ſo, and never otherwiſe*. Camden. Brit. p. 123.

But the great difficulty to ſome is, *That a Prædial or Feudal Barony doth not ennoble the Blood, and therefore can give no Right of Peerage.* Whereas it is well known, that all the Baronies of *England* were ſuch from the *Conqueror*'s time till after the *Barons Wars*, when, for Reaſon of State, it was thought neceſſary to make the Nobility more dependant on the Crown. And all that were *Barons* were *Pares*, i. e. *Peers*. So *du Freſne* quotes an old Poem of the *Common Laws of* England,

Barons nous appellons les Piers del Realm.

In *France*, from whence our Baronies firſt came, *Eccleſiaſtical* Perſons with *prædial Baronies* are thought as capable of *Peerage* as any. For, there at firſt all the *Barones Regni* (who both in *France* and *England* were the ſame with the *Barones Regis*, however ſome of late have diſtinguiſhed them) ſate in the great Council, and all publick Affairs paſſed through them, and they were judged by their own Order; and theſe were called *Pares Regni*, among whom the *Biſhops* were comprehended. At laſt *Lewis* VII. *A. D.* 1179. (as moſt Authors agree) choſe Twelve out of the great number of the *Peers* of *France*, of which half Gloſſar. v. Pares.

the number were *Biſhops* who held *Feudal Baronies* of the *King*; and the *Archbiſhop* of *Rheims* is the firſt of the whole Number. And becauſe theſe enjoyed greater Privileges than other *Peers*, their number was increaſed by particular *Favour*, but the ancient *Right* of *Peerage* remained to all the *Barons* of the *Realm*. In *Scotland*, when they appointed *Twelve Peers* for the *King's Council*, they were 4 *Biſhops*, 4 *Earls*, 4 *Barons*. So that in the neighbour Nations *Feodal Baronies* were never thought inconſiſtent with *Peerage*; and we have as little Reaſon to think them ſo with us, ſince to this Day the *Biſhops* do enjoy not only the great Right of *Peerage*, of ſitting and voting in the Houſe of Peers, but have ſome perſonal Privileges of *Peers* allowed them by the *Common Law*, as is already ſhewed.

Walſingh. ad A. D. 1296. Mat. Weſt. A. 1295.

II. The *laſt* thing to be conſidered is, the *Capacity* in which they ſit in the *Houſe*, whether as a *Third Eſtate* or not? The *Author* of the *Letter* not only denies it, but oppoſes it with great Vehemency, and offers many *Authorities* and *Reaſons* againſt it. All which muſt be weigh'd with the ſame Calmneſs and Impartiality which hath been hitherto uſed in this Diſcourſe. And there are three things to be diſtinctly handled for the clearing of this Matter: 1. His *Foundation*. 2. His *Authorities*. 3. His *Reaſons*.

P. 93. (1.) His *Foundation* whereupon he builds, which is, *That the Biſhops ſit in the Houſe only in the Capacity of Temporal Barons,* William *the Conqueror having brought the Temporalties of Biſhops under the Condition of Baronies.* That they do ſit there in the *Right* of their *Baronies*, was yielded at firſt; but whether they ſit there only in that Capacity, is the thing in Queſtion.

And here I crave leave to make uſe of this *Author*'s diſtinction, and to apply it to this purpoſe, *viz. of the Biſhops ſitting in the Houſe in a Judicial way, and in the Legiſlative way.* When they ſit *in the Judicial way*, as *Members of the Supreme Court of Judicature*, I grant that they ſit only in the *Capacity* of *Temporal Barons*, as appears by the *Conſtitution* of *Clarendon*; where the King requires their Attendance in *Judicature* as his *Barons*: But that in the *Legiſlative way* they have a further Capacity, as repreſenting a *Third Eſtate* in *Parliament*, I prove by theſe Arguments.

[1.] During the Vacancy of *Biſhopricks*, *Writs* were ſent to the *Guardians* of the *Spiritualties*, to attend the *Parliament*. Which Mr. *Selden*, who cannot be ſuſpected for partiality in this matter, ſaith *is obvious in the Rolls of Parliament*; and which he cannot deny to be an evidence *of the Biſhops ſitting in Parliament as Biſhops, and as Spiritual only, as they did in the Saxon times*, in the *Wittena gemot*. So likewiſe, *the Vicars General* had *Writs* when the *Biſhops* were beyond Sea. But neither of theſe could ſit in Parliament as *Temporal Barons*.

Titles of Honour, p. 2. ch. 5. n. 17. 23.

But becauſe ſo much depends on the Proof of this, and no Man hath yet undertaken it, I ſhall bring clear Teſtimonies of the conſtant Practice of it, from the *Records* of the Tower.

24 *Edw.* I. Writs were directed *Cuſtodi Archiepiſcopatûs Eborum, ſede vacante*; *& Electo Meneven*ſ*i, vel ejus vices gerenti, ipſo agente in partibus tranſmarinis.*

27 *Ed.* I. *Cuſtodibus Epiſcop. Lincoln. ſede vacante*; *& Capitulo Eccleſ. B. P. Eborum, Cuſtodibus Spiritual. ejuſdem Dioceſ. ſede vacante.*

5 *Ed.* II. *Vicario generali Archiep. Eborum, ipſo Archiepiſcopo in remotis agente.*

6 *Ed.* II. *Cuſtodi Archiepiſcopatûs Cantuar. ſede vacante.*

7 *Ed.* II To the ſame, *& Cuſtodi Epiſcop. London. ſede vacante.*

1 *Ed.* III. *Cuſtodi Spiritualitatis Archiep. Cantuar. ſede vacante:* and twice the ſame 2 *Ed.* III.

7 *Ed* III. *Rex dilecto ſibi in Chriſto Priori Eccleſ. Chriſti Cantuar. Cuſtodi Spiritualit. Archiep. Cantuar. ſede vacante.*

10 *Ed.* III. *Cuſtodi Spirit. Epiſcop. Norwic. ſede vacante.*

11 *Ed.* III. *Cuſtodi Spirit. Epiſcop. Ciceſter. ſede vacante; & H. Epiſcop. Lincoln. vel ejus Vicario generali, ipſo Epiſcopo in remotis agente.*

12 *Ed.* III. A more general Writ to the Archbiſh. *&c. vel Vicariis veſtris generalibus, vobis in partibus tranſmarinis agentibus.*

14 *Ed.* III. *T. Epiſcop. Hereford. vel ejus Vicario generali, ipſo Epiſcopo in remotis agente.*

20 *Ed.* III. *Cuſtodi Spiritualit. Epiſcop. Aſſaphenſis,* &c.

The like we find 20 E. (3.) 34. 36. 38. 44. 5 R. (2.) 6. 7. 9. 10. 12. 13. 18. 20. 7. *H.* (4.) 8. 2 *H.* (5.) 3. 4. 5. 7. 8. 9. 2 *H.* (6.) 4. 5. 9. 10. 11. 15. 18. 20. 25. 29. 12 *Edw.* 4. In all theſe years, there are Writs directed, either to the *Guardians* of the *Spiritualties* in the *Vacancies* of the *Sees*, or to the *Vicars-general* or *Chancellours* in their abſence beyond the Seas. Which are ſufficient to prove this to have been the conſtant Practice of *Parliaments* in thoſe times.

[2.] Some *Church-men* were ſummon'd to *Parliament* who could have no pretence to ſit there as *Temporal Barons*. For 49 *H.* III. the *Deans* of *York*, *Exeter*, *Wells*, *Salisbury* and *Lincoln* were ſummon'd with the like Writ as the reſt. And Mr. *Selden* obſerves, that in the times of *Edw.* I. *Edw.* II. *Edw.* III. where the Clauſe *Præmunientes* is omitted in the Writ to the Biſhops, their particular and ſeveral Writs were ſent to ſome *Deans* and *Priors* of *Cathedral Churches*, to appear in *Parliament*.

Ib. *n.* 12.

But to prove more fully the intereſt the *Clergy* had then in *Parliaments*, it is worth our obſerving, that in the ancient *Records* there are 4 ſeveral ſorts of *Writs* wherein the *Clergy* were concerned.

1. In the common *Writs* of *Summons* to *Parliament* ſent to the *Archbiſhops* and *Biſhops*, with the *Clauſe* of *Præmunientes*, which runs thus; *Præmunientes Priorem & Capitulum*, or *Decan. & Capit. Eccleſiæ veſtræ, Archidiaconos, totumque Clerum veſtræ Dioceſ. facientes, quod idem Prior & Archidiaconi in propriis perſonis ſuis, ac dictum Capitulum per unum, idemque Clerus per duos Procuratores idoneos, plenam & ſufficientem poteſtatem ab ipſis Capitulo & Clero habentes, prædictis die & loco interſint, ad conſentiendum hiis quæ tunc ibidem de communi conſilio ipſius Regni noſtri, divina favente Clementia, contigerint ordinari.* So Mr. *Selden* repreſents it from the 50 *Edw.* III. *member.* 6. And with him Sir *Edw. Coke* agrees; who ſaith, *by this Clauſe in the Writ of Summons to the Biſhops, they are required to ſummon theſe perſons to appear perſonally at the Parliament:* But he proves *they had no Voices there, becauſe they had required only* ad conſentiendum, *&c.* Which is a very weak argument. For, (1.) His own great *Authority*, *Modus tenendi Parlamentum*, ſaith expreſly, *they were called* ad tractand. & deliberand. *and that their names were called over in the beginning of Parliament; and that they had a voice there, and did make up part of the Commons of England.* Not that the *Procuratores Cleri* did ſit together with them, after they had a Speaker of their own; of which I find no Precedent: But they ſate by themſelves, having a *Prolocutor* of their own; which is the very ſame name

Titles of Honour, p. 595.
4 Inſtit. p. 4.

uſed in the *Rolls* for the *Speaker* of the *Houſe* of *Commons*. (2.) Theſe words do not exclude them from being part of the *commune Concilium Regni*, but only ſhew, that their Conſent was required, according to the Cuſtom of that time. And 23 *Ed.* I. the *Clauſe* is more full, *ad tractand. ordinand. & faciend.* the like 24 *Ed.* I. But in 27 *Ed.* I. the words are, *ad faciend. & conſentiend.* (3.) The ſame argument would exclude the *Commons* from any *Voices:* for in 23 *Ed.* I. the *Writ* for chuſing Knights and Burgeſſes ran after the ſame manner; *ita quod dicti milites plenam & ſufficientem poteſtatem pro ſe & Commun' Comit' prædict' & dicti Cives & Burgenſes pro ſe & Communit' Civit' & Burg' tunc ibidem habeant, ad faciend' tunc quod de communi Concilio ordinabitur in præmiſſis.* Would any man be ſo unreaſonable to infer from hence, that the *Houſe* of *Commons* have no Votes? The ſame form is uſed 26 *Ed.* I. ——30 of the ſame. In 5 *Ed.* II. it is, *ad conſentiendum*, &c. 6 *Ed.* II. it is, *ad faciend. quod de communi Conſilio contigerit ordinari.* 7 *Ed.* II. *ad faciendum & conſentiend.* and ſo it continued to the 26 *Ed.* III. when firſt came in, *ad tractand. conſulend. faciend.* but 44 *Ed.* I. it was only, *ad conſulend. & conſentiend.* 46 *Ed.* III. it was, *ad faciendum & conſentiendum his quæ tunc de communi Conſilio Regni contigerit ordinari:* ſo 47 *Edw.* III. Which hath been the general form, ever ſince obſerved, and would exclude the *Houſe* of *Commons* from any *Votes* in *Parlament*, as well as the *Clergy*.

2. There were other *Writs* of *Summons* to *Parliament* wherein the *Clauſe Præmunientes* was left out; and then particular Writs were ſent to ſuch *Deans* and *dignified Clergy-men* as the *King* thought fit. So it was not only 49 *H.* III. but there were two Summons 23 *Ed.* I. and in one of them the Clauſe *Præmunientes* was inſerted, in the other not. It was left out 25 *Ed.* I. and in one 27 *Ed.* I. and put in in another, and left out again 28. and 30. of *Ed.* I. Inſerted 1 *Ed.* II. in one *Writ*, and omitted in others; and ſo in the 3 following years: But afterwards generally inſerted, except 6 *Ed.* II. 13. 16. 18. In 5 *Ed.* III. it was omitted, and ſo in 6. and ſome few years afterwards: But then it generally obtained, that the Clauſe *Præmunientes* was put into the *Writs* of the Biſhops Summons to the Parliament.

3. There were *Writs* of *Summons* to *great Councils*, which were no *Aſſemblies* of the *Eſtates*; and then only ſome great *Biſhops* and Lords, or other Great Men were ſummon'd, without any Writs to others, or any notice taken of them. In ſuch a Summons 2 *Ed.* II. only 4 *Biſhopt* are named; 18 *Ed.* II. only 6; 19 only 5; 2 *Ed.* III. only 2. and the *Guardians* of the *Spiritualties* of the *See* of *Canterbury:* and ſo 4 *Ed.* III. and in another the ſame year, 3 beſides the *Archbiſhop* of *Canterbury*. 5 *Ed.* III. Summons were ſent to the *Archbiſhop* of *York*, and 19 *Biſhops* more. 11 *Ed.* III. the Writ was directed to the *Archbiſhop of York, and ſuch Biſhops, Earls, and Great Men as were of the King's Council:* And two more were ſummon'd the ſame year. The form of the Writ differs little from that to the Parliament, only the Clauſe *Præmunientes* is always left out, and only ſome particular Biſhops and Nobles are called, and no Writs for Elections of Knights or Burgeſſes. In the 16 *Ed.* III. the Writ is ſent to the *Archbiſhop* and 7 *Biſhops* more; but none to *Abbots*, *Priors*, *Sheriffs*, *&c.* Which ſhews that this was *Magnum Concilium*, as it is ſometimes called, but no *Parliament*.

4. There were *Writs* to ſummon a *Convocation* diſtinct from the *Writ* of *Summons* to the *Parliament* with the Clauſe *Præmunientes*. This will

appear by the firſt *Writ* of *Summons* to a *Convocation*, which I have ſeen; which bears date at *Lincoln* 17 *Feb.* 9. *Ed.* II. but the *Parliament* was ſummon'd 16. of *October* before, to meet at *Lincoln in quindenâ S. Hilarii*; with the Clauſe *Præmunientes* in the Writ to the *Biſhops*. In which Summons to *Convocation* it is expreſſed, that *thoſe Biſhops and others of the Clergy, who were ſummon'd to Parliament, did, as far as they were concern'd, unanimouſly yield to a Subſidy; but ſo, that others of the Clergy who were not ſummon'd to Parliament ſhould meet in Convocation, and conſent thereto. Therefore the King ſends his Writ to the Archbiſhop to ſummon all the Prelates, whether Religious or others, and others of the Clergy of his Province, to meet at* London *poſt* 15. *Paſch. ad tractand. & conſentiend.* &c. Here we have the plain difference between the *Writs* to *Parliament*, and to *Convocation*. The *Writs* to the *Parliament* were ſent to the *Archbiſhops* and all the *Biſhops*, with the clauſe *Præmunientes*, &c. ſummoning thoſe of the Clergy who were then thought neceſſary to the *Aſſembly of the three Eſtates in Parliament*: But when a *Convocation* was called, then the *Writs* were only directed to the *two Archbiſhops*, who were to ſummon the reſt of the Clergy, and not only thoſe who held by *Baronies*, but others of the dignified Clergy, *tam exemptos quàm non exemptos*, with the *Proctors of the Chapters and Clergy of the Dioceſe*, ad tractand' & conſulend' ſuper præmiſſis una vobiſcum & aliis per Nos tunc mittendis. So it is expreſſed in the *Writ* for *Convocation* 11 *Ed.* III. 29 *Ed.* III. 31 *Ed.* III. 7 *R.* II. 28 *H.* VI. 23 *Ed.* IV. only theſe two laſt have this difference, *ad tractand', conſentiend', conclud' ſuper præmiſſis, & aliis quæ ſibi clarius exponentur tunc ibidem ex parte noſtra.*

Theſe things I have laid together, not barely to clear this intricate matter, (as it hath been made) of the intereſt the *Clergy* then had in *Parliaments* as well as *Convocation*; but chiefly to prove from hence, that all the intereſt they had in *Parliaments* was not meerly on the account of the *Temporal Baronies* which the *Biſhops* and many of the *Abbots* then had. Which is the great, but common miſtake of the *Author* of the *Letter*.

[3.] After the *Biſhopricks* were made *Baronies*, the diſtinction even in *Parliament* is kept up between the ſeveral *Eſtates* of the *Clergy* and *Laity*. For although *Baronagium* doth often taken in all; yet ſometimes they are ſo remarkably diſtinguiſhed, that we may ſee they were looked on as two diſtinct Eſtates in *Parliament*. So *Eadmerus*, (ſpeaking of what paſſed in *Parliament* 3 *H.* I.) ſaith it was done *utriuſque Ordinis concordi curâ & ſolicitudine, by the conſent of both Eſtates.* So *Matt. Paris*, ſpeaking of the Summons to appear in the beginning of *H.* I. comprehends all under thoſe 2 Eſtates, *Clerus Angliæ, & Pop. univerſus*: And again, *Reſpondente Clero, & Magnatibus cunctis.* Speaking of a *Parliament* under *H.* II. he ſaith, *Convocato Clero Regni, ac Populo.* In 39 *H.* III. deſcribing a *Parliament*, he calls thoſe aſſembled *Nobiles Angliæ, tam viri Eccleſiaſtici quàm Seculares.* And in the Writs of *Summons* the diſtinction hath been always preſerved between the *Prælati* and the *Magnates*: For in thoſe to the *Biſhops* it is, *cum cæteris Prælatis, Magnatibus*, &c. in thoſe to the *Temporal Lords*, *cum Prælatis, Magnatibus*, &c. In thoſe to the *Biſhops* they were commanded, *in Fide & Dilectione quibus nobis tenemini*: in thoſe to the *Temporal Lords*, *in Fide & Homagio*; or, ſince *Ed.* III. *in Fide & Ligeancia.* Which ſhews that they were not ſummon'd meerly as *Temporal Barons.*

Eadmer. l. p. 67.

Matt. Paris p. 55.

p. 14.

[4.] The

p. 86.

The ancient Right of the Commons, p. 61.

[4.] The Author of *the Letter* confeſſeth, *the Clergy to be one of the three Eſtates of the Kingdom*; but denies them to be *one of the three Eſtates in Parliament.* From whence I argue thus, Either the Clergy muſt be repreſented in Parliament, or one of the *Eſtates of the Kingdom* is not at all repreſented there. And if one of the *Eſtates of the Kingdom* be not there repreſented, how can it be a perfect Repreſentative? So that this diſtinction of the *Three Eſtates of the Kingdom*, and the *Three Eſtates in Parliament*, unavoidably overthrows the Parliaments being a compleat Repreſentative. But in 23 *H.* VIII. *n.* 33. as Mr. *Petyt* obſerves, there is this paſſage in the Parliament Rolls. *It is conſidered and declared by the whole Body of this Realm, now repreſented by all the Eſtates of the ſame aſſembled in this preſent Parliament.* Therefore *all the Eſtates of the Kingdom* muſt be repreſented in Parliament. And 1 *Eliz. c.* 3. *The Lords Spiritual and Temporal, and the Commons* are ſaid to *repreſent in Parliament the Three Eſtates of the Realm.* From whence it follows, that, according to the ſenſe of the Parliament, if the Clergy be an Eſtate of the Kingdom, as he ſaith they are, they muſt be repreſented in Parliament, or the whole Body of the Realm cannot be there repreſented.

(2.) We now come to conſider the weight of *Authority* in this matter. For which I ſhall premiſe two things.

1. That the whole Parliament aſſembled are the beſt Judges, which are the *Three Eſtates in Parliament*; and their *Authority* is more to be valued, than that of any particular Perſons, whether *Lawyers* or others.

2. That no *Parliaments* can give better Teſtimony in this matter, than thoſe which have aſſumed moſt to themſelves. For if there be *Three Eſtates in Parliament*, and the *Biſhops* be none, then the *King* muſt be *One* of the *Three*; as the *Author* of the *Letter* inſinuates, throughout this Diſcourſe; and the natural conſequence from hence ſeems to be a *coordination*; or that two joyning together may over-rule the third. Therefore in all Reaſon, if any *Parliaments* would have made the *King* one of the *Three Eſtates*, it would have been either the *Parliameat* 1 *H.* IV. which depoſed one *King*, and ſet up another; or that 1 *R.* III. which diſinherited the Children of *Ed.* IV. and ſet up their Uncle.

I ſhall therefore firſt from the *Rolls* of theſe two *Parliaments* ſhew, which are the *Three Eſtates in Parliament*; and from them, evidently prove that the *King* is none, but the *Biſhops* are the *Third Eſtate.*

I begin with the Parliament 1 *H.* IV. by the *Rolls* it appears, (1.) That *R.* II. appointed two Procurators to declare his Reſignation of the Crown, *coram omnibus Statibus Regni, before all the States of the Kingdom.* From whence it unavoidably follows, 1. That the King was none of them; 2. That the Eſtates of the Kingdom, and the Eſtates in Parliament are the ſame thing. (2.) Among the Articles againſt *R.* II. one is concerning the Impeachment of *Tho. Archbiſhop* of *Canterbury*, coram Rege & omnibus Statibus Regni, *before the King and all the Eſtates of the Realm.* The King then was none of the Eſtates. (3.) The Commiſſioners for the Sentence of Depoſition are ſaid to be appointed *per Pares & Proceres Regni Angliæ Spirituales & Temporales, & ejuſdem Regni Communitates, omnes Status ejuſdem Regni repræſentantes; by the Peers and Lords Spiritual and Temporal, and the Commons of the Kingdom, repreſenting all the States of the Kingdom.* Where obſerve, 1. The *Biſhops* are called Peers, as well as the *Temporal Lords.* 2. The *Eſtates* of the *Parliament* are *to repreſent all the Eſtates of the Kingdom.* 3. The *Three Eſtates in Parliament* are *the Lords Spiritual, the Lords Temporal, and the Commons of the Realm*;

and *Fabian* expreſly calls them *the Three Eſtates of this preſent Parliament, repreſenting the whole Body of the Realm.* Fabian. 7. par. R. 2. fol. 158.

In the Rolls of Parliament 1 *R. III.* it is recorded, *that before his Coronation, certain Articles were delivered unto him in the name of the Three Eſtates of the Realm of* England; *that is to ſay, of the Lords Spiritual and Temporal, and of the Commons by Name,* &c. *Now foraſmuch as neither the ſaid Three Eſtates, neither the ſaid Perſons which in their name preſented and deliver'd (as it is aforeſaid) the ſaid Roll unto our ſaid Sovereign Lord the King, were aſſembled in form of* Parliament, *divers Doubts have been moved*, &c. Now by the ſaid *Three Eſtates aſſembled in this preſent* Parliament, *and by Authority of the ſame, be it ratified, and enrolled*, &c. Upon which Mr. *Pryn* himſelf makes this Marginal Note, *The Three Eſtates muſt concur to make a* Parliament; *no one or two of them being a full or real* Parliament, *but all conjoyned.* *Abridgment of Records*, p.710.714.

But leſt I ſhould ſeem to take advantage only of theſe *two Parliaments*, I ſhall now ſhew this to have been the conſtant ſenſe of the *Parliaments*; as will appear by theſe following *Records.*

In 1 *H. VI. n.* 12. *All the Eſtates of the Realm* are ſaid to be *aſſembled in* Parliament, 3 *H. VI. n.* 19. the Three Eſtates *aſſembled in this preſent* Parliament.

6 *H. VI. n.* 24. the Duke of *Glouceſter* deſired an explanation of his Power as Protector; in the Anſwer, drawn up by the Lords appointed for that purpoſe, it is alledged *that H. V. could not by his laſt Will, nor otherwiſe, alter, change, or abroge, without the Aſſent of the* Three Eſtates; *nor commit or grant, to any Perſon, Governance or Rule of this Land, longer than he lived.* Nevertheleſs they add, *It was adviſed and appointed by the Authority of the King, aſſenting the Three Eſtates of this Realm.* Which ſhews how far the King was from being thought one of the *Three Eſtates* in Parliament at that time.

10 *H. VI. n.* 17. *Ralph Lord Cromwell* put in a Petition to the Parliament, *that he was diſcharged the Office of King's Chamberlain in a way contray to the Articles for the Council ſworn,* 8 *H. VI.* coram tribus Regni Statibus, *before the Three Eſtates of the Realm*, as they were aſſembled in Parliament; which appears by the Record 8 *H. VI. n.* 27.

11 *H. VI. n.* 10. The Duke of *Bedford* appeared in Parliament, and declared the Reaſons of his coming *coram Domino Rege & tribus Regni Statibus, before the King and the Three Eſtates of the Realm*; as it is in the Record, but not mention'd in the Abridgment.

n. 11. Domino Rege & tribus Regni Statibus in præſenti Parlamento exiſtentibus, *the King and the Three Eſtates of the Realm being preſent in* Parliament. Nothing can be plainer, than that the King is none; and that the *Three Eſtates of the Kingdom* are the *Three Eſtates in Parliament.*

11 *H. VI. n.* 24. Lord *Cromwell Treaſurer* exhibits a Petition in Parliament, wherein he ſaith, *The Eſtate and Neceſſity of the King and of the Realm, have been notified to the* Three Eſtates of the Land aſſembled in Parliament.

In an Appendix annexed to the Rolls of Parliament that Year, the Duke of *Bedford* ſaith, in his Petition to the King, *how that in your laſt* Parliament *yit liked your Highneſs, by yadvis of* Three Eſtates of yis Land, *to will me.*

23 *H. VI.* 11. *Præſente Domino Rege & tribus Regni Statibus in præſenti Parlamento exiſtentibus*, &c.

28 *H. VI. n.* 9. *Domino Rege & tribus Regni Statibus in pleno Parlamento comparentibus*, &c.

p. 86. After theſe I ſhall inſiſt upon the Precedents cited by the Author of the *Letter* himſelf; *viz. the Ratification of the Peace with* France *by the* Three Eſtates 9 *H. V.* and 11 *H. VII.* which he alledges *as an extraordinary thing, that the Three Eſtates joyned in theſe Tranſactions*; whereas in truth it was nothing but a Ratification of the Peace in Parliament; and conſequently, thoſe *Three Eſtates of the Kingdom*, are *the Three Eſtates of* Parliament. Bacon, *H.* 7. *p.* 144. Hiſt. Angl. *p.* 404. For the Parliament was then ſitting at both theſe Ratifications; and no other Aſſembly of the *Three Eſtates* was ever known in *England*. *Walſingham* ſaith, that *H. V.* called *a* Parliament, *which was ſitting at that time*; for the King kept St. *George*'s Feaſt at *Windſor* that Year, from thence he went to the Parliament at *London*, which ended within a Month; and the ratification of the Peace bears date *May* 2. Judge then, whether theſe were not *the Three Eſtates in Parliament?* But to prove this more fully, it ſeems by 23 *H. VI. n.* 24. *that a Statute was made in the time of H. V. that no Peace ſhould be made with* France *without the conſent of the Three Eſtates of both Realms*; which was then repealed. But whom they meant by the *Three Eſtates* here in the time of *H. VI.* appears by 28 *H. VI. n.* 9. when the *Chancellor in the preſence of the King, gave thanks to the Three Eſtates, and prorogued the* Parliament; wherein it is plain, *the Three Eſtates in* Parliament were meant, and that the King could be none of them. In 38 *H.* VI. *n.* 38. *the Chancellor* again, *in the preſence of the King and of the Three Eſtates, having given thanks to all the Eſtates, diſſolved the Parliament.* But that which puts this matter out of doubt is, that in the Parliament 1 *H.* VI. the *Queen Dowager* in her Petition mentions the Ratification made in Parliament, 9 *H.* V. and ſaith, *it was not only ſworn by the King, but by the three Eſtates of the Kingdom of* England: *Ceſt aſſavoir, les Prelatz, Nobles, & Grands, & per les Comuns de meſm le Roialm D'engleterre*: that is to ſay, *by the Prelates, Nobles, and other Grandees, and by the Commons of the Realm of* England; as appears more fully, ſaith that Petition, by the *Records* and *Acts* of the ſaid Parliament. And the King there declares in four ſeveral Inſtruments, that the ſaid Articles of Peace were approved and ratified by Authority of *Parliament*, in theſe Words, *Qui quidem Pax, Tractatus, concluſio & concordia, omneſque Articuli contenti in eiſdem, in Parlamento dicti Patris noſtri apud Weſtm.* 2° *die Maii A. R.* 9. *tento, Auctoritate ejuſdem Parlamenti approbati, laudati, auctorizati & acceptati.* Nothing can be plainer from hence, than that the *Three Eſtates of the Kingdom* were no other than *the Three Eſtates in Parliament.* And the ſame appears by another Petition of the ſame *Queen*, 2 *H.* VI. *n.* 19.

For latter Times I ſhall inſtance only in the Parliament 1 *Eliz. c.* 3. wherein the *Lords Spiritual and Temporal and Commons declare*, that they do repreſent in Parliament the Three Eſtates of the Realm. From whence it follows, 1. That the *Three Eſtates of the Kingdom* muſt be *repreſented* in *Parliament.* 2. That the *Lords Spiritual and Temporal, and the Commons* do repreſent *thoſe Three Eſtates of the Kingdom*, and therefore are the *Three Eſtates in Parliament.* 3. That the *King* can be none of the *Eſtates in Parliament*, becauſe he doth not *repreſent* any of *the Eſtates* of *the Kingdom.*

And it is a wonder to me, that any Man, who conſiders the Conſtitution of the Government of *Europe*, and how agreeable it was in all the Kingdoms of it, as to the Aſſemblies of the *Three Eſtates*, could ever take the King to be one of the *Three Eſtates in Parliament.* For the Queſtion would ſeem ridiculous to Perſons of any other Nation, if we ſhould aſk them whether the *King* was reckon'd among the *tres Ordines Regni?* For by the *Three Eſtates* they all mean the *Three Ranks* of Men, the *Clergy*, *Nobility*, and *Commonalty*. But the *Author* of the *Letter* P. 88. could not deny that *theſe were the three Eſtates of the Kingdom*; but he ſaith, *the Three Eſtates of Parliament are clean another thing*; which I may reaſonably ſuppoſe, is ſufficiently diſproved by the foregoing Diſcourſe.

But he quotes ſeveral *Authorities* for what he ſaith, which muſt now be examined, and will appear to be of no weight, if compared with the evidence already given on the other ſide.

The firſt *Authority* is of King *James*, *in his Speech at the Prorogation of* P. 98. *the Parliament* 1605. wherein he ſaith, *The Parliament conſiſts of a Head and a Body; the King is the Head, the Body are the Members of the Parliament. This Body is ſubdivided into two parts, the Upper and the Lower Houſe. The Upper conſiſts of the Nobility and the Biſhops, the Lower of Knights and Burgeſſes.* The force of the Argument lies in King *James* his making the *Biſhops* but a *part of the Upper Houſe*: But that this doth not exclude their being a *Third Eſtate*, I prove by a parallel Inſtance. In 5 *H.* IV. the Biſhop of *London* being Chancellor compared *the Parliament to a Body*, as King *James* did; but he made the *Church* the *Right Hand*, the *Temporal Lords* the *Left Hand*, and the *Commonalty* the *other Members*; yet preſently after, he calls theſe *the ſeveral Eſtates which the King had called to Parliament*. But that the Biſhops ſitting in the *ſame Houſe with the Temporal Lords* doth not hinder their being a *diſtinct Eſtate*, will appear when we come to anſwer his *Reaſons*. And for King *James* his ſenſe as to this matter, we may fully underſtand it by this Paſſage in his *Advice to his Son*. *As the whole Subjects of our Country* Baſilic. Dor. *l.* 2. *p.* 159 *of his Works*. *(by the ancient and fundamental policy of our Kingdom) are divided into Three Eſtates*, &c. Theſe Words are ſpoken of the *Kingdom* of *Scotland*, but the *ancient and fundamental policy* of that is the ſame with *England*; and he that believed *the Subjects made the Three Eſtates there*, could never believe the *King* to be one of them here.

The next *Authority* is of *King* Charles *I. in his Anſwer to the* 19 *Propoſitions*, June 2, 1642. P. 100. *wherein he tells the two Houſes, that neither one Eſtate ſhould tranſact what is proper for two, nor two what is proper for three.* To which I anſwer, that the *Penner* of that *Anſwer* was ſo intent upon the main buſineſs, *viz. that the two Houſes could do nothing without the King*, that he did not go about to diſpute this matter with them, *whether the King were one of the Three Eſtates or not?* But taking their Suppoſition for granted, he ſhews that they could have no *Authority* to act without the *King's Concurrence*. But the unwary Conceſſions in that *Anſwer* were found of dangerous Conſequence afterwards, when the *King*'s Enemies framed the *Political Catechiſm* out of them, which is lately reprinted, no doubt, for the good of the People.

In 2 *H.* 4. *n.* 33. he makes *the Houſe of Commons to declare to the King* P. 101. *and Lords, That the Three Eſtates of the Parliament are the King, the Lords Spiritual and Temporal.* Whereas the Truth of that matter is this: A difference had happen'd in the *Houſe of Lords*, between the *Earl* of *Rutland* and *Lord Fitz-Walter*; whereupon the *Houſe of Commons* go up to the *King* and the *Lords*, and having, it ſeems, an *eloquent Speaker*, who ventured upon dangerous *Metaphors*, he makes bold with the *Similitude* of the *Trinity*, becauſe that would help him to perſwade them to *Unity*; but if he had left the *King* out, he might have been ſuſpected

ـcted to have ſet up an *independant Power* in *the Three Eſtates*; therefore leſt he ſhould loſe his *Similitude*, (which goes a great way with an eloquent Man) he ſtrains another point, and draws the *King* into his *Trinity*. And is ſuch an Expreſſion to be mention'd in compariſon with the expreſs Declaration but the Year before, 1 *H.* IV. of both *Houſes* concerning the *Three Eſtates in Parliament?*

Next to this *Similitude*, that of *Stephen Gardiner* ought to be mention'd, *who compared Faith, Hope and Charity concurring to Juſtification, to the Concurrence of the Three Eſtates in Parliament*, i. e. *the King and two Houſes to the making of Laws*. But I wonder the *Author* of the *Letter*, who expreſſeth ſo much diſlike of his *Divinity*, would take his *Judgment* in *Politicks*. But this Notion of making the *King one of the Three Eſtates*, how valuable ſoever it be to ſome Men, is, it ſeems, only to be met with in ſome grave ancient *Similitudes*. But of what *Authority* theſe are againſt the conſtant Senſe of *Parliaments* ſo fully declared, I leave any Man of Underſtanding to judge.

P. 103. For the Judgment of *eminent Lawyers*, he quotes but one in King *James* his Time, *viz*. Finch, *in his Book of Law*, l. 2. ch. 1. *who doth indeed*, in the Words quoted by him, *make the King, Lords and Commons to be the Three Eſtates*. But I can hardly imagine how a *learned Lawyer* could fall into ſuch a groſs Miſtake, unleſs the *Modus tenendi Parlamentum* ſhould give occaſion to it; which was accounted *no blind MS.* in thoſe Days, but a very great Treaſure, as appears by Sir *E. Coke*, who cites it on all occaſions. And very few Lawyers had the Judgment in *Antiquity* which Mr. *Selden* had, who firſt diſcovered the juſt Age and Value of that *MS*. This *Author* indeed, towards the concluſion of his *Treatiſe*, makes the *King the firſt of the Eſtates*; but then he makes *Six Eſtates in Parliament*, or *Degrees*, as he calls them; and delivers this for good Doctrine at the very end of his Treatiſe, *That if any one of all theſe be ſummoned, and do not appear*, *yet* with him *it is notwithſtanding a full Parliament*; nay, he expreſly ſaith, *The King may hold a Parliament without a Houſe of Lords*. But there are ſo many other ſuch Poſitions diſcover'd by others in that *Treatiſe*, that I need to ſay no more of it. And as to this point of the *King's being one of the Eſtates in Parliament*, Sir *Ed. Coke*, who otherwiſe too much admired that Treatiſe, declares againſt it in the very beginning of his *Treatiſe of the Parliament*. *This Court*, ſaith he, *conſiſteth of the King's Majeſty, ſitting there as in his Royal Politick Capacity, and of the Three Eſtates of the Realm*, viz. *of the Lords Spiritual, Archbiſhops and Biſhops, the Lords* P. 86. *Temporal, and the Commons of the Realm*. And however the *Author* of the *Letter* may ſlight Mr. *Selden*'s Judgment in this matter; yet theſe two may be ſufficient to weigh down the *Scales* againſt any *one Lawyer*'s *Authority* to the contrary, eſpecially, ſince they were never ſuſpected, I dare ſay, for any *partiality* towards the *Clergy*.

(3.) But the *Author* of the *Letter* thinks to carry this Point by meer ſtrength of *Reaſon*. We muſt therefore diligently conſider the Force of his Arguments.

P. 89. 1. *If Biſhops were one of the Eſtates in Parliament, Reaſon would they ſhould vote by themſelves ſeparately from other Lords, which would make another Eſtate: But they do not only not vote apart by themſelves, the whole Body of them together; but that Body is divided and ſeparated within it ſelf, one part from another*. If both Houſes ever ſate together, as ſome imagine, (and as they do in a Neighbour Kingdom) this way of Reaſoning will make but *one Eſtate* in *Parliament* all that Time. But to give a clear Anſwer to this Objection; I diſtinguiſh two things in the *Biſhops*, their *Spiritual Capacity*, by which they *repreſent*; and their *Civil Capacity* as *Barons*, in which they *vote*, according to the Rules of the Houſe. For the manner of giving their *Votes* is a thing under the *Regulation* of the *Houſe*, and depends upon *Cuſtom*; but their *Spiritual Capacity* as *Biſhops*, in which they *repreſent*, doth not. And the Reaſon of their ſitting together with other Lords, is upon the account of their *Writs* of *Summons*; which, as Mr. *Selden* confeſſeth, ever ſince the latter end of *Edw.* III. hath been, for the *Biſhops cum cæteris Prælatis, Magnatibus & Proceribus, colloquium habere & tractatum*; and therefore they are bound *to ſit together* in the ſame place with the *Temporal Lords*, or elſe they cannot *adviſe and confer together*. And I leave the *Author* of the *Letter* to conſider, whether his *Reaſon* or the *King's Writ* ought to take place.

2. *If the Biſhops were a Third Eſtate, they muſt have a negative Voice to all that paſſeth there: but the Biſhops are intermingled with the Temporal Lords in making up the Majority, as a part of it.* Since I have evidently proved the *Clergy* to be one of the *Three Eſtates in Parliament*, if he be ſure that every *Eſtate* ought to have a *negative Voice*, then I am ſure that this Objection lies more upon him to anſwer, than upon the *Biſhops*. But to prevent any new Diſputes, I ſhall return this Anſwer to it. Since it is agreed on both ſides, that the Biſhops do ſit in the *Houſe* as *Temporal Barons*, and in that reſpect do make up the *Majority of Votes* in the *Houſe of Lords*, it could not but ſeem unreaſonable, that they who voted *as Barons* in the *Houſe* ſhould have a *negative Voice* in *another Capacity*; and by this means they loſt their diſtinct *negative Voice*, becauſe by the *King's Writs* they were to ſit and vote with the *Temporal Lords*. Juſt as it is in the *Diets* of *Germany*: Since the diſtribution of that *Aſſembly of the Eſtates of the Empire* into the ſeveral *Chambers*, the *Prelates* vote according to their *Ranks*; the *Three Electors* in the *Electoral College*; the other *Biſhops*, that are *Princes* of the *Empire*, in the *Chamber* of *Princes*; and thoſe who are not *Princes*, with the *Counts* and *Barons*. So that here the *Votes* of the Biſhops are mingled with the reſt, without a *diſtinct negative Voice*, and yet no one queſtions but the Biſhops do repreſent a *diſtinct Eſtate* of the *Empire*. P. 89.

3. *This is a Diſparagement to the Houſe of Lords, that another Eſtate muſt be joined with them to make up their Negative.* No more than to the *Princes* of the *Empire* to have the *Biſhops* joined with them, when the *Imperial Cities* vote by themſelves. But what Diſparagement is this, for thoſe to make up the *Majority of the Votes* of the *Baronage*, who ſit there as *Barons* by *Tenure*, by a *Right* as ancient as *Will. the Conqueror*, by the *Author*'s own Confeſſion. P. 90.

4. *If the Biſhops make a Third Eſtate, then a Parliament could not be held without them: but a Parliament hath ſate* excluſo Clero, *as that of* Ed. I. *and that it may do ſo in point of Law appears by the Reſolution of the Judges in* Keilway's *Reports, becauſe the Biſhops ſit in Parliament by reaſon of their Baronies.* This is the great Objection, to which I ſhall give a full Anſwer. P. 91.

[1.] It is dangerous arguing from *extraordinary Caſes*, to the excluding any one of the Eſtates of the Kingdom from being repreſented in Parliament; becauſe no one can tell where this way of arguing will ſtop. If a Parliament may be good without one Eſtate, why not without

out another? And we have ſeen an *Houſe* of *Lords* excluded as unneceſſary, upon ſuch kind of Arguments; *becauſe they ſit in their own Perſons, and repreſent none but themſelves.* If we once depart from the ancient and legal Conſtitution of *Parliaments*, there will be no end of Alterations. Every new Modeller of Government hath ſomething to offer that looks like Reaſon, at leaſt to thoſe whoſe intereſt it is to carry it on. And if no *precedents* can be found, then they appeal to a certain inviſible thing called *the Fundamental Contract of the Nation:* which being a thing no where to be found, may ſignifie what any one pleaſeth. Suppoſe one extraordinary caſe happens through the diſorder of Times, *that the Clergy have been left out in a* Parliament; what doth this ſignifie towards altering the *legal Conſtitution* and conſtant *Courſe* of *Parliaments*, which from the beginning of *Parliaments* in this Nation, have had the *Eſtate* of the *Clergy* repreſented in them? as ſufficiently appears by Mr. *Petyt*'s learned Preface to his late Diſcourſe of the *ancient Right of the Commons.* p. 7, &c. The firſt after *King Ethelbert*'s Converſion was, *Commune Concilium tam Cleri quam Populi.* That under *Ina* was, *omnium Epiſcoporum, & Principum, Procerum, Comitum, & omnium Sapientium, Seniorum & Populorum totius Regni.* That under *Edmund the elder* was, *Concilium magnum Epiſcoporum, Abbatum, Fidelium Procerum & Populorum.* Concil. Brit. p. 182. 189. 318. 327. 336. 340. 344. 428. 534. I might add many more: as that at *Becanceld* under *King Withred A. D.* 694. *Epiſcopis*, &c. *Ducibus & Satrapis in unum glomeratis.* At *Cloveſhoo* under *Kenulphus* of *Mercia*; at *Calecyth*, at *London*, at *Kingſton.* Nay, not one can be found by me in the *Saxon* times, wherein the *Biſhops* are not expreſly mention'd. So that if there be ſuch a thing to be found as *the Fundamental Contract of the Nation* about the *Conſtitution* of *Parlaments*, I do not queſtion but they have their ſhare in it. Inſomuch that Sir *H. Spelman* makes it his deſcription of the *Wittena-Gemot*, that in it, as Mr. *Petyt* obſerves, *Convenêre Regni Principes, tam Epiſcopi quàm Magiſtratus, liberique homines*; i. e. *it was an Aſſembly of the three Eſtates.* So that before there were any ſuch things as *Baronies*, they were an *Eſſential part of the Engliſh* Parliament. And muſt all this clear and undoubted evidence from the firſt mention of *Parliaments* be rejected, becauſe once upon a time, a certain *King* called a certain *Parliament*, wherein, upon ſome Diſtaſt between the *King* and the *Clergy*, the other *Eſtates* continued ſitting without them?

[2.] This ſingle Inſtance about the *Parliament* under *Ed.* I. is much miſunderſtood, as will appear by theſe conſiderations.

1. That the *Clergy excluded themſelves* and were not ſhut out by the *Act* of the *King* and the other Eſtates. For upon the *Bull* of Pope *Boniface* VIII. forbidding the Clergy giving any more Subſidies (which was procured by *Archbiſhop Winchelſee*, as our Hiſtorians relate) a *Parliament* being called by *Ed.* I. at *Saint Edmondsbury* on purpoſe for *Subſidies, the Clergy refuſe, upon the Pope's prohibition, till they had conſulted the Court of* Rome; *and go away every one to their own homes:* notwithſtanding which, the King proceeds with the other *two Eſtates*, and gets *Subſidies from the Laity.* So that the *excluſion of the Clergy* came from their own *voluntary Act*; when the King deſired no ſuch thing, nor the other *two Eſtates*, but were all extremely provoked at this withdrawing of the Clergy. That this *Parliament* was called purpoſely for the *Subſidy*, appears by the *Writ* ſtill upon *Record*; wherein the Archbiſhop is ſummon'd to appear, *ad ordinandum de quantitate & modo ſubſidii memorati.*

2. Whereas it is inſinuated, *that great matters were done, and good Laws paſſed, when the Clergy were excluded*; I find no ſuch thing. It is true, the confirmation of *Magna Charta* by *Ed.* I. (which was a great thing indeed) is ſaid, in the *Statute-Books*, to be done *the ſame year, viz.* 25 *Ed.* I. But that it could not be done in that *Parliament*, I thus prove. That *Parliament* was called *craſt. Animarum*; the King appoints another at *London craſt. Hilarii:* where the difference ſtill continuing, he appoints a new *Parliament* on the day of S. *Peter ad Vincula*, or *Lammas-day*, wherein *he was reconciled to the Archbiſhop and Clergy.* Then *Fealty* is ſworn to his *Son*, before his going into *Flanders:* and the *King* excuſed himſelf as to the great *Taxes* and *Subſidies*, on the account of his *Wars*. While he was about *Winchelſea*, a *Remonſtrance* is ſent to him of the *Grievances of the Nation*, in the name of the *Archbiſhops, Biſhops, Earls, Barons, and the whole Commons of England*, wherein they complain of *illegal Taxes*, and *the breach of Magna Charta.* The *King* gives a dilatory anſwer, and paſſes over into *Flanders*. In his abſence the people refuſe to pay the *Taxes*, and the *Lords* combine together, and all things tend to an open *Rebellion*. His Son *Ed.* II. calls a *Parliament* at *London*, and promiſes a *Confirmation* of the *Charter, and that no Taxes ſhould hereafter be raiſed, either on Clergy or Laity, without their conſent.* Which being ſent over *Ed.* I. confirmed it with his *own Seal*: which was all done within the compaſs of this year. But he again ratified it in the *Parliament* 27 *Ed.* I. So that nothing was done in that *Parliament* at S. *Edmundsbury*, but *granting a* 12 *of the Laity to the King.* And when the great Laws were paſſed, the *King and Clergy were reconciled, and they ſate in Parliament.* And the *Archbiſhop* of *Canterbury* fell into the King's diſpleaſure afterwards, for being ſo active a promoter of them. The ſumm then of this mighty argument is, *that the Lords and Commons once granted their own Subſidies, without the concurrence of the Clergy*; therefore the *Clergy* are no *eſſential part* of the *Parliament*.

Clauſ. 24. Ed. 1. M. 7. dorſo.

Walſing. pag. 18. Thorn. ad A. 1296. Knighton p. 2491. Matt. Weſt. p. 428.

3. The Reaſon aſſigned in *Keilway*'s *Reports*, why the *King* may hold a *Parliament* without the *Biſhops*, is very inſufficient: *viz. becauſe they have no place in Parliament by reaſon of their Spiritualty, but by Reaſon of their Temporal poſſeſſions.* The inſufficiency of which reaſon will appear by two things.

1. That it is not true: as appears by this, that the Clergy are *one of the Eſtates* of the *Kingdom*; and all the *Eſtates* of the *Kingdom* muſt be repreſented in Parliament.

2. Were it true, it is no good Reaſon. For why may they be excluded *becauſe they ſit on the account of their Baronies?* Where lies the force of this Reaſon? Is it becauſe there will be Number enough without them? That was the *Rump*'s Argument againſt the *Secluded Members*. And I hope the *Author* of the *Letter* will not juſtifie their Cauſe. Or is it becauſe they hold their *Baronies* by *Tenure?* ſo did all the ancient *Barons* of *England*: and why may the King hold his *Parliament* with the other *Barons*, without the *Biſhops*; and not as well with the *Biſhops*, without the other *Barons?* Which I do not ſee how it can be anſwer'd upon thoſe grounds. Suppoſe the queſtion had been thus put, ſince all the ancient *Lords of Parliament* were *Barons* by *Tenure*, and *Parliaments* were held for many Ages without any *Barons* by *Patent* or by *Writ*, why may not the *King* hold his Parliament after the ancient way, only with *Barons* by *Tenure?* I do not ſee, but as good a

Reaſon may be given for this, as that in *Keilway's Reports.* All that I plead for is, that our good, ancient and Legal Conſtitution of *Parliament* may not be changed for the ſake of any ſingle Precedents, and rare Caſes, and obſcure Reports built upon weak and inſufficient
p. 68. Reaſons. For, as the Author of the *Letter* very well ſaith, *Conſuetudo Parlamenti eſt Lex Parlamenti, The conſtant Practice of Parliaments* (and not one ſingle Inſtance) *is the Law of Parliaments.* And ſuppoſe that Precedent of 25 *Ed.* I. as full as could be wiſhed in this caſe; yet I return the Anſwer of the *Author* of the *Letter* in a like caſe;
p. 49. *This is but one ſingle Precedent,* (of a Parliament without Biſhops,) *againſt multitudes wherein they were preſent; it was once ſo, and never but once. And can that be thought ſufficient to alter and change the conſtant courſe and practice of Parliaments, which hath been otherwiſe?*

Nothing now remains, but a ſevere reflection on the Popiſh Biſhops
p. 99. for *oppoſing the Statute of Proviſors, and the ſeveral good Acts for the Reformation.* But what this makes againſt the *Votes* of Proteſtant Biſhops is hard to underſtand. If he thinks thoſe could not make *a good third Eſtate in* Parliament, who took Oaths to the Pope contrary to their Allegiance, and the intereſt of the Nation, ſo do we. If he have a great Zeal for the Reformation, ſo have all true Members of the Church of *England*, who, we doubt not, will heartily maintain the Cauſe of our Church againſt *the Uſurpations* of *Rome*, though the heat of others ſhould abate. For did not our *Proteſtant Biſhops* ſeal the *Reformation* with their *Blood*, and defend it by their admirable *Writings?* What *Champions* hath the *Proteſtant Religion* ever had to be compared in all reſpects with our *Cranmer*, *Ridley*, *Jewel*, *Bilſon*, *Morton*, *Hall*, *Davenant*, and many other *Biſhops* of the *Church* of *England?* And notwithſtanding the hard fortune *Archbiſhop Laud* had in other reſpects, not to be well underſtood in the Age he lived in; yet his Enemies cannot deny his Book to be written with as much ſtrength and judgment againſt the Church of *Rome*, as any other whatſoever. I ſhall conclude with ſaying, that the Clergy of the Church of *England* have done incomparably more Service againſt Popery, from the *Reformation* to this day, than all the other Parties among us put together: And that the Papiſts at this time wiſh for nothing more, than to ſee Men, under a pretence of Zeal againſt Popery, to deſtroy our Church; and while they cry up *Magna Charta*, to invade the legal Rights thereof, and thereby break the firſt Chapter of it; and from diſputing the *Biſhops preſence in Caſes Capital*, to proceed to others; and ſo by degrees to alter the ancient Conſtitution of our Parliaments, which will unavoidably bring *Anarchy* and *Confuſion* upon us: From which, as well as Popery, *Good Lord deliver us.*

78:2 C

The Caſe of Viſitation of Colleges, in the Houſe of Lords, in *Exeter-College* Caſe.

My Lords,

THE Noble Lord who ſpake laſt, hath put us into the right Method of purſuing this Debate, ſo as to bring it to a good Iſſue. For the Point before Your Lordſhips is not about the whole Proceeding of the Biſhop of *Exeter*, as Viſitor of *Exeter-College*; but whether his Judicial Proceedings againſt the Rector of that College, may be Examined and Reverſed by the Court of King's Bench? For it comes hither by a *Writ of Error*, which relates to the Judgment there given; and the main Error is, That they gave Judgment in a matter which did not legally come before them. If this can be made out, then the Judgment is to be Reverſed, and the matter to remain as it was before it was brought thither. But I am ſenſible of a very great prejudice which lies in the way, before I enter upon the Debate, which is, That if the Judgment of the Biſhop be not Reverſible at Common Law, then his Power is Abſolute and Concluſive, being without any farther Appeal; which ſeems to be the ſetting up an Arbitrary Power among us, which is againſt Law.

Truly, my Lords, I think this Objection ought to be removed in the firſt place; for I would not be ſo miſunderſtood, as if I were for ſetting up a Power againſt Law; for the Law is the greateſt ſecurity of our Religion, and Lives, and Liberties. But there is a great difference to be made between an Arbitrary Power againſt Law, and a Concluſive Power by Law. I cannot underſtand how a Power given by the Law, ſhould be a Power againſt Law. And the Queſtion before Your Lordſhips is, Whether the Law hath not given ſuch a Power to Viſitors, as to determine matters, without the liberty of Appeal, and if there be no Appeal, their Judgment muſt be Final.

But that ſuch a Power in Viſitors is not againſt our Law, appears by that excellent *Statute*, 43 Q. *Eliz. c.* 4, concerning Commiſſions for Charitable Uſes, where Viſitors have ſuch a Power given them by Law, that they are not liable to be called to an account, by any Commiſſion, or by Court of Law or Chancery. So that our Law doth think fit on ſome occaſions, eſpecially as to Eleemoſynary Foundations, to lodge ſuch a Power in ſome Perſons, and this ſurely cannot be called an illegal Power.

But it hath been urged with great plauſibleneſs, That the Viſitor's Power is no other than the Founder's Power, for he acts as Founder, and by his Right; but no Founder can eſtabliſh ſuch an Arbitrary Power, and therefore it is Illegal.

I confeſs, my Lords, I am of Opinion, that if the Viſitor hath no other Power but the Founders, he could not ſettle ſuch an Arbitrary Method of Proceeding, that the Viſitors Judgment ſhould not be called in queſtion by the Courts of Law. For the Founder was but a private Subject in the preſent Caſe; and I do not ſee how the Founder of *Exeter-College*, by an inherent Power in himſelf can debar any Perſon from an Appeal, in caſe of Injury done to him, in a Society ſettled by Law. I know very well how much it hath been pleaded, and what weight hath been laid upon it by the learned Council at the Bar, *viz.* That the Right of Ownerſhip, or the Property of the Lands in the Founder, gives him a Viſitatorial Power in Law; which he may leave to ſuch as he ſhall think fit to intruſt with it, and that this Power comes not from any Eccleſiaſtical Canons, (which I freely grant) but from the Common-Law, which placeth it in the Founder and his Heirs, unleſs he ſettle it upon others. And although Corporations for publick Government, be ſubject to the Courts in *Weſtminſter-Hall*; which have no particular Founders, or ſpecial Viſitors, yet Corporations for Charity, founded and endowed by private Perſons, are ſubject to the Rules and Government of thoſe that erect them. But where the Perſons to whom the Charity is given are not incorporated, there is no ſuch Viſitatorial Power, becauſe the Intereſt of the Revenue is not inveſted in them; but where they are, the Right of Viſitation ariſes from the Foundation, and the Founder may convey it to whom, and in what manner he pleaſes; and the Viſitor acts as Founder, and by the ſame *Authority* which he had, and conſequently is no more accountable than he had been.

This ſeems to be a very fair and reaſonable Account of this matter; but if we look narrowly into it, we ſhall find that it will not clear the difficulties of the preſent Caſe; which relate to a Society incorporated by Law, and not to a meer Arbitrary Society, depending on the Will of the Founder. Now if a private Founder cannot by his own Power Incorporate ſuch a Society, then I cannot ſee how he can give ſuch a power to a Viſitor to remove any one out of it; ſo as not to be accountable to any other Court.

We muſt therefore go farther than the meer power of the Founder in this matter. And I take it for granted, that every ſuch Corporation muſt have a Legal Authority, beſides the Will of the Founder, and that
10 R. 29. muſt be either by Common-Law or by Preſcription (which is not pretended in the Caſe of Colleges) or by Act of Parliament, as Hoſpitals are, 39 *Eliz. c.* 5. or by Royal Charter; for the King by his Authority can make a Society to be Incorporated ſo, as to have the Rights belonging to Perſons as to Legal Capacities. So it is expreſſed in the Words
Mon. 11. 4. 83. of the Charter of the Foundation of a Charitable Society, *Ut ſint unum corpus, habeantque Succeſſionem perpetuam, ac ſint Perſonæ habiles & capaces in lege.*

In the Foundation of *Queens-College* in *Oxford*, *Ed.* 3. by his Charter 18 *Jan. A. D.* 1340. makes the Provoſt and Fellows, *Verum Collegium, & ut Collegium licitum & approbatum agnoſcimus, Authoritate noſtrâ plenâ quâ poſſimus, ratificamus & confirmamus.*

In the Charter of the Foundation of *Lincoln-College, A. D.* 1427. *H.* 6. gave the Founder Authority to found a *College*, conſiſting of a Rector, Scholars, and Chaplains.

So *All-Souls* was founded by the King's *Authority, A. D.* 1437. 16 of *H.* 6. although Archbiſhop *Chichely* gave the Revenues.

Corpus Chriſti College had not only a Charter of Foundation from the King, *A. D.* 1516. but Biſhop *Fox* the Founder had firſt a Licence from the Crown to found a *College*, conſiſting of a Preſident, and 30 Scholars.

If the Founder changed his mind after the firſt Grant, then he obtained a new Grant from the Crown, as in the Caſe of *Corpus Chriſti:* The Founder at firſt intended a Seminary for Monks, but altering his mind, that Grant was brought into Chancery, and there voided, and then obtained a new Grant.

The like happened as to St. *John*'s *College* there, *A. D.* 1557.

The laſt *College* founded in *Oxford* was *Pembroke-College*, A. D. 1624. and that had a Charter from the Crown for its Incorporation; and for enjoying all the Privileges belonging to ſuch a Body.

So this College (which had not the Name of *Exeter* College at firſt) but the Society was incorporated by a Charter under the Broad Seal, 10 *May*, 7 *E.* II. *Ann.* 1314. But although the ſeveral Kings, made the Colleges to be ſuch in Law, *i. e.* legal Corporations, yet they left the particular Founders Authority by their Charters to appoint what Statutes they thought fit for the Regulation of them.

So Archbiſhop *Chichely* ſent the Body of his *Statutes* under his Hand and Seal to *All-Souls*; ſo did *Wickham* before to *New-College*; ſo did *Waynflet* to *Magdalen College*, and *Fox* to *Corpus Chriſti*; and ſo did the Founders of St. *John's*, *Braſen-Noſe*, *Trinity*, and *Wadham*: *Lincoln* College wanted *Statutes* by the Death of their Founder. *Wolſey* ſent *Statutes* to his Foundation, but that being diſſolved, and a new one erected by the King, thoſe *Statutes* were ſuppos'd to have loſt their Force. In *Magdalen* College, the Founder had Liberty to keep the Government of the College for ſome time in his own Hands, and when he was about making *Statutes*, he changed them ſeveral times. So *Walter de Merton* ſent *Statutes* under his Seal to *Merton* College, *Ann.* 1278. which he afterwards revoked, and ſent others *A. D.* 1275. But ſtill we ſee, although the Corporation was made by the King's Charter, yet the *Statutes* were left to the particular Founders.

And not only the *Statutes*, but the appointing of Viſitors was left to them, and the manner of Government, and the ſeveral Conditions, on which any Perſons were to be made or to continue Partakers of their Bounty.

By the firſt *Statutes* of *Exeter* College, the Rectorſhip was to be from Year to Year; but upon a Review of the *Statutes*, *A. D.* 1566. it was to continue as others did. But that which I particularly obſerve is, that theſe Founders of Colleges did take ſpecial Care to prevent, as much as poſſible, all Law Suits among the Members of their Societies, as moſt deſtructive to the Peace and Unity of their Body, and the Tranquility neceſſary for their Studies: For they knew very well, that if any Incouragement were given to Suits at Law, thoſe places would in time become Nurſeries for Attorneys and Solicitors, which were to pervert the main Deſign of their Foundation. *Walter de Merton*, the firſt Founder of a College in *Oxford*, with Revenues to ſupport it, took ſuch care about this, that he puts the Caſe in his *Statutes*, of a Wardens being deprived, and knowing that Men are apt to complain when they ſuffer, and to endeavour one way or other to be reſtored, (which cauſes great Heats and Animoſities among the contending Parties) therefore to prevent theſe miſchievous Conſequences, he puts in a Chapter on purpoſe, *c.* 41. in his *Statutes*, that if ſuch a Caſe happen'd, *Nulla Actio, nullum Juris Remedium Canonici vel Civilis habeat*, &c. This you may ſay, is a very hard Caſe; may not a Man ſee himſelf righted by proper Remedies at Law?

But this wiſe Founder look'd on the Conſequence as to the Society, more than the perſonal Injury of him that ſuffer'd; and he preferred the Peace of his College, before the reſtoring a particular Perſon to his Place. And he thought the Injury to the College by Law-ſuits would be far greater, and fitter to be conſider'd by him, than the Injury and Miſchief which one Man ſuffer'd.

And ſo in the *Statutes* of *Exeter* College it is expreſly mention'd, that if the Rector be depriv'd by the Commiſſary, he may appeal to the Biſhop as Viſitor, but if he be depriv'd by the Viſitor himſelf, then no farther Appeal is allow'd, nor any Remedies, *Juris aut Facti.*

If the *Statutes* did allow of *Defenſiones legitimæ*, as thoſe of *Magdalen College* do, *c.* 53. no doubt they may make uſe of them, within thoſe bounds which the *Statutes* allow: But here it is otherwiſe; for the Perſons depriv'd are bound to acquieſce in the Sentence paſſed upon them; and that with a regard to the good of the *College* more than to their own.

But it hath been ſaid with great appearance of Reaſon, That whatever the Intentions and Deſign of theſe Founders of *Colleges* might be, yet the Law of the Land is to ſet all things right which are amiſs; and if ſuch things do come before the King's Judges, they are to do Right in all Caſes; and for this Particular of Deprivation, we have been told of a notable Precedent in Dr. *Coveney*'s Caſe in *Dyer*, often mentioned by my Lord *Coke*, who was depriv'd of the Preſidentſhip of *Magdalen* College by the Viſitor, and he made his Appeal, and the Cauſe was referred to two Judges, who declar'd that he had no Remedy by an Appeal in Chancery, but Deprivation being a Temporal thing, he might have an Aſſize or Suit at Common Law. This is the Force of all that has been urged from this Precedent: To which I muſt beg leave to give a full Anſwer.

I cannot deny that my Lord *Coke* ſeveral times refers to it, and ſeems to inſinuate it as a Foundation that the Courts might proceed upon; but he never mentions one Aſſize that was brought upon this Ground. But he had that Property of a good Judge, *ampliare Juriſdictionem*; and every one knows that in his time, there were great Endeavours uſed to enlarge the Juriſdiction of the Courts in *Weſtminſter-Hall*; and Sir *James Baggs* his Caſe is an evident Proof of it, which ſome great Lawyers have denied to be Law. But how come Dr. *Coveney*'s Caſe to be called a Precedent, and ſo much inſiſted on as a Precedent in this Caſe? Whereas in Truth it is no Precedent at all relating to it. All that it can be a Precedent for, is only that in matters of Deprivation there lies no Appeal in Chancery; but what follows upon it, is nothing but an Inference made by the Judges, *ex hoc ſequitur.*

11 R. *Kebl.* 1. 667. 835.

Can that make a Precedent? What if they ſhould be miſtaken in their deduction? Can a falſe Conſequence make a true Precedent? I had thought a Precedent in Law had been grounded upon a Judicial Sentence, and a full hearing of a Cauſe. But here is nothing like it, and yet this muſt paſs for a Precedent as to the preſent Caſe, which ſhews a very great want of them. But however two Judges declared their Opinion, that Deprivation was a Temporal thing, and that an Aſſize did lie at Common Law in ſuch a Caſe.

Their Opinion was, That Deprivation was a Temporal thing: This with Submiſſion is a very crude and obſcure way of expreſſing a thing, ſo as to ground ſuch an Inference upon it. For a Temporal thing may either mean ſuch a thing as is not under the Spiritual Juriſdiction, ſo as an Appeal doth lie according to the *Statutes* 24 & 25 *H.* 8. and this was all the meaning of it, as to Dr. *Coveney*'s Caſe. Or a Temporal thing may imply ſuch a matter as properly belongs to the Temporal Courts, which by no means follows from the former; for if this Inference be allow'd, then *ex hoc ſequitur* will hold as to all Sentences in the Courts of Chancery and Admiralty, as well as to this Caſe of Deprivation. For no doubt they are about Temporal things; and ſo this will prove an admirable Precedent for enlarging Juriſdiction.

But did Deprivation begin to be a Temporal thing at that time? Was it not as much ſo before and after as it was then? How came this Inference not to be made, and no Aſſizes brought in ſuch Caſes? Was there never ſuch an Occaſion before? That cannot be pretended. For *A. D.* 1379. upon a Quarrel about the Provoſtſhip of *Queen's College* in *Oxford*, the Archbiſhop of *York* being Viſitor, deprived the Provoſt and three Fellows. Was not this a Temporal thing? And they were very unquiet Men who were depriv'd, but they brought no Aſſize. But the King as Supreme Founder, ſent a Commiſſion to examine the matter, and upon hearing, the Provoſt ſtood deprived, and a new one confirmed. But to come nearer our own Times, *A. D.* 1562. 4 *Eliz.* the Archbiſhop of *Canterbury* as Viſitor proceeded againſt *Hawles*, and other Fellows of *Merton* College, for oppoſing the Admiſſion of a Warden, nominated by the Archbiſhop as Patron upon a Devolution; and he proceeded as Viſitor to their Deprivation. Was not this a Temporal thing? yet no Aſſize ſo much as thought upon at that Time.

A. D. 1568. The Biſhop of *Wincheſter* being Viſitor of *Corpus Chriſti* College, deprived thoſe Fellows who oppoſed the Admiſſion of *Cole*, nominated by the Queen, after the Election of *Harriſon*, which was ſaid not to be Statutable. Now both theſe Caſes had Difficulties in them, and were Temporal things as much as Dr. *Coveney*'s, yet we read of no Aſſize brought, even ſoon after this Inference of the two Judges, which ſhews, that there was little regard had to it. 19 *Eliz.* happen'd a remarkable Caſe about the Headſhip of *Lincoln College*; one *Will. Wilſon* pretended to be choſen by the Society, and had the College Seal for his Election, with which he goes to the Biſhop of *Lincoln* to be confirmed. The Biſhop refuſes, he appeals to the Arches; and the Archbiſhop of *Canterbury* appoints a Commiſſion to examine and judge this matter; and then the Univerſity complained to the Queen of the Breach of their ancient Privileges: Upon which the Queen grants a Commiſſion *ex plenitudine Poteſtatis noſtræ* (are the very Words) to ſome Biſhops, Judges, and Civilians, to ſummon the Parties before them, and to determine the Cauſe, without any farther Appeal. Which Commiſſion is ſtill extant in the Rolls, and bears date 23 *Apr.* 19 *Eliz.* Here we have no Aſſize or Suit of Law once thought of, altho' it had been as proper then as any time afterwards.

But how hath this Matter ſtood ſince, and how came ſuch Cauſes to be brought into *Weſtminſter-Hall*? I will give your Lordſhips the true Account of it as far as I can trace it.

Soon after his late Majeſty's Reſtauration, 13 *Car.* II. one Dr. *Withrington*, Fellow of *Chriſt*'s College in *Cambridge*, was deprived of his Fellowſhip by the Maſter and Fellows, he appealed to the *King's Bench*, and craved a *Mandamus* to be reſtored.

Kebl. 1. 2. In the Arguments in that Cauſe, one of the learned Judges of that Court affirmed, That the firſt Precedent of that kind was not above 10 Years before; and that was the Caſe of one *Hern*, who obtained a *Mandamus* to reſtore him to a Place he was deprived of in the Univerſity, when *Glyn* was Chief Juſtice. And the Reaſon given was, becauſe there was then no ſpecial Viſitor, for the Archbiſhop of *Canterbury* was local Viſitor. Can this Precedent hold, when there is a local

Viſitor to whom it belongs to give Judgment in ſuch Caſes? after this A. D. 1655. one *Craford* made Application to the *Kings-Bench*, to be reſtored to the Place of School-Maſter in *Cambridge*, of which he was deprived by the proper Viſitors, the Maſter and Fellows of *Gonville* and *Gaius-College*. Upon ſeveral Arguments it was denied, and it was Reſolved, that no Writ of Reſtitution ſhould be granted, but the matter was referr'd to the Chancellor, *&c.* Styles 457.

So the Court of *King's-Bench* in Dr. *Witherington*'s Caſe, declared, he could have no Reſtitution from thence, becauſe his Appeal lay to the proper Viſitor who was *Fidei Commiſſarius*, *i. e.* the Law truſted him with the diſcharge of his Duty. Siderfin. 71. Kebl. 234.

14. Car. II. Dr. *Patrick* was choſen Maſter of *Queens-College* by a Majority of Fellows; but another was admitted, upon which he appealed to the *Kings-Bench*, but ſome of the Judges ſaid poſitively, that no Writ ought to have been ever granted upon differences in *Colleges*, and that the Appeal lay to the local Viſitor and not to the *Kings-Bench*. It was then urged, that it was a matter of Freehold, and that it was no Spiritual Corporation, but the declaring of a Maſter was a Temporal thing. Notwithſtanding, the Chief Juſtice declared, that it would ſhake the whole Government of *Colleges*, to give Remedy in that Court. K. 1. 289, 610.

22. Car. II. one *Daniel Appleford*, was deprived by the local Viſitor of his Place in *New-College*; he brings the matter to the *Kings-Bench*, where my Lord Chief Juſtice *Hales* then ſat; the Caſe was argued by learned Council on both ſides. But my Lord Chief Juſtice ſaid, if there be a Juriſdiction in the Viſitor, and he hath determined the matter, how will ye get over that ſentence? And at this Rate, ſaith he, we may examine all Suſpenſions and Deprivations, and ſo where will there be an end? Which words have a great deal of Weight in them, for they ſhew where the Juriſdiction lies, and what Confuſion and Diſorder would follow the altering the ſettled Courſe of Juriſdictions. It is a great Argument to me, that the Law was far from being clear in this matter, that the learned Judges were ſo much divided in their Opinions, when thoſe Caſes were brought before them, ſoon after the Reſtauration they could produce no Precedents about 10 years ſtanding, one Judge remembred a Controverſie about a Provoſtſhip of *Oriel*; but then there was no Appeal thought of to the *Kings-Bench*; but the Queſtion was, whether it lay to the local Viſitor, or to the Archbiſhop, and it Reſolved for the Viſitor, in Dr. *Lewis*'s Caſe. But there had been a a Precedent, when there were no Viſitors, and therefore ſome were for going upon that Precedent; although there were Viſitors, for one Precedent, is a very tempting thing in Caſe of Juriſdiction, where there is not a mind that values Right more than Power. But ſome ſuch there were among the Judges of that time, who refuſed to concurr in ſuch Proceedings that had no Warrant from ancient Practice, and tended to ſo apparent a Miſchief in the Government of *Colleges*: for all petty Controverſies among them muſt then be brought to *Weſtminſter-Hall*: Which might bring ſome Advantage to the Lawyers, but certainly none to the Univerſities. Mod. R. 80.

It is worth our while now to conſider on what Grounds thoſe went, who would have ſuch Cauſes brought to the Cogniſance of the Court of *Kings-Bench*, and the weakneſs of them will ſhew what little Reaſon they had for this new Practice. Some would go ſo far back as to found it upon *Magna Charta*, *c.* 29. That no man ſhall be diſſeiſed of his Freehold, but by his Peers. But they forget that it is added, *vel per Legem terræ*, which words eſtabliſh other legal Proceedings, which have been receiv'd as part of the Law of the Land, for otherwiſe not only all the Proceedings of the Eccleſiaſtical Courts muſt be illegal; but in the Court of Admiralty and Chancery, which I ſuppoſe was not intended by them.

Others ſaid, that if Colleges were Eccleſiaſtical Corporations, an Appeal would lie to the Chancery, as from other Eccleſiaſtical Courts, but being lay Corporations, they are under the Cogniſance of the King's-Bench; which according to Sir *James Bagge*'s Caſe is to Judge of all Oppreſſions and Injuries in Corporations. But with ſubmiſſion, I think the Reſolution of this caſe doth not depend upon the Nature of the Corporations, whether they be Lay, or Eccleſiaſtical, or Mixt; but upon the ancient Right of Juriſdiction over them. There is no Queſtion but Colleges as well as other Schools of Learning were generally eſteemed as parts of the Eccleſiaſtical Body. For they were ſet up in theſe Weſtern Parts by the Biſhops in their ſeveral Churches, as appears by many Decrees of Councils to that purpoſe about the time of *Charles* the Great, and a little after. It is generally thought, and not without Ground, that *Alcuinus* who was bred up here in Learning under *Egbert* Archbiſhop of *York* (in ſuch a kind of College for Learning under him, which he mentions in his Epiſtles and the Library he founded there) did firſt put *Charles* the Great upon this Noble Deſign of Reſtoring Learning, and it had conſiderable ſucceſs for ſome time. But when thoſe Schools began to fail for want of Incouragement, ſome of the greater Monaſteries undertook to ſet them up, which brought great Reputation to them abroad. But here in *England*, Incouragement had been given by ſome of the *Saxon* Kings for the Scholars to Unite together, eſpecially in two ancient Cities, which lay moſt convenient for ſuch a purpoſe, and there, by degrees their Numbers ſo much increaſed, that they became conſiderable Bodies. For we are told, that at one time, there were 300 Halls and Inns for the abode of Scholars in *Oxford*. Such Bodies of Men of Parts and Activity were not to be let alone without due care of them, as to Diſcipline and Juriſdiction.

a Capit. Car. M. l. 1. c. 62. l. 2. c. 5. Concil. Cab. 813. c. 3. Aquiſgran. 816. c. 135. Pariſ. 6. l. 3. c. 12. Valent. 855. c. 18. Conc. apud Sapor. 859. c. 10. Car. Calv. Cap. c. 19. Ivo. p. 4. c. 214. Crantz. Metrop. l. 3. c. 43. Hiſt. Univerſ. Oxon. 149.

They had long ſince great Privileges given them by our Kings, as to Cauſes ariſing among themſelves (excepting Murder, Felony and Freehold; not ſuch a kind of Freehold as depends upon the Founders Will, but the Freeholds of the Halls or Inns or Poſſeſſions of the Colleges) but for all other Cauſes, they were to be under no Civil Juriſdiction, but what was lodged in the Officers belonging to their own Body. I need not to recite the particular Charters of *H.* 3. *Ed.* I. &c. ſince the Commiſſion 19 *Eliz.* clears the whole Matter. For therein it is not only ſaid that the Univerſity of *Oxford* had time out of mind large Privileges, Exemptions and Immunities, granted by Kings, and confirmed Parliaments; but this particularly, that the final Deciſion of all Cauſes ariſing among themſelves were to be determin'd in their own Body. And which is very obſervable, this Recital is made upon occaſion of a Complaint concerning the Title to a Headſhip over a College. So that, at that time, it was believed, long after Dr. *Coveney*'s Caſe, that not Relief was to be had in ſuch Caſes by an Aſſize at Law; and that the Univerſity had been time out of Memory, in quiet and peaceable Poſſeſſion of theſe Privileges. by virtue of which, the Chancellor of the Univer-

Hiſt. Univ. Oxon. 93. 109. 146.

ſity had Eccleſiaſtical Juriſdiction over the Members of that Body, and could grant a Writ *De excommunicato capiendo*, (for the Chancellor was an Eccleſiaſtical Perſon till Sir *John Maſon*'s time) and ſince that it became an Honourary place for Perſons of *great Quality*. The Vice-Chancellor Acts as his Commiſſary. And in this Reſpect, the Univerſity Juriſdiction is a Branch of the Eccleſiaſtical Law, and it is obſervable, that in the ancient Writs ſent to the Univerſity, they are all called the Clerks of our Univerſity, 5 *Eliz.* 3. 13 *Ed.* 3. 15 *Ed.* 3. 12 *R.* 2. and ſo in the time of *H.* 7. *Walſingham* mentioning the Difference between the Univerſity and Townſmen, calls it *inter Clericos & Laicos*. For the general Rule was, that a Corporation took its Denomination from the greater Number, and therefore the Univerſities were accounted part of the Eccleſiaſtical Body; although a conſiderable Number of the Members were not Eccleſiaſtical Perſons. But as to particular Colleges, we muſt obſerve that they are included in the General Privileges and are to enjoy the Benefit of them according to their own *Statutes*. For our ſeveral Kings having given the Founders a Power to make *Statutes* for their own Societies, and to appoint Viſitors with ſuch Powers as they thought fit, they enjoy their Privileges under the ſame Grants and Preſcriptions, which the Univerſity it ſelf doth. And theſe Viſitors are the Ordinaries of the ſeveral Colleges over which they are appointed, and are to Exerciſe their Juriſdiction according to the *Limitations* of the ſeveral *Statutes*. And if they tranſgreſs their Bounds, I do not ſee how they can be brought into *Weſtminſter-Hall*. For it is agreed, that where there is an ordinary Juriſdiction, there lies no Appeal to the Courts of Common Law; elſe all Eccleſiaſtical Cenſures might be there Examined over again. For this *Kenn's* Caſe is plain, and *Huntley's* Caſe, or *Allen* and *Naſhe's* Caſe, and before them *Cawdrie's* Caſe, which it is not ſo fitting for me in this place to recite as to refer to them. And no pretence of collateral Actions can be a ſufficient plea for examining what belongs to another Juriſdiction. For then *the Right* of peculiar Juriſdiction ſignifies nothing, if under another colour the ſame thing may be done as if there had been no ſuch Juriſdiction at all.

Walſingh. Ch. 69.

Rolls. 219.

The ſhort of it is, that by Charters and Privileges and length of Time, the Juriſdictions of the ſeveral Courts are ſettled; ſo that now, it would not be thought legal for the Common-pleas to try criminal *Matters*, or the *Chancery Matters* of Law; but every Court hath a limited Power and Juriſdiction.

The King's Bench is the Supreme Court; but it is not ſo unlimited a Court as the ancient *Curia Regis* was before the time of *E.* 1. That was indeed a Sovereign Court, wherein the King himſelf was preſent and all his great Lords, and they had the Right of Appeal in all Great Cauſes, and there the Capital, General, and Perpetual Juſtices attended the King and gave Judgment, as *Bracton* ſpeaks. And the Remainder of this, is in the Supreme Judicature of this Noble Houſe. Which is not derived from any later precedents of Appeals, as ſome have weakly imagined, but from the Fundamental Conſtitution of this Government, which always had a Supreme Court of Appeal; which as the Laws of *Edward* the Confeſſor ſay, was in the King and his Nobles. But for the Court of King's Bench; altho its *Dignity* and *Authority* be great as to Breaches of the Peace, correcting the Errors of other Courts, *&c.* (and I have not the leaſt deſign to leſſen the juſt Honour and Privileges which be-

Bract. *l.*3. 108.

belong to it) yet it hath but a limited Power, and cannot extend its Juriſdiction as far as it pleaſes, and break in upon other Juriſdictions which are equally derived from the Crown, and *ſettled* by the ancient Law and Cuſtom of *England*.

But this is not all, for the peculiar Juriſdiction of Univerſities hath the general Conſent of the moſt Civilized Nations, ever ſince Univerſities have been ſet up in them, as appears by the famous Conſtitution to that purpoſe of *Frederick* I. *A. D.* 1158. by which all Differences among the Scholars were to be decided, either by their own proper Officer, or by the Biſhop of the place. Which Conſtitution hath not only been generally received, but ſo underſtood, as to exempt them from the Juriſdiction of Temporal Courts, as appears by * *Baldus*, † *Accurſius*, ‖ *Scipio Gentilis*, † *Rebuffus* and others. And *Rebuffus* gives the true Reaſon, *Ne à ſtudiis avocentur propter lites alibi motas*. In the Univerſity of *Paris* he ſaith, '*That he was looked upon as a Monſter, who being a Member of the Univerſity appealed to other Courts; and it was then thought Perjury in any ſuch to do ſo, eſpecially where Appeals are forbidden*; as they are by the *Statutes* of *Exeter College*.

A learned * *German* Lawyer hath brought no fewer than 42 good *Authorities* in Law, to prove that *Univerſities* have a peculiar and diſtinct Juriſdiction within themſelves, and that other Judges have nothing to do with their judicial Sentences.

* Bald. in Authent. C. *l.* 4. Tit. 13.
† Accurſ. bid.
‖ Scipio Gent. de Juriſd. *l.* 3. *c.* 17.
† Rebuff. de Privileg. Schol. *l.* 157, 158.
* Cothman. Reſp. Acad. 1.

How then come our *Univerſities* and *Colleges* to be in a worſe condition than any abroad; when there are not greater Privileges given to any, nor enjoyed for a longer time than have been by ours? Shall the Noble Endowments of our Colleges, which are the Honour of our Nation, the Nurſeries of our Church, the Envy of Foreigners, and the Eyeſore of none but ſuch as hate Learning and ingenuous Education, make them become an eaſier Prey to ſuch *unquiet Spirits*, as by *Law-ſuits* and unſtatutable Appeals, would overthrow *that Power* which preſerves them in a ſtate of Peace and Tranquility, without which they can never *attain* the end of their *Inſtitution*.

If then your Lordſhips would conſult (as I know you will) the good of *thoſe Societies*, which have an influence on the whole Kingdom; if you would promote Learning, and Vertue, and Unity among them, there muſt be a timely check given to theſe tedious, expenſive and troubleſome Suits at Law, which diſquiet the Thoughts, eat out the Time, exhauſt the Purſes of all that are concerned in them, and lay the Foundation in Colleges of perpetual Feuds and Animoſities. And therefore although it be poſſible for a *Viſitor* to go beyond his Bounds, (for none are infallible) yet if ſuch a Caſe be put, it is better that one Perſon ſuffer, than that the Diſcipline, Government, and Peace of the College be in danger of being *utterly deſtroy'd*. For one *froward contentious Man* going to Law with the College, upon a Cenſure inflicted upon him, and being incouraged ſo to do, may put the College into ſuch Heats and Animoſities, as are of far worſe Conſequence than his continuing to ſuffer under a Sentence of *Deprivation*. And therefore I humbly move *that the Judgement of the King's Bench* may be Reverſed.

The Caſe of *Commendams* in the Houſe of *Lords*,
A. D. 169$^{4}_{5}$.

There are Three Points in the preſent *Caſe* before us.

I. The King's Prerogative in Right of Promotion.

II. The Power of granting a *Commendam.*

III. The Act of Parliament made about St. *James*'s Church.

I. As to the King's Prerogative; two things are to be enquired into.

1. The Practice. 2. The Reaſon of it.

1. The Practice. 2. Advantages in Proof of a Practice.

1. If owned upon ſolemn Trial. 2. If the ſame Judgment hath continued afterwards.

1. Upon ſolemn Trial, when the matter hath been debated. As in *Wright*'s Caſe 37 *Eliz. Moor*, fol. 399. where it is ſaid, *That it was adjudged by many Precedents ſhewed in Court, that the Queen was to have the Right of Preſentation upon Promotion, and not the Patron.* Here was a full view of Books and Precedents in Court; and upon it a ſolemn Judgment given. What Books? Not the *Year-Books*; where this Point is rarely mention'd, and not judicially determin'd: But the proper Books are the *Regiſters* of the ſeveral Biſhops, where the *Inſtitutions* are recorded, and the Avoidances, whereby it would be ſeen who preſented upon Promotion. And out of theſe were the Precedents taken by *Noy*, who produced, *f.* 138. *R.* no fewer than 18 Precedents within the compaſs of 40 Years, from 21 *Eliz.* to 14 *Jac.* 1. where the Prerogative had obtained by determination of *Commendams retinere*; the laſt is of Dr. *Donne* to the Rectory of *Sevennock* in *Kent*, by Promotion of Dr. *Milburn* to St. *David's*, who held it in *Commendam retinere* for a Year. And from ſuch Books the Practice is to be gather'd. Indeed if a Diſpute in Law happen'd, and that brought into *Weſtminſter-Hall*, then the *Year-Books* are to be ſearched; but where is there any judicial Opinion in them againſt the *King's Prerogative*? It is not enough to bring Inſtances where the King did not preſent, for the King might let the Patron preſent on particular Reaſons; but the true point is, where the Patron challenged the Right upon Promotion, and the Judges gave for the Patron againſt the King. No one Inſtance of this kind is produced, but ſeveral againſt it, ſince the time of Reformation, and thoſe grounded on Precedents before. In *Wentworth* and *Wright*'s Caſe, 39 *Eliz.* the Point was ſolemnly debated in the Court of Common Pleas; *Wentworth* was Patron, *Wright* Incumbent by the Queen's Title upon *Davis*'s being made Biſhop of St. *Aſaph*. There it was alledged by the Queen's Council, that it was *the common Experience* or Practice *then for the Queen to preſent upon Promotion, and that they had many Precedents of it*, Cr. El. 527. And on the other ſide, the main thing inſiſted upon was the Silence of the old Books; of which an Account is to be given.

Cr. Eliz. 527.

In the Caſe of *Armiger* and *Holland*, (*Cr. Eliz.* 39. f. 542, 601.) the ſame matter was debated. *Holland* was preſented by the Queen upon the Failing of a *Commendam* granted to Dr. *May*, made Biſhop of *Carliſle*; and then my Lord *Coke* ſaid to the Judges, *I can ſhew you the Reſolution of all the Juſtices, that the Queen in this caſe ſhall preſent.* And Chief Juſtice *Popham* ſaid, *So is the common Experience at this Day.*

In the Caſe of *Baſſet* and *Gee*, (Cr. Eliz. 42, 790.) the Incumbent being made a Biſhop in *Ireland*, the Judges declared, *That in caſe of ſuch an avoidance the Queen ſhould have it by her Prerogative*; but if ſhe loſt her Turn ſhe could not have it afterwards.

But it may be objected, *That all the Judges have not been ſince of this Opinion:* For in the Caſe of *Wentworth* and *Wright*, upon another Argument, the Judges were not ſatisfied, as appears by *Owen*, R. 144. and ſo Juſtice *Hutton* upon another Caſe in *Winch.* 95.

It cannot be denied, that theſe Judges did vary in their Opinions; but we muſt conſider that theſe were *Doubts* rather than *Judgments*, and no ſuch *Doubts* ought to be hearken'd to againſt the general Senſe and Opinion of others, even ſince their Time. *Rolls* confeſſes, *That the Law is taken to be for the Prerogative*, 2 Abridg. 343. *Vaughan*, who never followed the common Opinion of Judges againſt his own Reaſon, ſaith, *f.* 19. *That he takes it for granted, that upon an avoidance by Promotion, the King and not the Patron is to preſent.*

But the beſt way to anſwer the Doubts on the other ſide, is to examine the Grounds of them; and thoſe are two.

1. The Silence of the Year-Books.
2. The want of ſufficient Reaſon for the Practice.

1. As to the *Year-Books*; Juſtice *Hutton* in *Winch.* 95. ſaith, *That for any thing he can ſee in their Books, the King had not any Title to preſent, except that he himſelf was Patron.* And it cannot be denied, that there are Caſes in the Books where the King preſented by the *Temporalties* being in his hands. *Fol.* 3. *Abr. Quare Impedit.* n. 35. 4 Inſt. 356. where there is a particular Caſe on which *Coke* relies much, becauſe it ſeems to come home to the point; for it is there ſaid that when the *Temporalties* of the Biſhop of *Exeter* were in the King's hands, and the Archdeaconry of *Cornwall* became void by the Archdeacon's Promotion to *Dublin*, the King preſented by virtue of the Temporalties, and not by Prerogative, ſaith *Coke*; to which purpoſe he cites many Authorities which I ſee no reaſon to queſtion. But on the other ſide, *Brook* ſaith, Br. Abr. *Preſent. n.* 61. That 5 *Mariæ, the Biſhop of* Ely *told him, That he had ſeen a Preſentation made by King* Ed. III. *to a Benefice which was in another's Patronage* ratione Prærogativæ ſuæ, *becauſe the Benefice was void by the King's making the Incumbent a Biſhop.* To this Juſtice *Hutton* anſwers, *That it was but the Report of the Chancellor who had that in Preſentation*; which Anſwer will overthrow all Precedents where Parties are concerned. But this is grounded on a miſtake, for the Biſhop of *Ely* was not Chancellor, but *Heath* Archbiſhop of *York*. But if the Extracts out of *Noy*'s MSS. may be believed, in the Margin of *Dyer* 228. the very ſame Year, 24 *E.* 3. the King recover'd upon Trial the Preſentation to a Prebend of *Exeter*, *becauſe the Prebendary was made Archbiſhop of* Dublin; and on the ſame account that he preſented to a prebend in the Church of *Lincoln*. How can theſe things conſiſt? It ſeems moſt probable, that the King made uſe of ſeveral ways to juſtify his Title; by Wardſhip, by the Temporalties, and by Prerogative; but this laſt was moſt tenderly inſiſted on, becauſe the Pope about that time did moſt openly begin to take upon him the diſpoſal of Church Preferments by *Reſervation*, *Collation*, and *Proviſion*, againſt all which the Statute of *Proviſors* was made, 25 *E.* 3. And among other Pretences the Pope did challenge to himſelf the Right of Promotion; for which end he publiſh'd a ſolemn Bull, *Extr. Com.*

de Præb. & Dignit. ad Regimen; wherein he reſerved to himſelf the Collation of all Benefices void by promotion to Biſhopricks. This in probability was one great occaſion of the *Statute of Proviſors*. As to which theſe things are obſervable.

1. That thereby all Collations at *Rome*, as to Benefices of Eccleſiaſtical Patronage were put into the King's hands, and ſo from time to time, as is expreſſed in the *Statute*; and the Reaſon given is, becauſe the King is *Patron paramount immediate*.

2. That although the King had this Power by Law, yet he did not Execute it, but let the Pope make Collations at *Rome*, as appears by the *Year-Books*, 41 *E*. 3. 5. 11 *H*. 4. where it is ſaid, *That the Statute of Proviſors was grown out of uſe*; and the Pope's Power is owned by the Judges, and the King gave up the Cauſe at laſt.

3. That the Pope's granting *Collations* upon promotion were allowed and permitted here till the *Statute* 25 *H*. 8. In 11 *H*. 4. a conſiderable Caſe is put, *viz.* whether the Pope's granting a *Commendam* to a Biſhop before Conſecration could ſuperſede the Law of the Land which makes Benefices void which were enjoyed before Conſecration? And it is looked on as the better Opinion of *Thirring* Chief Juſtice and *Hankford* by *Davis* 77. and *Vaughan* 21. that the Pope's *Commendam* did prevent the Avoidance being before Conſecration; but if it came after, it could not. And ſo Cardinal *Beaufort*'s Diſpenſation for the Biſhoprick of *Wincheſter* coming after his being made Cardinal was void; but Cardinal *Woolſey*'s for holding his Archbiſhoprick of *York* being before was held good. *Lynwood* ſaith, that in his time no one queſtion'd the Pope's power, of granting *Commendams* and *Diſpenſations*, *f*. 60. and this being ſo generally received here, it paſt for the Eccleſiaſtical Law at that time, till this power was taken from the *Pope* by *Statute*, 28 *H*. 8. *c*. 16.

Davis R. 77. *b*. 80.

4. That the *Pope*'s granting Benefices vacant by promotion by himſelf, was looked on as a *Preheminence* and *Privilege* belonging to him as owned to be Head of the Church at that time. And the Reaſon the Canoniſts give for it is, that no patron hath a Right to preſent but when the Benefice is void; and in this Caſe of promotion it becomes void not by Death or Reſignation, which the Right of Patronage extends to, but by the Act of a Superior in whoſe power it was to hinder any ſuch vacancy; and the Patron hath the leſs Reaſon to complain, becauſe the Superiour follows and approves his Judgment in the perſon promoted. Beſides, ſay they, how comes a Benefice to be void by Conſecration? Some ſay, *it is by Common Law*; but Chief Juſtice *Vaughan* laughs at that, *f*. 21. 22. and ſaith, that it appears from 11 *H*. 4. that it was by the Eccleſiaſtical Law; then, ſay they, the *Pope* may diſpenſe with that in *Commendam*, and when he makes avoidance by his own Act, he may give away the Benefices ſo vacant. All the injury the *Patron* can pretend to, is the loſs of his hopes upon the next Avoidance; but ſay they, this is thought no hard thing in like Caſes. In the Civil Law, if a Man had a rich Slave, and expectation of his Eſtate by his Death, yet the Emperor might give him power to diſpoſe of his Eſtate, and the *Patron* had no cauſe to complain. In the Common Law, if a Man gives an Eſtate for another Man's Life, he can have no reaſon to complain of it, if it be diſpoſed to another while that Perſon lives; but here is ſomething more, for it may be for another's Life; however this is not to be thought hard when the Supreme *Patron* doth it; who may reaſonably be allowed ſuch a privilege above others. And we are told

Fr. de Roy de Jure Patronat Pool. *c*. 24. Davis R. 76. *b*.

Latch. R. 233, 234. 240. Davis 68. 72, 73. Winch. 95. Davis 77.

told by the French Canoniſts, that even in *France* ſince the pragmatick Sanction, this privilege of the *Popes* in caſe of promotion obtains there, even as to Lay-patrons.

5. By the Act of Supremacy 26 *H.* 8. *c.* 1. *all Privileges, Authorities, Profits and Commodities to the ſaid Dignity of the Supreme Head of the Church belonging and appertaining are annexed and united to the Imperial Crown of this Realm.* So that the King muſt have the ſame Privileges which the *Pope* had as Supreme Head, and ſuch in other Caſes are allowed by the Judges at Common Law. As for inſtance; In the Caſe of Royal Diſpenſations as to pluralities, the Judges in *Armiger* and *Holland* s Caſe declared their Opinion, that the King had the ſame power which the *Pope* had before, *Mar.* 543. And in caſe of Appropriations, the King had the ſame power which *the Pope* had before by Cuſtom and Uſage, as is declared in *Grandon's* Caſe, *Plowd.* 498. and no other Reaſon is given, but that *the Pope* had accuſtomed ſo to do. But beyond theſe, is the Inſtance in a Commiſſion of Review upon Appeals: For by *the Statutes* of Appeals, 24 *H.* 8. and 25 *H.* 8. *the Sentence* of the *Court* of *Delegates* is ſaid to be definitive, but my Lord *Coke* ſaith, 4 *Inſt.* 341. that *the King* may grant a Commiſſion of Review. For what Reaſon? Becauſe *the King* by *the Statute* 26 *H.* 8. 1. and 1 *Eliz.* 1. hath all *the Authority* which *the Pope* had by virtue of his *Headſhip*, and *the Pope* did grant ſuch Commiſſions of Review. This I am ſure is much harder than *the preſent Caſe*; for here *the Act of Parliament* makes *the Sentence* Definitive, which is a *legal Reſtraint* although not in words; but in the preſent Caſe, here are no Reſtraints, no ſaving the *Rights* of *Patrons* in ſuch Caſes; but the ſame Privileges are allowed which *the Pope* then enjoyed by virtue of his *Headſhip*; and the Bulls of *Confirmation, Commendams* and *Collation on Promotion*, were then looked on as belonging thereto. I do not ſay, as ſome have done, *That the Kings have all the powers which the Popes had*; for they exerciſed ſome extravagant Powers againſt the Laws of the Land; but I ſay, that in Beneficiary *Matters*, where there were Privileges then allowed to *the Pope* as Head of the Church, and no Law before or ſince doth *limit* or *reſtrain them*, thence I ſee no reaſon but that *the Crown* may ſtill enjoy ſuch Privileges; for ſomething certainly was meant by them, beſides the excluding foreign Juriſdiction; which was done before.

Cr. Eli. 542. 601. Latch. R. 244.

Heb. 146, 147.

6. The practice of following times will beſt explain the meaning of *theſe Privileges* granted to *the King* as *Head of the Church.* And we find that in the Caſe of *Wentworth* and *Wright* in *Owen* 144. *Williams* of Councel for the King produced 8 or 9 *Precedents* of *the King's preſenting* upon promotion in the time of *H.* 8. which were a great many from the Act of Supremacy 26 *H.* 8. to the end of his Reign. But what did the Judges ſay to them? Why truly, *they were between Spiritual Perſons and thoſe were the Pope's Servants, and therefore they regarded them not.* This is a very ſtrange Anſwer. For, were all *theſe Precedents* before the Act of Supremacy? Then they ſhewed that they were not *the Pope's* Servants if they came in upon the King's Right: If after, how could they be the Pope's Servants in diſowning the Supremacy? *But they were between Eccleſiaſtical Perſons.* What then? Have not they Rights like other Men? Or is it no matter what becomes of them, ſo others be ſecured? It is a hard caſe, when their peculiar Rights are taken off as *the Pope's Servants*, that they ſhould not be allowed the ſame common Rights with other Men.

II. Let us now come to the point of Reaſon, and conſider how far that will determine this matter. Which is, whether, ſince the Popes enjoyed this Privilege, and our Kings have been ſo long in poſſeſſion of it, there be now ſufficient Reaſon to lay it aſide? For this is the true Point; for it is granted, that ſince 21 *Eliz.* the practice hath been ſo; which had been thought a very conſiderable time the other way. Why ſhould ſuch a Prerogative, ſo long owned and ſubmitted to, be now renounced and caſt off as an unreaſonable Uſurpation? Were not others ſenſible of their own Rights and Liberties in all this time? Hath the King no intereſt in any Patronages but his own? Hath he not the Right of Lapſe in all Livings? How comes he by this? Is it not as *Supreme Patron* by our Law? This is a Term not taken up to ſerve this buſineſs, but is owned by our Judges in Point of Law. In caſe of Lapſe to the King he preſents as *Supreme Patron,* ſay the Judges in *C.* 2. 651. and *Coke* ſaith it hath been often ſo determined. 5 *R. E.* 3. *Dyer* in *Frenden*'s *Caſe Plowd.* 498. f. ſaid the ſame thing; and *Harper*, and the other Judges, called the King *Supreme Patron as King*; and not on the Moor 900. Account of the Act of Supremacy; and for this Reaſon the King's Conſent was neceſſary to an Appropriation, becauſe he loſt his Title by Lapſe; and withal it is there ſaid, that every Patron hath his original Right of Patronage by Virtue of the Land which he held of the King, on which the Church was built; which might come to him be Eſcheat. So that the King had not only the ſame Privilege by the Act of Parliament, which the Pope had before, but he had a Superiour and Antecedent Ground as Supreme Patron. But not as if this gave him always the ſame Title by Promotion; but that it makes it more unreaſonable to take it away from the Crown, when it hath been ſo long in Poſſeſſion of it. But the great Objection is, as to the Patron's Right which we ought to be concerned for, being a part of the Liberty of the Subject, which muſt be taken care of as well as the Prerogative of the King. The true Anſwer to this, is, from conſidering the Patron's Right to preſent; which is no doubt a juſt, legal and ancient Right. But it is not an abſolute Right, but liable to ſeveral Limitations. For (1) the Patron is not Lord of the Fee Simple of the Benefice; as *Littleton* owns *S.* 643. 1 *Inſt.* 341. but hath only a Fiduciary Right, or a Truſt put in him to Nominate or Preſent a fit Perſon. (2) This truſt is limited to a certain time, within 6 Months; for then by the Law there is a Lapſe to the Ordinary; if he fails to the Metropolitan; and then if he fails to the King. This is a truſt provided by the Law in Caſe the Patron fails; not in Right of the Patron, as ſome think, but by Devolution and Compact. Hob. 154. (3) The Patron's Right ſtill ſuppoſes a Vacancy; but there is nothing in Law which hinders the King's Act either to prevent an Accidence by a *Commendam retinere*; or to preſent in an extraordinary Caſe, when he promotes the Incumbent, and makes the Benefice void by his own Act. And a Prerogative by Law is not inconſiſtent with the Liberty of the Subject by Law. For the Law is the moſt equal Meaſure of both.

II. As to the Power of granting a *Commendam* in the King; we muſt diſtinguiſh between what is really a *Commendam*; and what is called ſo; but is truly nothing but a *Diſpenſation* to hold a *Benefice* with a *Biſhoprick* for a limited Term. A real *Commendam* is that which is given for Term of Life, and taken after Conſecration. I do not mean that it was originally ſo; for a *Commendam* then was only a Temporary Caſe of a Church, till the Patron did proceed; and was nothing but the Guardian-ſhip of a

Church during the Vacancy. This was only for the Profit and Convenience of the Churches, without Regard to the Benefit of the Perſon. But afterwards *Commendams* were granted by the Pope for Term of Life, for the better Support of the Dignity of the Perſon, whoſe Revenues were not ſuitable to his Honour. And this was the chief Reaſon of retaining the uſe of *Commendam* here, after the Reformation. For many of the old Biſhopricks being reduced very low; and new one erected with ſmall Revenues; it was found neceſſary to grant to the Biſhops a Power to hold other Benefices in *Commendam* by the King's Grant before Conſecration.

The beſt Light we can have as to the Senſe of our Law in this matter, will be to take a view of the moſt remarkable Caſes, which have been in the Courts of Law, and the Judgments, and Reaſons which have been given upon them: which are of far greater Conſequence than mere Precedents, than were never queſtioned.

The firſt of this kind which we find debated, was a *Commendam* granted to the Biſhop of *Oſſory* in *Ireland*, 33 *Eliz.* which was to take as many Benefices as ſhould be vacant, not exceeding the Value of 40 *perpetuæ Commendæ titulo*; ſome Years after a Vicarage became void in his Dioceſe, which he took by virtue of his *Commendam*; and the Queſtion came into the Common Pleas 9 *Jac.* whether this were a good Title or not, which was ſolemnly argued by Counſel and the Judges. Thoſe againſt it pleaded, that the Form was too general, and iregular, and that there ought to have been an expreſs Clauſe of Derogation to Davis 74. the Patrons Right; or his Conſent expreſſed. For otherwiſe this were a real Injury to the Patron's Right, which is an evil in it ſelf, and cannot be diſpenſed with. But the main Argument was, that there was a great difference between a *Commendam retinere*, which ſuppoſes an actual Incumbent according to Law; and ſuch a *Commendam* as gives a Biſhop Power to take Benefices without a legal Admiſſion. But, as to the former, it is confeſſed that ſeveral Judgments had been given for them in the Courts of Juſtice in *England*. As of *Parkhurſt* Biſhop of *Norwich* in the beginning of Q. *Elizabeth*'s Reign, who obtained a *Commendam retinere* of the Rectory of *Cleve* for 3 years; the Point in Law was, whether the Living was void by Creation, or not; *i.e.* whether ſuch a *Commendam* were good in Law; and it was reſolved that it was not Dyer 233. void by Creation, but by Reſignation within three Years. Davis 77. Moor 900.

Dr. *May* had a Beneſice called *North-creak* above 8 *l.* and takes ano- Latc. 239. ther of this value, whereby the firſt became void; he was after made Hob. 156. Biſhop of *Carliſle*, and put the firſt Benefice into his *Commendam*; but Winch. 99. it was adjudged againſt him; becauſe he was not then legal Incumbent; but if he had been, there had been no Diſpute.

It is allowed by the other ſide, that ſuch kind of *Commendams* were frequently granted by the Popes, as appears by 41 *E.* 3. and 11 *H.* 4. Dav. 80. 6; and in the time of *H.* 6. and *H.* 8. and that ſuch *Commendams* were not within the Statute of *Proviſors*.

As to the other ſort of *Commendams*, the main Argument for them was the Poorneſs of Biſhopricks, and the Neceſſity of ſupporting them that way. And it is hard to conceive that theſe ſhould be more unlawful than Vicars, and Appropriations *ad Menſam*; which are part of the ancient Endowments of ſome Biſhopricks, as *Wincheſter* and *Saliſbury*, and there is no great difference between a *Commenda perpetua*, and an *Appropriation*; only one is for a ſingle Life, and the other for a Perpetuity.

The next remarkable Caſe was that of *Colt* and *Glover*, againſt the Biſhop
Moor 898. of *Litchfield* and *Coventry*, 10 *Jac.* 1. who had obtained a *Commendam*
under the broad Seal, for as many Benefices as ſhould not exceed
200 Marks; which Caſe was ſolemnly debated by the Judges in
the Exchequer-Chamber; ſome of the Judges were wholly againſt the
Commendam, as unlawful; whoſe Reaſons were anſwered by *Dodderidge*,
but he thought that *Commendam* void, becauſe it was too large
Hob. 140. and indefinite. *Hobart* Chief Juſtice, made an elaborate Argument in
this Caſe, which is to be ſeen in his Reports. The ſubſtance of it is,
that he meddles not (1) with the King's Supreme Power; but with the
ordinary Power by the Statute 25 *H.* 8. *c.* 21. nor (2) with a *Commendam*
150. *retinere*; which he ſaith is no *Commendam*; for a Man's own Benefice
153. cannot be commended to him: nor (3) with a *Commenda perpetua*, which
this is not, but ſo long as he lives and continues Biſhop of that See. But
he condemns this ſort of *Commendam* for the uncertainty of it, the
Churches being full, and defectiouſneſs as to the Patron's Conſent, and
as to the Term of it. For, he allows *Commenda perpetua*, if it be abſolutely
for Term of Life; but he will not allow this Condition ſo long
as he continues Biſhop; becauſe the Perpetuity of the Incumbent cannot
be diminiſhed; ſo as to take a Benefice for 3 or 4 years, or ſo long
as he ſhall remain Biſhop of ſuch a Dioceſs. But the Lord Chief Juſtice
Vaugh. 27. *Vaughan* in the caſe of *Edes, and the Biſhop of Oxford* ſaith, that the
King may grant a *Commendam retinere*, as long as a Man continues Biſhop
there; becauſe no Property is alter'd by a Diſpenſation, but if he
takes a Preſentation to a new Living by his *Commendam*, and doth ſuch
things whereby the Property is changed, then he thinks it muſt be for
Life. But according to *Hobart*'s Opinion this ſeems ſomewhat ſtrange
to me; that a *Commendam* for Life ſhould be good, that a *Commendam*
for retaining a Benefice for years ſhould be allowed; but a *Commendam*
for Life, or ſo long as the Perſon continues Biſhop of ſuch a Place
ſhould be void, where lie *the Incongruities and Abſurdities in Law*,
which cannot be born? It is that there ought to *be Vinculum Conjugale,
between the Rector and Rectory?* Then no *Commendam* can be good; for
the *Vinculum* lies in the Inſtitution and Induction; and he is not ſeized
in Fee in one Caſe more than the other. *But the words are ample enough
to make a full Incumbent.* What? Without committing the Paſtoral
Care by Inſtitution? In the Caſe of Appropriations it is allowed to be
good Law, that by the words the Grant of the perpetual Incumbency
paſſes without Inſtitution. Why then may not a *Temporary Commendam*
be as good in Law, if it paſs by good Authority? Were not ſuch allowed
before 25 *H.* 8? And how comes the King's Power to be ſo abridged?
Hobart doth not deny, but the Pope might grant ſuch by the
Canon Law, but from thence he obſerves *the Fallibility of Foreign Authors,
and Foreign Practice.* How doth it appear in this Caſe? Hath
our Law any where declared the contrary? No, but it requires *Inſtitution
and Induction, and theſe muſt be executed according to the Form
preſcribed by Law, and cannot be modified.* Then, all *Appropriations* and
Commendams for Term of Life muſt be void in Law; and I can ſee no
Reaſon why thoſe ſhould be good without Inſtitution, and the other
void for the want of it. *But the Nature of Freeholds by Law cannot be
alter'd by the Popes Authority.* Very true, but that is not the Queſtion;
but whether the Profits of a Free-hold cannot be aſſigned by legal Authority
for a Term of Years? Which is the ſame kind of Proviſion,

as in a *Commenda perpetua*, but only differs in the Expiration of it.

But no ſuch Commenda *is to be found in the Books of Law.* That's ſtrange, when it is confeſſed, that 11 *H.* 4. *Thinning* and *Hankford* a- Hob. 155. gree, that the Pope may grant to a Biſhop to take Benefices *de Novo*; which is the Power of granting *Commendams*; and there is no Limitation, whether for Years, or for Life. And in common Reaſon the former is the better, becauſe it beſt ſerves the Churches Neceſſities in ſmaller Biſhopricks. And Neceſſity is the beſt Ground for any *Commendams*. But as to *Commendams retinere*, his Words are full and clear: If an Incumbent takes a Biſhoprick, and obtains a Diſpenſation to hold Hob. 156. his Benefice for 3 Years, he ſaith, there is no Injury done either to the Church or Patron; for altho' it be *Damnum* it is *abſque injuriâ*. Which is ſufficient for our preſent purpoſe.

In the Caſe of *Hoodly* and *Manwaring*, the Caſe of a *Commendam retinere* was conſidered by the Judges. For the Incumbent was made Bi- Winch 94. ſhop in *Ireland*, 37 *Eliz.* but before Conſecration obtained a *Commen-* Crook. 2. 691. *dam* of his former Benefice for 6 Years; this Caſe was argued by the Judges, 22 *Jac.* I. ſaith *Crook*. But in this Caſe the Judges differed. *Hutton* ſaid, that he would not deliver his Opinion about the King's Prerogative, but gives Intimations enough againſt it; and withal ſaith, that if the King had it, he thought his Turn ſerved by that *Commendam*, becauſe he thought the Limitation for Years void, and that he had a Title for Life. *Winch* aſſerted the Prerogative, and produced Prece- Winch 95. dents for it, where the King had preſented in *England*, upon his making a Biſhop in *Ireland*. *Hobart* concurred as to the Prerogative: But it is obſervable as to Juſtice *Hutton*, that although he queſtioned the King's Title to preſent upon Creation; yet he doth not deny that the King may diſpenſe before Conſecration, but he can never have a Title after he hath diſpenſed. For this he ſaith is diſpenſing with his Prerogative; becauſe the *Commendam* according to him muſt be for Life, becauſe he that hath it is free Incumbent: And for this he alledgeth Winch 96 *Parkhurſt*'s Caſe; which, ſaith he, proves that the King may diſpenſe, and that the *Commendatory* hath full Power to reſign; and withal, that the King's Turn is ſatisfied with the Diſpenſation. This comes home to the Caſe, if it will hold. But I am not ſatisfied as to the main point, *viz.* That a Diſpenſation for Years is all one with a *Commendam* for Life. *Hobart* we ſee was quite of another Opinion; and the Reaſon of the Miſtake was not diſtinguiſhing the Right of Incumbency before his Creation, and after by virtue of the *Commendam*. For *Hutton* grants Winch 95. that when an Incumbent is made Biſhop, his Benefice is void by Common Law, then the firſt Title is gone, and all his Right after is only by his *Commendam*; but by that he hath a Right only for a Term of Years. But as his Opinion is delivered by *Cr. Jac.* 692. he thought any ſuch Limitation void in it ſelf, and that he had a permanent Eſtate for Life. Which Opinion muſt overthrow all ſuch Diſpenſations which himſelf allows; for an Incumbency for Life muſt by our Law be by Inſtitution and Induction; and that can ſignify nothing here, becauſe the Benefice is good by Creation. The main Difficulty is as to ſeparating the Profits and the Cure which the Law ſuppoſes to go ſtill together, and ſo they ought to do in all common and ordinary Caſes; but the Queſtion is, Whether the Supreme Power may not diſpenſe with Reſidence for a Publick

Good. For which we are to conſider, (1.) That Church Revenues were at firſt in common, and the Biſhop had his ſhare out of the common Stock, and he allotted to the Presbyters as he ſaw convenient. (2.) The Settlement of Parochial Duties was not done by any Law at firſt, but according to the Diſcretion and Judgment of the Biſhops. For when the Tythes were firſt granted, it was here by the Laws of the ſeveral Kingdoms in the Heptarchy, without any formal Diviſion of Pariſhes, which was a Work of Time and Diſcretion. (3.) The Biſhopricks being ſufficiently endowed in thoſe times, the Biſhops did then part with their ſhares in the other Revenues of the Church, and left
Moor 905. them to the Parochial Clergy. (4.) Where Biſhopricks are mean and inſufficient, it is no unreaſonable thing to make a Proviſion for them, out of vacant Places in their Dioceſſes, or to continue their former Benefices for that End. (5.) The King hath by the Law a Power to diſpenſe in ſuch a Caſe, even before the Acts of *Supremacy*. Which *Ho-*
Hob. 147. *bart* calls *his natural Power of diſpenſing in Spiritualibus*, which he makes
Latch. 32. 244. to conſiſt in two Acts. 1. A Power to retain a Benefice with a Biſhop-
Noy 94. rick, 11 *H.* 4. 60. 2. To hold more Benefices at the ſame time, 11 *H.*
Jones 160. 7. 12. (6.) If the King hath a Prerogative by Promotion, that is not ſerved by ſuch a Diſpenſation. For the Power of diſpenſing is not by the Right of Promotion, being inherent in the Crown; and therefore what accrues by Promotion, muſt be ſubſequent to it. Juſtice *Hutton* went upon that Ground, that every *Commendam* was for Life however expreſſed; but *Hobart* ſo well ſaw the Diſtinction between them, that he looked on a *Commendam retinere*, but as a Diſpenſation in Law.

All the Difficulty lies in a *Commendam* for Life, whether that be not inſtead of the King's Turn to preſent. But here we muſt diſtinguiſh between the preventing an Avoidance, and the filling it up. In the *Commendam retinere*, there is only an Avoidance prevented by the King's Diſpenſation: But in a *Commendam* to take a vacant Benefice, there is an actual Avoidance, and the Place is to be filled with an Incumbent, which makes the Caſe much harder; for the Patron loſes a Turn upon
Vaugh. 27. an actual Vacancy; but in the other Caſe, as *Vaughan* well ſaith, *a Diſpenſation gives no Property, nor takes away any: But if a Man hath a Diſpenſation to hold his Benefice for three Years, when that time is expired,*
25. *the Benefice voids, as it would have done at the firſt, if there had been no Diſpenſation.*

Latch. 31. The laſt Caſe I ſhall mention is that of *Evans* and *Ayſcough*; which
Jones 158. aroſe upon *Thornbergh*, Dean of *York*, being made a Biſhop in *Ireland*, 36 *Eliz.* upon which he obtained a *Commendam retinere* for his Deanry: Some Years after he was removed to *Briſtol*, 1 *Jac.* and then gets another *Commendam* for the ſame Deanry. The point in Queſtion was,
Latc. 250. Whether a Commendatory Dean could confirm a Leaſe or not? And
Noy 94. after a ſolemn Debate, and ſeveral Arguments, the Judges agreed that the *Commendam* was good as to the Deanry, and not meerly as to the Profits; becauſe the King had the Power by Law to diſpenſe with holding it together with his Biſhoprick. And *Montague* Ch. Juſtice ſaid in
Moor 304. the former Caſe, that all the Judges were agreed that the King had
111. Power to grant a *Commendam.*

As to the Act of Parliament, in this Caſe I can ſee no Difficulty therein; for *the Intention* of it was not to found a Donation, but to continue the former Incumbent in his own Right, but as it was made a new Pariſh; and ſo it is but a kind of *Commendam retinere* by Act of Parliament. But it is unreaſonable to ſuppoſe that an Act of Parliament, which only deſigns *to ſettle* the Ordinary Turns of *preſenting* ſhould exclude the King's Right upon promotion. For whether the Pariſh be new or old ſignifies nothing in this Caſe; for the King's Right doth not ariſe from preſcription on particular Pariſhes, but from a general Reaſon which takes hold of every new Pariſh as well as old: For as ſoon as it becomes a Pariſh it is liable to all the common Incidents of parochial Churches. Of which this Right of preſenting upon promotion is one.

There are two Objections remain ſtill to be anſwered,

1. *That if this Prerogative be allowed, it will hold* toties quoties, *and ſo the Patron will loſe his Right without his Fault.* To this may be anſwered, that a poſſible *Inconvenience* in particular Caſes, which rarely happens, doth not take away a *General Right.* The Queſtion is, whether *the King* hath ſuch a Right or not; it is not, what will follow upon it; but whether it be ſo, or not. There are many things allowed in Law, which are never to be brought in Queſtion for *Inconveniencies* that may poſſibly happen. But all the Inconvenience in this Caſe is only poſſible, and not certain; and poſſible only as to Turns, and not as to the Right it ſelf.

Vaugh. 26.

2. *That St.* James'*s Church is a Donative by Act of Parliament, and ſo not ſubject to the Prerogative.* But this proceeds upon a Miſtake, as though a Benefice ſubject to Inſtitution, and Induction, could be made a Donative; whereas the very *Inſtitution* and *Induction*, takes away the Nature of a Donative; as *Coke* and others poſitively affirm. Now in this Caſe the Right of Advowſon goes along with the Act, and by it the *Patrons* are *inveſted with a Right* to preſent; how is this conſiſtent with a *Donative?* If there be a Right of *Preſentation*, and *the Incumbent* be liable to *Inſtitution* and *Induction*, and the Living to a Lapſe, it is impoſſible that it ſhould be a *Donative* created by Act of Parliament. But if it be made a *Benefice* like others, as appears by the Act, for what Reaſon ſhould it not be liable to the ſame Rights of promotion that others are?

1 Inſt. 344.
Cr. 2. 63.

But the King conſented to the Act. What then? He gave his Conſent to make it a new Pariſh; and to *ſettle the Rights* of Advowſon; but he did not as to the taking away any Right belonging to himſelf in Right of his Crown; and therefore cannot be excluded from it by this Act.

D

Good. For which we are to conſider, (1.) That Church Revenues
were at firſt in common, and the Biſhop had his ſhare out of the common
Stock, and he allotted to the Presbyters as he ſaw convenient.
(2.) The Settlement of Parochial Duties was not done by any Law at
firſt, but according to the Diſcretion and Judgment of the Biſhops. For
when the Tythes were firſt granted, it was here by the Laws of the
ſeveral Kingdoms in the Heptarchy, without any formal Diviſion of
Pariſhes, which was a Work of Time and Diſcretion. (3.) The Biſhopricks
being ſufficiently endowed in thoſe times, the Biſhops did then
part with their ſhares in the other Revenues of the Church, and left
Moor 905. them to the Parochial Clergy. (4.) Where Biſhopricks are mean and
inſufficient, it is no unreaſonable thing to make a Proviſion for them,
out of vacant Places in their Dioceſſes, or to continue their former
Benefices for that End. (5.) The King hath by the Law a Power to
diſpenſe in ſuch a Caſe, even before the Acts of *Supremacy*. Which *Hobart*
Hob. 147. calls *his natural Power of diſpenſing in Spiritualibus*, which he makes
Latch. 32. 244. to conſiſt in two Acts. 1. A Power to retain a Benefice with a Biſhoprick,
Noy 94. 11 *H.* 4. 60. 2. To hold more Benefices at the ſame time, 11 *H.*
Jones 160. *7.* 12. (6.) If the King hath a Prerogative by Promotion, that is not
ſerved by ſuch a Diſpenſation. For the Power of diſpenſing is not by
the Right of Promotion, being inherent in the Crown; and therefore
what accrues by Promotion, muſt be ſubſequent to it. Juſtice *Hutton*
went upon that Ground, that every *Commendam* was for Life however
expreſſed; but *Hobart* ſo well ſaw the Diſtinction between them,
that he looked on a *Commendam retinere*, but as a Diſpenſation in
Law.

All the Difficulty lies in a *Commendam* for Life, whether that be not
inſtead of the King's Turn to preſent. But here we muſt diſtinguiſh
between the preventing an Avoidance, and the filling it up. In the
Commendam retinere, there is only an Avoidance prevented by the King's
Diſpenſation: But in a *Commendam* to take a vacant Benefice, there is
an actual Avoidance, and the Place is to be filled with an Incumbent,
which makes the Caſe much harder; for the Patron loſes a Turn upon
Vaugh. 27. an actual Vacancy; but in the other Caſe, as *Vaughan* well ſaith, *a Diſpenſation
gives no Property, nor takes away any: But if a Man hath a
Diſpenſation to hold his Benefice for three Years, when that time is expired,*
25. *the Benefice voids, as it would have done at the firſt, if there had been no
Diſpenſation.*

Latch. 31. The laſt Caſe I ſhall mention is that of *Evans* and *Ayſcough*; which
Jones 158. aroſe upon *Thornbergh*, Dean of *York*, being made a Biſhop in *Ireland*,
36 *Eliz.* upon which he obtained a *Commendam retinere* for his Deanry:
Some Years after he was removed to *Briſtol*, 1 *Jac.* and then gets
another *Commendam* for the ſame Deanry. The point in Queſtion was,
Latc. 250. Whether a Commendatory Dean could confirm a Leaſe or not? And
Noy 94. after a ſolemn Debate, and ſeveral Arguments, the Judges agreed that
the *Commendam* was good as to the Deanry, and not meerly as to the
Profits; becauſe the King had the Power by Law to diſpenſe with holding
it together with his Biſhoprick. And *Montague* Ch. Juſtice ſaid in
Moor 304. the former Caſe, that all the Judges were agreed that the King had
111. Power to grant a *Commendam*.

As to the Act of Parliament, in this Caſe I can ſee no Difficulty therein;
for *the Intention* of it was not to found a Donation, but to continue
the former Incumbent in his own Right, but as it was made a
new

new Pariſh; and ſo it is but a kind of *Commendam retinere* by Act of Parliament. But it is unreaſonable to ſuppoſe that an Act of Parliament, which only deſigns *to ſettle* the Ordinary Turns of *preſenting* ſhould exclude the King's Right upon promotion. For whether the Pariſh be new or old ſignifies nothing in this Caſe; for the King's Right doth not ariſe from preſcription on particular Pariſhes, but from a general Reaſon which takes hold of every new Pariſh as well as old: For as ſoon as it becomes a Pariſh it is liable to all the common Incidents of parochial Churches. Of which this Right of preſenting upon promotion is one.

There are two Objections remain ſtill to be anſwered,

1. *That if this Prerogative be allowed, it will hold* toties quoties, *and ſo the Patron will loſe his Right without his Fault.* To this may be anſwered, that a poſſible *Inconvenience* in particular Caſes, which rarely happens, doth not take away a *General Right.* The Queſtion is, whether *the King* hath ſuch a Right or not; it is not, what will follow upon it; but whether it be ſo, or not. There are many things allowed in Law, which are never to be brought in Queſtion for *Inconveniencies* that may poſſibly happen. But all the Inconvenience in this Caſe is only poſſible, and not certain; and poſſible only as to Turns, and not as to the Right it ſelf. Vaugh. 26.

2. *That St.* James'*s Church is a Donative by Act of Parliament, and ſo not ſubject to the Prerogative.* But this proceeds upon a Miſtake, as though a Benefice ſubject to Inſtitution, and Induction, could be made a Donative; whereas the very *Inſtitution* and *Induction*, takes away the Nature of a Donative; as *Coke* and others poſitively affirm. Now in this Caſe the Right of Advowſon goes along with the Act, and by it the *Patrons* are *inveſted with a Right* to preſent; how is this conſiſtent with a *Donative?* If there be a Right of *Preſentation*, and *the Incumbent* be liable to *Inſtitution* and *Induction*, and the Living to a Lapſe, it is impoſſible that it ſhould be a *Donative* created by Act of Parliament. But if it be made a *Benefice* like others, as appears by the Act, for what Reaſon ſhould it not be liable to the ſame Rights of promotion that others are? 1 Inſt. 344. Cr. 2. 63.

But the King conſented to the Act. What then? He gave his Conſent to make it a new Pariſh; and to *ſettle the Rights* of Advowſon; but he did not as to the taking away any Right belonging to himſelf in Right of his Crown; and therefore cannot be excluded from it by this Act.

222.1.A.

A DISCOURSE *of the True* ANTIQUITY *of* LONDON, *and its State in the Roman Times.*

Tacit. Annal. 14. c. 33.

Londinium perrexit cognomento quidem Coloniæ non inſigne, ſed Copia Negotiatorum & Commeatuum maxime celebre, Ammian. Marcell. *l.* 27. *c.* 8. Londonium vetus Oppidum *&c.* Si quos imbellis Sexus, aut feſſa ætas, vel Loci Dulcedo detinuerat, ab hoſte oppreſſi ſunt.

§. 1. THE firſt mention we find of *London* is in *Tacitus*, where he ſpeaks of *Suetonius Paulinus* returning from the Aſſaults of *Mona*, (i. e. *Angleſey*) upon the Revolt of the *Britains*, and making his way thither, through the midſt of his Enemies. On which Occaſion he takes notice, *That* London *had not the Honour of being called a* Roman Colony, *but yet it was even then famous for its Number of Merchants, and all ſorts of Accommodations.* He doth not *celebrate* it for its *Antiquity*, as *Ammianus Marcellinus* doth long after; but for its great Conveniency for Trading, and the Pleaſantneſs of its *Situation.* For immediately after, giving an Account, how *Suetonius* was forced to forſake the place, for want of ſufficient Number of Soldiers to defend it, he adds, *That he took away as many of the Inhabitants as would remove into the Charge of his Army; but thoſe whom either Weakneſs or Age, or the Sweetneſs of the Place kept behind, were deſtroyed by the Enemy.* This *Enemy* was *the Britiſh Army* under the Command of *Boadicea*, the Relict of *Praſutagus* King of the *Iceni*; who being very ill uſed by the *Romans*, to whoſe Protection their dying King had left them, took up Arms under the Conduct of *Boadicea*; and ſoon drew in the *Trinobantes* to join with them. For, now they diſcerned, that the *Roman's* Deſign was to reduce them to Slavery, under the pretence of making them a *Roman Province*; and to this end they had lately *ſettled* a *Colony* of *Veterans* at *Camalodunum*, where they drove out the *Britains*, and took poſſeſſion of their Houſes, and Lands, and *erected* a *Temple* to *Claudius*, and ſet up *the Image* of *Victory*, and made *ſuch Prieſts, as might exhauſt the* Britains *under a ſhew of Religion.* Theſe things, together with the inſolent Behaviour of the *Veterans*, and *the Roman* Soldiers towards the *Inhdbitants*, ſo highly provoked them, that they reſolved to ſell *their Liberties* at a dearer rate than the *Roman* Governours imagined. And ſo taking Advantage of the Abſence of *the Roman Army*, and the Security of the New *Colony*, the *Britains* in great Multitudes fell upon it, and burnt down the greateſt part of it; only the *Temple* eſcaped, whither *the Soldiers* fled, which after two days *Siege* was taken. Then they marched againſt *Petilius Cerealis*, and beat the *9th Legion*; killing *the Foot*, and making *the Horſemen* fly to their Camp; the noiſe of which Overthrow had a very different Effect on *two Roman Officers*: For, it made *Decianus Catus, the Procurator*, haſten into *Gaul*, and *Suetonius Paulinus* to return with all poſſible ſpeed to *London*. Being come thither with great Difficulty, he debated with himſelf, whether he ſhould make *London* the Seat of the War, or not. But upon conſideration, he found his Forces not great enough to defend it; and therefore giving notice to as many to depart as had a mind to it, he abandoned *the City*, chooſing rather to *ſacrifice that*, than to hazard all. And ſo *London* fell under *the ſevere uſage* of the inraged *Britains*: For as many as *were left were deſtroyed.* The ſame Diſaſter befell the *Roman Municipium* at *Verulam*; for the *Britains* in *that*

that Heat, did not ſtay to beſiege *Caſtles* and *Fortifications*, but ran thither, where the greateſt Prey was; not ſparing the Lives of any who came under *their Power*, who were ſo many, that *Tacitus* reckons *ſeventy thouſand Citizens and Confederates who were killed in theſe Places.* But *Dio* ſaith, *that in this Inſurrection the* Britains *deſtroyed two Cities, and* 80000 *Men.* And by comparing *Dio* and *Tacitus* together, it appears that *London* was one of theſe *Cities*, and very well inhabited then; which was above 1622 Years ago. From hence we may reaſonably conclude, that *London* was *at that time* a *Roman City*; and inhabited either by *Citizens* of *Rome*, or ſuch as were confederated with them. But it was of a *different Nature* from *the Roman Colony* at *Camalodunum*; or *the Municipium* at *Verulam*; and yet no *Præfecture*, as Mr. *Camden* ſuppoſes. For that was a *State* of hardſhip and ſervitude, the People having no Laws, or Magiſtrates of their own; to which ſeveral *Cities* in *Italy* were reduced for *their Falſeneſs*, or *Ingratitude* to *the Roman State*, as *Sigonius* hath truly obſerved; but I ſee no ground to ſuſpect, that *London* was *treated* otherwiſe than with great Kindneſs by the *Romans*; all *the Hardſhip it then ſuffered*, being from *the Britains.*

Dio in Xiphil. Crit. *p.* 168.

Britan. *p.* 304.

Sigon. de Jure Ital. *l.* 2. *c.* 10.

But becauſe this may look like a ſtrange *Paradox* to thoſe, who from our common Hiſtorians believe *London* to have been an ancient *Britiſh City*, long before *Cæſar*'s coming, I ſhall therefore endeavour to clear *this Matter*, by an Enquiry,

(1.) Into the true Original of *London*.
(2.) Into its *State* and *Condition* during the *Roman* Government.

And when I have diſpatched theſe two I ſhall conſider,

(3.) Whether there were any Temple of *Diana* ſtanding in that part of the City, where the Foundations of St. *Paul*'s Cathedral are laid.

This is *the Method* which I intend to purſue in the following Diſcourſe.

I begin with the Original of the City of *London*; which I deſign to prove to have been firſt built by the *Romans*, and that by ſhewing,

(1.) That there was no ſuch *City* when the *Romans* came firſt to conquer *Britain*.
(2.) That the other *Britiſh Cities* mentioned by the *Britiſh Hiſtorians*, were no elder than the *Romans ſettling here*; and therefore it is not probable that *London* alone ſhould be of greater *Antiquity*.

(1.) To prove that there was no ſuch City, when *the Romans* came to conquer *Britain*: I need no more than to ſhew, that there is not the leaſt mention of it, in the *Expedition* of *Cæſar* or *Claudius*, and yet it was impoſſible to have avoided it, if there had been ſuch a *City* then. When *Cæſar* came over into *Britain*, he ſaith, he deſigned to underſtand as much as he could concerning it; and then he was certainly able to give an Account of *the Cities* and *Towns here*. And both theſe are mentioned by him: In one place he ſpeaks of the *ſeveral Cities*

ties of Britain, *which ſent their Embaſſadours, and offered Hoſtages to him*; and in another, *that at his going away the Princes met, and commended themſelves, and their Cities to his Protection*; again he mentions, *the Maritime Cities of* Britain; *the Cities* Claſſivelaun *had war with*; *and the ſtrong City of the* Trinobantes: So that one would think *Britain* had rather more Cities, than *Geoffrey* of *Monmouth* gives it. But all this ariſes from want of conſidering the Propriety of *Cæſar*'s Expreſſions; for he doth not take a *City* for a *Place*, but for a *People*, united under one Government, having Laws and Privileges peculiar to themſelves. And I do not remember one Paſſage in *Cæſar*, where he uſeth *civitas* in another Senſe. But if a *People* ſo united had other leſſer Diviſions; thoſe were called *Pagi* by him; ſo he ſaith, *the City of the* Helvetians *was divided into* 4 Pagi, *i. e.* ſo many *Cantons*, and ſo the *Pagus Tigurinus* is ſaid by him to be *a part of the City of the* Helvetians. Thence *Joſeph Scaliger* obſerves the French word *Pais* to be taken: And thence the *Germans* uſe *Paguus* for the ſame, which we mean by a *County*. So *Ammianus Marcellinus* ſpeaks of the *Pagi Alamannorum*, which among the *Germans*, ſaith *Freherus* were generally divided by Rivers; for by them as *Tacitus* takes notice, the old *Germans* were wont to ſeat themſelves not in any Cities; for, ſaith he, they would not bear any Houſes being joined together; but they had ſeparate Habitations near the Head of a River, a Wood, and a Plain. *Meibomius* and others, after *Feſtus*, derive the Name *Pagi* from the *Dorick*, παγὰ a Fountain; and ſo thoſe who drank together of the ſame Fountain were *Pagani*; which Name at laſt remain'd to thoſe who worſhiped the *Fountains*; and ſo came to be applied to the *Heathens*; which is ſo called from the *German Heiden*, which ſignifies a *Heathy Ground*, where they worſhipped the *Trees*; theſe two being the laſt Monuments of *Heathen Idolatry* in theſe parts of the World. The *Pagi* among the old *Saxons* were called *Schyres*, ſaith the ſame *Meibomius*; for which *Lindenbrogius* quotes the old *Saxon MSS. Gloſſaries*; and theſe *Pagi* as *Bignonius* obſerves, had generally the *Comites* preſiding over them; whoſe reſidence was, ſaith *Freherus*, *in Burgo*: *i. e.* in *a fortified Place*; for ſo in *Cyril*'s *Gloſſary* πύργος is rendred *Burgos*; and here was the publick *Hall*, or Meeting for Juſtice. Which in time was the Original of many Cities, when Perſons thought it moſt convenient to live near the Place of Buſineſs and Government, promiſing themſelves greater Security and Protection, under the Eye of the Magiſtrate. And moſt of the Cities of *Europe* have riſen one from of theſe 3 Cauſes either from *Roman Colonies*, as the moſt conſiderable Cities in *Gaul* and *Spain* have come from them; when *Auguſtus* as *Dio* ſaith, ſent ſo many Colonies thither; or from *Merchandice*; when Perſons for the Conveniency of Trading, found it neceſſary to live together upon ſome great River, or near the Sea; which was the Riſe of thoſe Cities called *Emporia*, or *Trading Colonies*; or laſtly, for *Security*, when they found themſelves expoſed to ſo many Hazards in their ſcattered and diſperſed Habitations, and therefore thought fit to live together under Laws and Government. Such a fortified Place among the *Britains*, *Cæſar* calls by the Name of *Opidum*, or *Oppidum*; which according to *Varro* and *Feſtus* had its Name from the *mutual help* Men gave to one another and the works made for its Defence. Such an *Opidum Cæſar* ſaith *Caſſivelaun*'s was: *viz.* a large Compaſs of Ground with Cattel and Hutts in it, and ſurrounded with Woods and Boggs, or fenced with a Mound and a Ditch. This *Caſſivelaun*,

Cæſar. Comment. l. 4. p. 143. Ed. Montan. p. 149. l. 5. p. 166. p. 174.

V. Bergier Hiſtoire de Gr. Chimins de l' Empire. l 4. c. 8.

L. 1. Scalig. Lection. Auſon. l. 1. c. 23. Am. Marcell. l. 18. c. 2. Marq. Fre. Orig. Palet. c. 5. Tacit. de Morib. Germ. Meib. de Sax. Pag.

Lindenbr. Gloſſ. ad Cod. LL. Antiq. Bignon. ad Marculphi Form. l. 1. c. 28.

Dio. l. 54.

Cæſar. l. 5. p. 175.

velaun, whom *Dio* calls *Suellan*, leaving out the firſt part of his Name, and ſaith, he was the greateſt of the Princes of *Britain*, and was at that time King of the *Trinobantes*, after his deſtroying *Immanuentius*; and the *Thames* was the Boundary of his Kingdom, as *Cæſar* tells us. If therefore there was then ſuch a City, as *London* is deſcribed by *Geoffery*, how came *Caſſivelaun* not to retreat thither when he was purſued by *Cæſar?* For, if *Geoffrey* ſays true, *Lud* repaired the Walls of *London*, and compaſſed it about with innumerable Towers; and commanded the Citizens to build their Houſes in ſuch a Manner, as there was not a fairer City in many Countries, and it was from him called *Caerlud*, and by Corruption of the word *Caerlondon*, (but in *Nennius* and *Huntingdon*, it is *Cair Lundein.*) A late learned Man conjectures that this was called by *Cæſar Trinobantes*, becauſe the Name of *London* was not yet received, there being a Quarrel between *Lud* and *Nennius* about the Change of the Name; or *Lud* being Brother to *Caſſivelaun*, he would not make uſe of it. I confeſs, if thoſe ancient MSS. of this *Nennius*, or of *Gildas Cambrius* about this diſpute could be once brought to light, (although *Boſton* of *Bury* and *Leland*, never had the Fortune to hear of them) there might be ſome hopes to obtain greater Satisfaction about theſe remote Antiquities of *London*; but as things are, I cannot be convinced that *Cæſar* could be ſo wonderfully miſtaken about *Caſſivelaun*'s Town, as not to diſtinguiſh between a Wood and a City; and between Boggs and Towers. The truth is, *Geoffrey*'s Relation and *Cæſar*'s can never ſtand together; not only as to *London*, but as to his whole Expedition: For he not only makes *Caſſivelaun* to beat *Cæſar* out of *Britain* the firſt time, but the ſecond alſo. For, ſaith he, upon the firſt notice of his ſecond coming, he fortified his Cities, and repaired the Walls, and placed Souldiers in the Ports, and put Iron Stakes in the *Thames*, (not to hinder his Paſſage over, as *Cæſar* ſaith) but his coming up the *Thames* to *Ternovant*, (ſo he calls *London*) which did ſuch miſchief to his Ships that he was forced to land his Men; and there was ſo over-powred by *Caſſivelaun*, that he fled to his Ships, and returned to the Coaſt of the *Morini*. Upon this, *Caſſivelaun* appoints a ſolemn day of Triumph in the City of *Ternovant* with his Nobles; where a quarrel happened between *Androgeus* Son to *Lud* and *Caſſivelaun*; which proceeded ſo high that the former invited *Cæſar* over again, and ſent his Son as a Hoſtage to him, and the other laid Siege to *Ternovant*; then *Cæſar* came, and by the help of *Androgeus* had the better of *Caſſivelaun*, who by his means was reconciled to *Cæſar*, and ſo *Britain* was brought under Tribute to the *Romans*. This is the ſhort of *Geoffrey*'s Account of theſe Matters. Here we find *Cæſar* attempting to ſurprize *London*, and *Caſſivelaun*'s Triumph in it, and that he afterwards beſieged it, but upon *Cæſar*'s landing, marched off to meet him. And it is reaſonable to ſuppoſe, if *London* were ſo great a City then, that the great Scene of War and Peace muſt be acted there. But how then comes it to paſs, that *Cæſar* himſelf takes not the leaſt notice of any ſuch City? He tells us, he came up to the *Thames*, croſſed over it with his Army, purſued *Caſſivelaun* to his Faſtneſs, which he called a *Town*, beat him out of it, brings him to Submiſſion, charges him not to meddle with *Mandrabatius*, or the *Trinobantes*, takes Hoſtages, and ſo leaves *Britain*. How could all theſe things happen ſo near the *Thames*, and when *Caſſivelaun* was forced to retreat, and yet no mention at all of ſuch a ſtrong City ſo near at hand as *Lud* had made *London?* Sup-

poſe

Galfr. Monum. Hiſt. Brit. l. 1. c. 22. Ed. Bad. Aſc. Sheringh. de Angl. gentis Orig. p. 21.

Galfred c. 23.

c. 24.

ties of Britain, *which ſent their Embaſſadours, and offered Hoſtages to him*; and in another, *that at his going away the Princes met, and commended themſelves, and their Cities to his Protection*; again he mentions, *the Maritime Cities of* Britain; *the Cities* Claſſivelaun *had war with*; *and the ſtrong City of the* Trinobantes: So that one would think *Britain* had rather more Cities, than *Geoffrey* of *Monmouth* gives it. But all this ariſes from want of conſidering the Propriety of *Cæſar*'s Expreſſions; for he doth not take a *City* for a *Place*, but for a *People*, united under one Government, having Laws and Privileges peculiar to themſelves. And I do not remember one Paſſage in *Cæſar*, where he uſeth *civitas* in another Senſe. But if a *People* ſo united had other leſſer Diviſions; thoſe were called *Pagi* by him; ſo he ſaith, *the City of the* Helvetians *was divided into* 4 Pagi, *i. e.* ſo many *Cantons*, and ſo the *Pagus Tigurinus* is ſaid by him to be *a part of the City of the* Helvetians. Thence *Joſeph Scaliger* obſerves the French word *Pais* to be taken: And thence the *Germans* uſe *Paguus* for the ſame, which we mean by a *County*. So *Ammianus Marcellinus* ſpeaks of the *Pagi Alamannorum*, which among the *Germans*, ſaith *Freherus* were generally divided by Rivers; for by them as *Tacitus* takes notice, the old *Germans* were wont to ſeat themſelves not in any Cities; for, ſaith he, they would not bear any Houſes being joined together; but they had ſeparate Habitations near the Head of a River, a Wood, and a Plain. *Meibomius* and others, after *Feſtus*, derive the Name *Pagi* from the *Dorick*, παγὰ a Fountain; and ſo thoſe who drank together of the ſame Fountain were *Pagani*; which Name at laſt remain'd to thoſe who worſhiped the *Fountains*; and ſo came to be applied to the *Heathens*; which is ſo called from the *German Heiden*, which ſignifies a *Heathy Ground*, where they worſhipped the *Trees*; theſe two being the laſt Monuments of *Heathen Idolatry* in theſe parts of the World. The *Pagi* among the old *Saxons* were called *Schyres*, ſaith the ſame *Meibomius*; for which *Lindenbrogius* quotes the old *Saxon MSS. Gloſſaries*; and theſe *Pagi* as *Bignonius* obſerves, had generally the *Comites* preſiding over them; whoſe reſidence was, ſaith *Freherus*, *in Burgo: i. e.* in *a fortified Place*; for ſo in *Cyril's Gloſſary* πύργος is rendred *Burgos*; and here was the publick *Hall*, or Meeting for Juſtice. Which in time was the Original of many Cities, when Perſons thought it moſt convenient to live near the Place of Buſineſs and Government, promiſing themſelves greater Security and Protection, under the Eye of the Magiſtrate. And moſt of the Cities of *Europe* have riſen one from of theſe 3 Cauſes either from *Roman Colonies*, as the moſt conſiderable Cities in *Gaul* and *Spain* have come from them; when *Auguſtus* as *Dio* ſaith, ſent ſo many Colonies thither; or from *Merchandice*; when Perſons for the Conveniency of Trading, found it neceſſary to live together upon ſome great River, or near the Sea; which was the Riſe of thoſe Cities called *Emporia*, or *Trading Colonies*; or laſtly, for *Security*, when they found themſelves expoſed to ſo many Hazards in their ſcattered and diſperſed Habitations, and therefore thought fit to live together under Laws and Government. Such a fortified Place among the *Britains*, *Cæſar* calls by the Name of *Opidum*, or *Oppidum*; which according to *Varro* and *Feſtus* had its Name from the *mutual help* Men gave to one another and the works made for its Defence. Such an *Opidum Cæſar* ſaith *Caſſivelaun*'s was: *viz.* a large Compaſs of Ground with Cattel and Hutts in it, and ſurrounded with Woods and Boggs, or fenced with a Mound and a Ditch. This *Caſſi-*

velaun,

Cæſar. Comment. l. 4. p. 143. Ed. Montan. p. 149. l. 5. p. 166. p. 174.

V. Bergier Hiſtoire de Gr. Chimins de l' Empire. l 4. c. 8.

L. 1. Scalig. Lection. Auſon. l. 1. c. 23. Am. Marcell. l. 18. c. 2. Marq. Fre. Orig. Palet. c. 5. Tacit. de Morib. Germ. Meib. de Sax. Pag.

Lindenbr. Gloſſ. ad Cod. LL. Antiq. Bignon. ad Marculphi Form. l. 1. c. 28.

Dio. l. 54.

Cæſar. l. 5. p. 175.

velaun, whom *Dio* calls *Suellan*, leaving out the firſt part of his Name, and ſaith, he was the greateſt of the Princes of *Britain*, and was at that time King of the *Trinobantes*, after his deſtroying *Immanuentius*; and the *Thames* was the Boundary of his Kingdom, as *Cæſar* tells us. If therefore there was then ſuch a City, as *London* is deſcribed by *Geoffery*, how came *Caſſivelaun* not to retreat thither when he was purſued by *Cæſar*? For, if *Geoffrey* ſays true, *Lud* repaired the Walls of *London*, and compaſſed it about with innumerable Towers; and commanded the Citizens to build their Houſes in ſuch a Manner, as there was not a fairer City in many Countries, and it was from him called *Caerlud*, and by Corruption of the word *Caerlondon*, (but in *Nennius* and *Huntingdon*, it is *Cair Lundein.*) A late learned Man conjectures that this was called by *Cæſar Trinobantes*, becauſe the Name of *London* was not yet received, there being a Quarrel between *Lud* and *Nennius* about the Change of the Name; or *Lud* being Brother to *Caſſivelaun*, he would not make uſe of it. I confeſs, if thoſe ancient MSS. of this *Nennius*, or of *Gildas Cambrius* about this diſpute could be once brought to light, (although *Boſton* of *Bury* and *Leland*, never had the Fortune to hear of them) there might be ſome hopes to obtain greater Satisfafaction about theſe remote Antiquities of *London*; but as things are, I cannot be convinced that *Cæſar* could be ſo wonderfully miſtaken about *Caſſivelaun*'s Town, as not to diſtinguiſh between a Wood and a City; and between Boggs and Towers. The truth is, *Geoffrey*'s Relation and *Cæſar*'s can never ſtand together; not only as to *London*, but as to his whole Expedition: For he not only makes *Caſſivelaun* to beat *Cæſar* out of *Britain* the firſt time, but the ſecond alſo. For, ſaith he, upon the firſt notice of his ſecond coming, he fortified his Cities, and repaired the Walls, and placed Souldiers in the Ports, and put Iron Stakes in the *Thames*, (not to hinder his Paſſage over, as *Cæſar* ſaith) but his coming up the *Thames* to *Ternovant*, (ſo he calls *London*) which did ſuch miſchief to his Ships that he was forced to land his Men; and there was ſo over-powred by *Caſſivelaun*, that he fled to his Ships, and returned to the Coaſt of the *Morini*. Upon this, *Caſſivelaun* appoints a ſolemn day of Triumph in the City of *Ternovant* with his Nobles; where a quarrel happened between *Androgeus* Son to *Lud* and *Caſſivelaun*; which proceeded ſo high that the former invited *Cæſar* over again, and ſent his Son as a Hoſtage to him, and the other laid Siege to *Ternovant*; then *Cæſar* came, and by the help of *Androgeus* had the better of *Caſſivelaun*, who by his means was reconciled to *Cæſar*, and ſo *Britain* was brought under Tribute to the *Romans*. This is the ſhort of *Geoffrey*'s Account of theſe Matters. Here we find *Cæſar* attempting to ſurprize *London*, and *Caſſivelaun*'s Triumph in it, and that he afterwards beſieged it, but upon *Cæſar*'s landing, marched off to meet him. And it is reaſonable to ſuppoſe, if *London* were ſo great a City then, that the great Scene of War and Peace muſt be acted there. But how then comes it to paſs, that *Cæſar* himſelf takes not the leaſt notice of any ſuch City? He tells us, he came up to the *Thames*, croſſed over it with his Army, purſued *Caſſivelaun* to his Faſtneſs, which he called a *Town*, beat him out of it, brings him to Submiſſion, charges him not to meddle with *Mandrabatius*, or the *Trinobantes*, takes Hoſtages, and ſo leaves *Britain*. How could all theſe things happen ſo near the *Thames*, and when *Caſſivelaun* was forced to retreat, and yet no mention at all of ſuch a ſtrong City ſo near at hand as *Lud* had made *London*? Suppoſe

Galfr. Monum. Hiſt. Brit. l. 1. c. 22. Ed. Bad. Aſc.

Sheringh. de Angl. gentis Orig. p. 21.

Galfred c. 23.

c. 24.

poſe *Caſſivelaun* purpoſely withdrew to prevent the Spoil of ſo fine a City; yet how came *Cæſar* not to viſit it in his Return, nor once to ſpeak of it, to heighten the Glory of his Enterprize? For he was concerned in point of Reputation to make as much of it as he could; ſince ſome of the great Men at *Rome* wonder'd at his Deſign in going over into *Britain*, and hazarding the *Roman* Legions upon ſo ſlender a Pretence; as the Suſpicion that ſome *Britains* aſſiſted the *Gauls*. What could more vindicate his Honour in it, than to let the *Romans* underſtand how many Cities there were in *Britain*, and above all the reſt, one that did outvy moſt other Cities in the World; which had been newly fortified and adorned with many beautiful Towers but a little before his going for *Britain*? They who conſider how punctual *Cæſar* is in giving Account of all the conſiderable Places he met with in *Gaul*, their Camps, Fortifications, and ſuch Cities as they had, cannot imagine that he ſhould wholly leave out ſuch a City as *London*, if it had been then in being? So that *Cæſar*'s Silence ſignifies far more in his Circumſtances againſt *London* at that time, than all the Teſtimonies yet produced can do for it. But this is not mere ſilence in *Cæſar*; for he tells us, what kind of *Towns* the *Britains* then had, *viz.* nothing but ſome Fortifications by Woods, and Boggs, and Ditches, wherein they endeavoured to ſecure themſelves in Caſe of War; but at other times they had ſcattered Houſes like the *Germans* and *Gauls*; and as *Iſ. Caſaubon* obſerves from *Cæſar*, *the Houſes of the* Gauls *were then nothing but thatched Cottages.* And *Diodorus Siculus* ſaith, *the Habitations of the* Britains *conſiſted of Reeds and Sticks put together.* *Strabo* gives an elegant Deſcription of the Cities of the *Britains*, when he ſaith, *they incloſed a large Piece of Ground with the Bodies of Trees, and therein they ſet up their Cottages and Stables for their Cattle, which were intended for no long Continuance.* For as *Herodian* ſaith of the *Germans*, *their Habitations were ſo mean, becauſe they did not underſtand the way of building by Stone or Brick:* Which the *Romans* inſtructed theſe parts of the World in, and ſo became the great Inſtruments of building Cities and Temples. And *Tacitus* in the Life of *Agricola* takes notice, that whereas the *Britains* lived *rude and diſperſed, he inſtructed and aſſiſted them in building Temples and Houſes, and Forums, or Places of Publick Reſort.* But what need all this Care, if the *Britains* had ſo many Cities, and ſo well built, before ever the *Romans* ſet foot in *Britain*? And if that be true, not only *Cæſar*, but all the other *Roman* Hiſtorians carried on the ſame uniform Deſign to make Poſterity believe the *Old Britains* lived *rude* and *diſperſed*, as other Neighbouring Nations did, whereas in truth they had 28 famous Cities, and *London* in the Head of them; which in thoſe times was called *Troynovaunt*; the place being choſen out by *Brutus* as the fitteſt to build *New Troy* in, becauſe of its admirable Situation.

Caſaub. in Strab. l. 4.
Diod. Sic. l. 4.
Strab. Geogr. l. 4.
Herod. l. 7. p. 591. ed. Sylb.
Tacit in Vit Agric.

The next conſiderable Expedition into *Britain* was that of *Claudius*. For, after *Cæſar*'s *Attempt* rather than *Conqueſt*, (having gone no farther than thoſe he calls *The Maritime Cities*, which were peopled from *Gaul*, among whom *Comius* King of the *Atrebates* had ſo great ſway) the following Emperours would not concern themſelves about the Affairs of *Britain*. *Auguſtus*, as *Dio* tells us, once gave out at *Rome*, that he intended an Expedition into *Britain*, and great preparation was made for it, but being come into *Gaul*, Embaſſadors went from the *Britains* to him, who accepted their Terms of Submiſſion, his chief deſign

Strab. l. 4.
Tacit. Vit. Agric.
Dio, l. 53.

being to ſettle the Provinces of *Gaul* and *Spain*. And afterwards *Strabo* ſaith, That there was a fair Correſpondency in his time, between the Kings of *Britain* and *Auguſtus*; they courting his Favour by Preſents which they ſent to the Capitol. It is certain, there was no *Roman* Garriſon here, and *Strabo* gives two reaſons for it; one is, That it would hardly quit coſt; for at the leaſt, there muſt be a whole Legion beſides Horſe, which would more than eat out the Profit that came by it; another is, That it would but provoke and exaſperate the *Britains* more: And therefore the *Romans* accepted a very eaſie Tribute from them; ſuch as lay in thoſe ſmall Commodities of Ivory and Amber, and ſuch like, which they ſent over into *Gaul*.

Strab. *l.* 4.

It ſeems that when *Auguſtus* ſet Bounds to the *Roman* Empire, *Britain* was left out of it; and therefore little notice was taken of it in the Reign of *Tiberius*, who as *Tacitus* obſerves, followed *Auguſtus* his Judgment therein, and made it a Rule to himſelf. But in the time of *Caligula*, *Adminius* Son of *Cunobelin*, being driven out by his Father made Application to him, who thereupon undertook his ridiculous Expedition, remarkable for nothing but the famous *Watch Tower*, which he built on the Shore: Which ſome Learned Men take to be the *Arx Britannica* formerly ſtanding on the Banks of *the Rhine*. Others, *the Tower on the Port of* Bolein, which *Bucherius* ſaith, he examined with great care, and found it to be a *Roman* Work; and he thinks it the moſt noble Monument of *Roman Antiquity* on this ſide *the Alps*. *Malbranch* ſaith, The *French* call it *Tour d'Ordre*; which by *the middle Age Writers* was called *Odrans*, and before that *Ordans*, which he ſuppoſes to be taken from *Turris ardens*, becauſe it was a *Pharus*, or Watch-Tower for thoſe who ſailed upon thoſe Coaſts.

Tacit. Vit. Agric.
Suet. Vit. Calig. *c.* 44.
Jun. Batav. *c.* 10.
Camden. Brit. *p.* 29. 852.
Selden. Mare Cl. *l.* 2. *c.* 3.
Bucher. Belg. Roman. *l.* 4. *c.* 10. *n.* 13, 14.
Malbranc. de Morinis Tom. 1. *l.* 2. *c.* 5.

But *Claudius* began the moſt memorable Expedition into *Britain* in his 4th Year, as *Oroſius* computes it, which gave a mighty turn to the Affairs of *Britain*. It happen'd that *Claudius* was very ambitious of a Triumph, but wanted a good Occaſion for it; and there being then in *Rome* one *Beticus*, as *Dio* relates it, who was a *Britain*, and baniſhed for Sedition, he perſwades *Claudius* to undertake the Conqueſt of *Britain*; the *Britains* being then tumultuous, becauſe the *Romans* did not ſend back their Fugitives, ſuch as *Beticus* himſelf was. *Claudius* not a *little* glad of the Opportunity, ſends away *A. Plautius*, then *Pretor*, with a good Army into *Gaul*; and not without great difficulty he perſwades his Army to venture into *Britain*; where *Cæſar* had much adoe to maintain his *Reputation*, and returned, as *Dio* ſaith, with the Glory of having made an *Expedition* into *Britain*, having rather frighted the *Britains* than ſubdued them, as both *Dio* and *Tacitus* inſinuate; however, the *Romans* in great civility, decreed him a Supplication of 29 Days, for the Honour rather of a *Diſcoverer* than of a *Conqueror*. The *Britains* hearing of the Diſorders in the *Roman* Army, thought themſelves ſecure; and therefore when *A. Plautius* landed with his Forces, being not in a condition to reſiſt them, they thought it Wiſdom to retire into their Woods and Boggs, hoping by that means to tire them out, as, ſaith *Dio*, they had done *Julius Cæſar*.

Oroſ. *l.* 7. *c.* 6.
Dio, *l.* 60.
Sueton. in Claud. *V.* 17.
Dio, *l.* 39.
Tacit. Vit. Agric.

The *State* of the *Britains*, as he tells us, then was *Monarchical*, but under divers Kings; who had ſuch ſmall Principalities, that *Cæſar* himſelf ſaith, there were Four in *Kent* alone, *Cingetorix*, *Carnilius*, *Taximagalus*, and *Segonax*; but all theſe at that time were in ſubjection to *Caſſivelaun*, who commanded in chief for that War; and ſent his Or-

Cæſar. *l.* 5.

ders to them, which they readily obeyed. But at this time, they had Tacit. Vit. Agric. not conſulted or could not agree upon a Supreme; which, as *Tacitus* obſerves, proved at laſt the Ruin of the *Britains*, not being united under one common Head; for while each fought for himſelf, they were Strab. *l.* 4. all deſtroyed. *Strabo* ſaith, the *Britains* lived under ſeveral Dynaſties; Diod. *l.* 4. and *Diodorus Siculus* to the ſame purpoſe, that they had many Kings Mela. *l.* 3. c. 6. and Lords among them; and ſo likewiſe *Pomponius Mela*; but theſe two differ very much in the Conſequences of this *Government:* For *Diodorus* ſaith, they generally lived peaceably together; and the other juſt Jornand. de rebus Get. *c.* 2. contrary, with whom *Jornandes* agrees; and which is more, *Tacitus* confirms it; who adds, that it was a rare thing for them to unite their Councils or Forces; all *little Governments* being weak and diſtruſtful; and although unable to defend themſelves, yet had rather periſh than yield to an Equal.

This was too much the Caſe of the *Britains*, upon the Invaſion of *the Roman Army*; all their buſineſs was, not to unite together to make Head againſt a common Enemy, but to ſhift for themſelves, by which means they were conquered almoſt as ſoon as diſcovered; as appeared by the flying of *Caratacus* and *Togodumnus*, Sons of *Cunobelin*; and after *the Battle* with *C. Sidius Geta*, *Dio* ſaith, the *Britains* made as faſt as they could towards the Mouth of the *Thames*, where they ſecured themſelves in the Marſhes for a time, till at laſt the *Romans* found a way to them, and made great ſlaughter among them, not without a conſiderable loſs to themſelves. But the *Britains* being now made deſperate, were ſo far from being diſcouraged by the Death of *Togodumnus* that they were reſolved to revenge his Death, and to make a ſtanding War of it. And now, according to his Inſtructions, *A. Plautius* ſends word to *Claudius* of *the preſent State* of his *Affairs* here, and that it would be a ſeaſonable time for him to appear in the Head of his Army. Who immediately diſpatches all things in order to a ſolemn Expedition, and coming into *Britain* finds the *Roman* Army waiting for him, on the ſide of the *Thames*, and the *Britains* on the other ſide; and then, ſaith *Dio*, croſſing the *Thames* he fought the *Britains* and overcame them, and then took in *Camalodunum* the Royal Seat of *Cunobelin. Suetonius* very ſpitefully, will not allow one Blow to be given, nor a drop of *Blood* to be ſhed while *Claudius* was here; but he grants he made a magnificent Triumph upon *the Victory* over the *Britains*. Whether *the Battle was fought* before or after *Claudius*'s coming is not material to my Buſineſs; but I ſee no reaſon to miſtruſt *Dio*, who is ſo particular in his Relation, and had ſeen what *Suetonius* had ſaid. But that which I obſerve is, That all this while, when the *Seat* of *the War* was about *the Thames*, there is not the leaſt *intimation* given of ſuch a *City* as *London*; which could not have been avoided, if it had been then built. For why ſhould not the *Britains* have *retreated thither*; and the *Romans* have laid Siege to it? Why, after *the Battle* ſhould not that much rather have been mentioned than *Camalodunum* as the Royal Seat of *Cunobelin*. And ſince *Vanity and Oſtentation* led *Claudius* hither, why ſhould we imagine the Name of the greateſt City in *Britain* ſhould be concealed? What an Addition had this been to *the Pomp of his Triumph*, to have had *the Rrepreſentation* of ſo famous a City as *London* is Strab. *l.* 3. ſaid to have been at that time? For ſo *Strabo* ſaith, The *Cuſtom* was *in Triumphal Pomps to ſet forth in glorious Scenes the Places they had ſubdued.* And beſides, there is not the leaſt mention of it in the *following Proſecution*

tion of this War under the *Roman Lieutenants*, although *Veſpaſian* fought, as *Suetonius* confeſſeth, *thirty Battles* with the *Britains*, took 20 of their Towns (or fortified Places) and ſubdued *two whole Nations* and the Iſle of *Wight*.

Suet. in Veſpaſ. c. 4.

The only conſiderable *Objection* againſt the former Diſcourſe is from a certain *Coin* mentioned by *Camden*, among thoſe of *Claudius* relating to *Britain*; wherein on one ſide is nothing legible but *Britannicus*, in great *Letters*; and on the other, *Metropolis Etyminii Regis*, as he reads it; and then there are two Syllables on the Reverſe, ΒΑ ΛΟ. in that of *Octavius Strada*, which ſome have ingeniouſly conjectured to ſtand in *the Greek* for ΒΑΣΙΛ. ΛΟΝΔ. and ſo to be a plain Evidence that *London* was then a *Metropolis*, and this *Etyminius* King of it. But there are ſeveral things which keep me from being ſo tranſported with this Conjecture, as the Authors I mention are. For (1.) The reading of the Reverſe is very uncertain. *Camden*'s Coin had not ſo much as that of *Octavius Strada*; and thoſe Readings produced by *Occo*, *Ortelius*, *Triſtan* and *Spanhemius* are very different. *Triſtan* refers it to ΕΠΙΝΙΟΝ ΒΑΛΟΙΩΝ, *Epineium* being a Maritime City of *Macedonia*; but ſaith *Spanhemius*, he hath joined two mean Cities of *Macedonia* to make *one Metropolis*. But that Learned and Judicious *Antiquary* obſerving other *Letters* in *Strada*'s Coin, which are not in *Camden*'s, ΚΟ being put before ΜΗΤΡΟΠΟΛΕΩΣ, and the following Words being ΕΠΙ ΜΙΝΔΙΟΥ ΒΑΛΟ, he conceives it to relate to *the Metropolis* of *Corinth*, and to one *Mindius*, then *Proconſul* of *Achaia* under *Claudius*. But becauſe *Occo*'s Coin hath Ν before ΚΟ he therefore thinks it may as well relate to *the Metropolis* of *Nicomedia*, this *Mindius* being likewiſe *Proconſul* of *Bithynia*. But however this be, we ſee what a very uncertain *Foundation* this Coin affords to build *the Metropolis of London* upon. Eſpecially (2.) When the whole Series of the *Roman* Hiſtory at that time, with reſpect to the Affairs of *Britain*, have no ground for ſuch a Conjecture. For, why ſhould not *Dio* have mentioned this *Etyminius* being placed by *Claudius* in *the Metropolis* of *London*, as well as his taking *Camalodunum* for the Royal Seat of *Cunobelin*? If this *Etyminius* were the ſame with *Adminius* (as *Camden* conjectures) who fled over to *Caligula*, no doubt he would have been placed in the Royal Seat of his Father at *Camalodunum*; but there was *the firſt Roman Colony ſettled*, without any regard to the Son of *Cunobelin*, all the *Britains* Eſtates being taken from them. And this *Colony* was deduced in *Claudius*'s time, as appears by one of *Claudius*'s Coins in *Camden*; where, on one ſide is the *Effigies* of *Claudius*, with all his *Titles*; and on the other, a *Plowman*, *driving a Bull and a Cow*, according to the *Roman* Cuſtom in ſetting out Ground for a *Colony*; and over it,

Britan. p. 65.

Nero Cæſar. p. 134.

Burton on Anton. p. 158.

Triſtan. Comment. Hiſtor. p. 200.

Spanhem. de uſu Numiſm. p. 648.

COL.
CAMALODON
AUG.

From hence I proceed to conſider the other *Britiſh Cities*, whether any of them can be found elder than the *Roman* Times. A Catalogue of theſe we have in *Nennius*, and *Huntingdon*, and others; but the learned and accurate Archbiſhop of *Armagh* having tranſcribed a Copy of them out of two MSS. in the *Cotton* Library, and compared it with 9 others; I ſhall generally keep to the Readings that are in him, although not to the Method he ſets them down in; but take them according to the *Roman Provinces* then.

Uſſer. Primord. p. 59.

Tacit. An. 14.

I begin therefore with the Province of *Britannia prima*; and therein (1.) *Caer Mincip* or *Municip*, which was old *Verulam*, called by *Tacitus* a *Municipium*, and *Caer Municipium* in an old Inſcription ſet forth by *Goltzius*. That it was a *Roman Town* appears by the Rage of *Boadicea* and the *Britains* againſt it; who from *London* went immediately thither, and ſack'd it, and deſtroy'd the Inhabitants; and they were the more provoked by its being a *Municipium*, becauſe this was a Device to draw the *Britains* in to betray their Country, by making them capable of *Roman Privileges*. Britan. p. 292. *Camden* thinks that *Verulam* ſtood in that very place where *Caſſivelaun's Town* was; which agrees well enough with *Cæſar's* Deſcription of it, there being no other Marſh ſo conſiderable in thoſe Parts as the great Pool formerly near *Verulam*; Leland. ad Cygn. Cant. Fragm. Deſcript. Britan. p. 20. where, as *Leland* and *Humphry Llhuyd* ſay, *Anchors have been taken up*; but it was drained in the *Saxon* times, and turned into Meadows, as *Verulam* it ſelf at laſt was, according to that of *Spenſer*; Spenſer's *Ruines of Time.*

Verulam *I was, what boots it that I was,*
Sith now I am but Weeds and Waſtful Graſs.

Polychronic. *l.* 1. c. 47.

(2.) *Cair Ceint.* This *Ranulphus Higden* ſaith from *Alphred* of *Beverly*, was *Canterbury*; called *Dorovernum* in *Ptolemy*, *Durovernum* in the *Itinerary*. Leland in Doris. Frag. Deſcript. Britan. *p.* 13. *b.* This, as ſeveral other places in *Kent*, as *Leland* and *Llhuyd* obſerve, had the Name from the *Britiſh* Word *Dwr* or *Dour*, which ſignifies *Water*; as *Durobrevum*, *Dorolenum*, *Durovernum*, *Doris*, as he calls *Dover*. That *Canterbury* was a City in the time of the *Romans*, there is no queſtion; for it appears by the *Itinerary*, that the way to 3 *Ports* lay through it, to *Rutupia*, not *Richborough* (but *Sandwich*) to *Dubris*, (*Dover*) *Ad portum Lemanis*, (to *Lim* or *Lomen* near *Hith*) from whence to *Canterbury* was one of the *Viæ Stratæ*, or old *Roman* Military Ways, as appears by the *Peutinger Tables*. *Mr.* Somner's *Treatiſe of the* Roman *Ports and Forts in* Kent *ſince publiſht.* But Mr. *Somner* thinks, that the *Roman* Watch-Tower was near *Lim-hill*, where the *Roman* Garriſon was; but the *Portus Lemanis* he thinks was at *Romney*, where he ſhews the River *Lomen* did anciently run into the Sea, and made a convenient Haven at the Mouth of it. Four *Roman* Forts beſides there were in *Kent*; *Richborough*, where the Garriſon was upon the Hill Northward from *Sandwich*, (which he juſtly ſuppoſes to have been the *Port-Town*.) *Reculver*, where the *Tribunus Cohortis Vetaſianorum* lay in Garriſon, and where *Roman Coins* were frequently taken up, and the *Roman* Brick or Tile is ſtill diſcernable: *Dover*, where lodged the *Præpoſitus Militum Tungricanorum*; and the Watch-Tower there, as Mr. *Somner*, after a diligent Survey, concludes, was the Square Tower in the midſt of the Church or Chapel, where he found great ſtore of *Roman* Bricks; and the like in the Caſtle-Hill at *Folkſton*, whence *Camden* proves it to have been a *Roman* Fort. Thus we find the *Romans* had Ways, and Ports, and Forts in *Kent*. The Queſtion now is, Whether the City of *Canterbury* were built by the *Romans*, or a long time before? Geoff. *l.* 1. c. 14. If *Geoffrey* may be believed, it was built by *Hudibras* ſometime after *Salomon*; but no manner of Proof is offered for it, not ſo much as Agreement in the Name, which *Annius Viterbienſis* generally took Care of. *Antiquities of* Canterbury, *p.* 3. Cæſar, *l.* 5. But I have one great Argument to prove, that *Canterbury* was built by the *Romans*, not from the *Roman* Coins found almoſt in all parts of the City, as Mr. *Somner* affirms; but from *Cæſar's* Account of his 2d Landing, which is, that he marched 12 Miles before he eſpied the *Britains* Army, and then a River parted them, where they began to fight, the *Britains* having the Advantage of the upper Ground, but being beaten back by the *Roman* Horſe, they retired into a Wood, very well fortify'd both by Nature and Art, having all the Entrances ſhut with great Trees cut down on purpoſe. Here we have juſt ſuch another as *Caſſivelaun's Town*; which, as *Cæſar* ſaith, was ready made upon occaſion of ſome Quarrel among themſelves. Now if there had been ſuch a City as *Canterbury* in *Cæſar*'s time, it muſt have been mentioned here. For near the very place where *Cæſar*'s Army firſt eſpied the *Britains*, *Canterbury* ſtands, being at that diſtance from *Deal*, where *Cæſar* landed; there runs the River which parted the Armies, and on this ſide was the riſing Ground and the great Wood where the *Britains* hid themſelves, only ſometimes appearing in ſmall Parties; but the Seventh Legion at laſt beat them out of this Fortification. But if there had been any thing like a City at *Canterbury* then, *Cæſar* could not have avoided the mention of it; for there muſt have been ſome conſiderable Action about it.

(3.) *Cair Colun* or *Colon*, which by the Interpretation of *H. Huntingdon* and *Alfred* is ſaid to be *Colcheſter*, called in the *Roman Itinerary*, *Colonia*, as appears by the Diſtances and Scope of the fifth *Iter*; which is from *London* to *Carliſle*, not direct, but with a great compaſs to the *Eaſt*, and then to *Lindum*. And the ſixth *Iter* from *London* to *Lindum* is very different. So that the *Itinerary* doth not ſhew the ſhorteſt Ways, but the Roads which lay fitteſt for Buſineſs, eſpecially for the *Roman* Magiſtrates taking their Progreſs through the ſeveral Cities and Colonies inhabited by the *Romans*, or Natives of the Country, for the Adminiſtration of Juſtice among them; ſo theſe *Itineraries* ſeem to be framed here in *Britain*, to ſhew the ſeveral Stages and Diſtances between them, much like our Circuits for the *Itinerant Judges*: Thus from *London* to *Lindum* they ſet out *Eaſtwards*, and ſo went into *Eſſex*, part of *Suffolk*, *Cambridge*, *Huntingdon*, and ſo by *Caſterton* to *Lindum*; but being there, the ſixth Road ſhews how they might paſs from thence by *Ancaſter* to *Leiceſter*, and thence by ſeveral places mentioned to *Verulam*, and ſo back to *London*. So that the Deſign of the *Itinerary* is to ſhew, what Places were viſited in the ſeveral Progreſſes; and no doubt there were *Roman Ways* then to all theſe Places, and therefore they were moſt convenient for travelling, although the great Roads called *Viæ Stratæ* were more remarkable than the reſt; which *Hieron. Surita* ſaith, ought to be reckoned among the greateſt Works of Mankind, being made through all the Provinces of the *Roman* Empire. To this purpoſe the *Romans* made uſe of their own Soldiers, and the Inhabitants of the ſeveral Provinces: So *Galeacus* complains, that the *Romans* did wear out the Bodies of the *Britains* in paving of Boggs and Woods; and *Bede* ſaith, the *Romans* were known here by their Cities, and Temples, and Bridges, and High-ways. It ſeems *Bede* had not heard of the four famous Ways made by *Belinus* the Son of *Malmutius*, called *Watling-ſtreet*, the *Foſſe*, *Ermin-ſtreet*, and *Ickneld-ſtreet*, about which our Antiquaries have been ſo puzzled, that they know not where to begin or end them; for in truth they were no other, but ſuch as led from one *Roman* Town to another. And although *Camden* ſaith, he could find no Footſteps of ſuch Ways in *Eſſex*, time having worn them out; yet it is certain, according to the courſe of the *Itinerary*, and the *Peutinger Tables*, there had been ſuch; for according

Hieron. Surit. in Antonin. *p.* 168.

Tacit. Vit. Agr.

Bed. *l.* 1. *c.* 11.

Galf. hiſt. *l.* 1. *c.* 11.

to both of them, there was a Road from *Venta Icenorum* to *London* by *Sitomagus*, *Combretonium*, *Camalodunum*, *Cæſaromagus*, &c. and again from *London* to *Cæſaromagus*, *Colonia*, *Villa Fauſtini*, *Iciani*, *Camboricum*, and ſo to *Lindum*. In the Fifth *Iter*, we find *Colonia* mentioned, in the Ninth *Camalodunum*, but not *Colonia*; which makes me think the ſame place is meant in both, becauſe they both lie at almoſt an equal diſtance in the *Itinerary* from *Cæſaromagus*, and all Perſons yield the Numbers to be much corrupted; and in the *Peutinger* Tables, *Camalodunum* is ſet down but not *Colonia*; upon which Reaſons I am very inclinable to *Leland*'s Opinion, that *Colcheſter* was both *Colonia* and *Camalodunum*. I know Mr. *Camden*, whoſe Sagacity and Judgment were extraordinary, hath pitched upon *Maldon*, rather than *Colcheſter*, becauſe of the Affinity of the Name; which is a very deceitful way in ſuch a Corruption of Languages in *Britain*, to judge of the Original of a Town. But which is far more obſervable, at *Maldon*, *Camden* takes no notice of any *Roman* Antiquities, but ſuch as ſuppoſe it to have been the *Colony*; but at *Colcheſter*, he ſaith, an infinite Number of *Roman* Coins were found; and as to the Name *Colcheſter* hath as much remaining of *Colonia*, *Cheſter* being the *Saxon* Addition, as *Maldon* of *Camalodunum*. And there can be no queſtion, if it were a *Roman Colony*, that it was originally no *Britiſh* City.

Britan. p. 325.

(4.) *Cair Granth*, al. *Grant*, which *Alphred* of *Beverly* calls *Cantebrigg*; *H. Huntingdon Cantebrigia*, and in ſome Copies *Grantebrigia*. But *Cair Grant* being the *Britiſh* Name, it is certain it could not be derived, as Mr. *Camden* ſuppoſes, from *Gron* a *Saxon* Word, ſignifying *a fenny or mooriſh Place*; which however doubtfully ſpoken by him, is applauded by others. And the *Monks* of *Crowland* calling the River *Gronta*, diſcovers that even they did not take it in the Senſe of *Gron*; for they plainly diſtinguiſh between the River and the Fens which ariſe from it. And ſuppoſe *Gron* to ſignifie a Mooriſh Ground, yet how comes the River to be ſo called, and the Town from the *River*? But what is all this to the *Britiſh Cair Grant*? Was that from *Gron* too? I wonder Mr. *Camden* took no notice here of the *Britiſh* Name, as he doth ſo often elſewhere? Had he no mind to confute his *Saxon* Derivation? But Mr. *Camden* grants that *Cambridge* was either a Part of, or ſprung from the *Roman Camboritum* mentioned in the Itinerary; yet he ſeems puzzled about the two Names *Cam* and *Grant*, it being very hard to derive one from the other. *Leland* thinks *Cambridge* is only a Corruption of the Word *Cantebrige*, and that, of *Grantbrigge*, as it is called in the old Chronicle of S. *Neots*. That which ſeems to me moſt probable is, that the River conſiſting of two *Branches*, which fall into one before they come to *Cambridge*, the one by reaſon of its many turnings and windings, was by, the *Britains* therefore called *Cam*, and the other *Grant*; and ſo after their Union it did bear either Name. In *Camden*'s Map of *Eſſex*, that Branch which riſes in *Newport* Pond, and runs by *Waldon*, *Cheſterford*, &c. is called *Grant*; and the other from *Aſhwel* doth deſerve the Name of *Cam*, from its winding Courſe, as well as *Camel* in *Cornwall*. But that *Cair Grant*, or *Granceſter* was the *Roman Camboritum*, or as moſt Copies have it, *Camboricum* (*Cambric*) Mr. *Camden* proves not only from the Name and Diſtance, but from the Number of *Roman* Coins there taken up. As for thoſe who have fetched the Original of it from *Cantaber* and *Chembrigia*, Daughter to *Gurgun-*

Britan. p. 356. Apol. Univerſ. Oxon. l. 1. Se. 46.

Lel. Cygn. Canc. Coll. Vol. 2. p. 191.

guntius, I leave them to the grave and learned Confutation of ſuch who have taken great pains to diſprove it.

(5) *Cair Guent.* agreed by *Alfred* of *Beverley*, and *H. Huntingdon* to be *Wincheſter*, called *Venta Belgarum* in the *Roman* Itinerary, ten Miles from *Clauſentum*, (*Southanton*) which was a *Roman* Port, as Mr. *Camden* proves from the Coins there taken up; and likewiſe he found the Ruins of a Fort near it built by the *Romans* upon the Sea-coaſts, as *Gildas* teſtifies they uſed to do againſt the Inſolencies of the *Saxon* Pyrates who infeſted them; as thoſe were in *Kent* already mentioned. As to the Name of *Venta*, *Camden* follows *Leland* in deriving it from the *Britiſh Guen*, which ſignifies *White*; all the *Roman* Cities with that Name, as *Venta Silurum* and *Venta Icenorum*, being ſituate in *a white chalky Soil.* In this City a *Roman Procurator* had his Reſidence, as appears by the *Notitia Imperii*; who was overſeer of the Work-houſe (called *Gynæcium*) for making Sails for Ships and Garments for Souldiers; which were provided at the publick Charge, as appears by ſeveral Edicts in the *Theodoſian* Code; and is there called *Canon Veſtium.* And in order to the providing theſe, there were 15 *Gynæcia*, or *publick Work-houſes* in the Weſtern Empire; 2 in *Illyricum*, 4 in *Italy*, 1 in *Africa*, 2 in *Gaul*, 5 in *Belgium*, and 1 in *Britain*; over all which were ſo many *Procurators*, who were to provide Materials, and at certain times to make returns to the ſeveral Governours of the Provinces; and the *Procurator Gynæcii Ventenſis* in *Britain*, had ſuch a Work-houſe at *Wincheſter*; from whence the Sails might be conveniently ſent to the *Roman* Ports; and the Military Veſts to *London*; where the Governours of the Province had their chief abode. As to *Geofferys* making this *Cair Guent* another of King *Hudibras* his Cities, it is as true, as that he built the Town upon Mount *Palado*, or *Shaftſbury*, where the Eagle ſpake while the Walls were building: But *J. Bale* underſtands it of a *Druyd* at that time called *Aquila Septonius*; whoſe Prophecies were preſerved in great Eſteem among the *Britains*, and he affirms that he had ſeen ſome Fragments of them. It is true, that *Geoffery* affirms that in the latter end of the *Britiſh* Government, *Cadwallader* was perſwaded to give over all, becauſe by the Prophecies of the Eagle, as well as by *Merlin*'s and the *Sibyl*'s there was an end now come to the *Britains* Kingdom. But he never intimates that this *Aquila* was any more than an *Eagle.* But here *Bale* followed the Steps of *Leland*, who being aſhamed of *Geoffery*'s Tale, turned the *Eagle* into a famous *Druyd*; and *Leland* gave the intimation, where the *Eagles Prophecies* were to be found. But *Geoffery* hath ſometing more particular of *Wincheſter*, viz. that *Claudius* landing near *Portſmouth*, having demoliſhed *Cair Peris*, or *Portceſter* purſued *Arviragus* to *Wincheſter*, and there beſieged him; and by perſwaſion of the *Britains*, *Arviragus* yielded the City to *Claudius*, and married his Daughter *Geniſſa*; and the place of their Marriage in honour of *Claudius* was called *Caerglou*, or *Glouceſter*. *Suetonius* ſaith indeed, that *Claudius* had three Daughters, *Claudia* whom he diſowned, *Antonia* married to *Pompey* and *Sylla*, and *Octavia* to *Nero*. But this *Geniſſa* is wholly a ſtranger to the *Roman* Writers as likewiſe *Arviragus* at that time, who lived in the Reign of *Domitian*. So that, as we have a clear proof that *Wincheſter* was a *Roman* City, ſo there is no Evidence of its being a City before, much leſs that it was beſieged by *Claudius*, who ſpent but ſix Months in his whole Expedition, and his

Britan. p. 189.

Cod Theod. l. 7. Tit. 6. l. 2.

Notit Provinc. Imp. Occid. c. 38.

Galfr. l. 1. c. 14.

Bal. de Scriptor. Britan n. 11.

Galfr. l. 9. ſ. 101.

Leland. de Scrip. in Aquila.

Galf. l. 1. f. 31. c. 20.

Sueton. in Claud. c. 27.

Buſineſs lay about the *Thames*; if *Dio* a Perſon of great *Authority* in *Rome*, being both *Senator* and *Conſul*, may be believed before *Geoffrey* of *Monmouth*.

Britan. *p.* 139.
Ptol.Geog. *l.* 2. *c.* 3.

(6.) Next to this, is *Cair Peris*; which *H. Huntingdon* and *Ranulphus Ceſtrenſis* from *Alfred* ſay, was *Portceſter*, the ancient Port within the Iſland of *Portſey*, at the Entrance whereof *Portſmouth* now ſtands, *i. e.* ſaith *Camden*, the Mouth or Entrance of the *great Port*, for ſo *Ptolemy* calls it, Μέγας Λιμὴν *the great Port*; which ſhows the Eſteem it was of in the *Roman* Times: For *Ptolemy* lived in the time of *Antoninus*; and he placeth it not far from the *Iſle of Wight*, and diſtinguiſheth it from *the Mouth* of *Triſanton*; or, as *Camden* ſaith, the *Britiſh* words ſignifie, *the Mouth of Anton*, (*Traith Anton*) ſince called *Southanton*. But it ſeems uncertain, whether, notwithſtanding what Mr. *Camden* ſaith, *Portſmouth* might not have its Name from *Port* the *Saxon*, who as the *Saxon Annals* tell us, landed at that Place, *A. D.* 501. with his two Sons, *Bleda* and *Magla*, eſpecially being joined with *the Saxon* Word *Muth*, which ſignifies an Entrance into a *Haven*. However, it is not improbable, after *Veſpaſian* had ſubdued the Iſle of *Wight*, that he ſhould take care of *the Ports* which lay oppoſite to it; and therefore in *the Roman* Times there might be ſuch a Place fortified, as *Cair Peris*, although there be no *Roman* Antiquities there mentioned, as there were at *Clauſentum*, neither is it mentioned in the Itinerary as the other is.

(7.) *Cair Caratauc*, which the old *Gloſſer* on *Nennius*, and *Geoffrey* interpret *Salisbury*, which was a *Roman Fortification*, then called *Sarbiodunum*, as it is in the Itinerary. But why *Cair Caratauc*? *Humphry Llhuyd* would have it *Cair Caradoc* in *Shropſhire*, ſo called from *Caractacus*, who there fought with *Oſtorius*; but this was a Hill and no City. Why not as well *Cataractonium*, a noted *Roman* Station? But that was in another Province.

(8.) *Cair Dauri*; ſo *H. Huntingdon* and *Alfred* read it, and interpret it *Dorcheſter*; but Archbiſhop *Uſher* reads it *Cair Daun*, and ſo makes it *Doncaſter*. But I ſee no reaſon to reject the former Reading and Interpretation; *Dorcheſter* being called *Dornium* in ſome Copies of *Ptolemy*, and the Inhabitants *Durotriges*; which ſignifies the ſame with the *Aremorici* and *Morini* in the oppoſite Coaſts, all which imply their Habitation to be near the Sea. And at this Place Mr. *Camden* found evident Remainders of the *Roman* Ways, and many *Roman* Coins; and its Name in the Itinerary is *Durnovaria*.

Galfr. *l.* 1. *p.* 32.
Llhuyd. Fragm. Deſcript. Britain. *p.* 15.
Apolog. Antiq.Ox. *l.* 2. *n.* 49.
Britain. *p.* 162.
Primord. *p.* 64.

(9.) *Cair Penſavelcoit*, called by *Geoffrey Cair Penvelcoit*; which he interprets, and *Matt. Weſtminſter* after him, *Exonium*; however in *Badius* his Edition it was miſ-printed *Oxonium*, But *William* of *Worceſter*, quoted by the learned *Oxford* Antiquary, makes it to be *Exeter* too. *Camden* thinks it to be read *Pont Ivel Coit*, which he renders a Bridge upon *Ivel* in a Wood; and by it underſtands *Ivelcheſter*, *Ptolemy*'s *Iſchalis*, where many *Roman* Antiquities are found. Archbiſhop *Uſher* rather thinks it to be *Pemſey* in *Suſſex*, which ſome Hiſtorians call *Pevenſellum*, and *Coit* ſignifies a *Wood*, there having been ſo very much in thoſe Parts. But I do not find this *Penvenſel* mentioned before the *Norman Writers*; nor any *Footſteps* of *Roman Antiquities* there: And therefore I either think it to be the *Iſca Danmoniorum*, in the *Itinerary*, ſince called *Exeter*, being the laſt *Weſtern Station* therein; or that thoſe Copies which *Alfred* and *Huntingdon* ſaw, were the truer, wherein it is wholly left out.

(10.) *Cair Celemon*, or *Celemion* in *H. Huntingdon*; but he gives no light to it. *Camden*, whom Archbiſhop *Uſher* follows, thinks it ſhould be *Camelion*, and ſo takes it for *Camalet* in *Somerſetſhire*, where are the Remainders of an old *Roman* Caſtle, with Regular Fortification, and a great Number of *Roman* Coins have been there taken up. The Hill, ſaith *Leland*, is more than a Mile in compaſs, and in divers places Foundations of Walls are to be ſeen; and many Gold, Silver and Copper Coins, have been found there in plowing; and likewiſe in the Fields thereabouts, with many other *Antique things*, and eſpecially by *Eſt*, the Place he calls *Camulatte*, and ſaith, it was ſometime a famous *Town*, or *Caſtle*.

Britan. p. 161.

Lel. Itin. p. 113.

(11.) *Cair Segent. Alfred, Huntingdon, Camden, Uſher*, all agree it to be *Silceſter*: But *Camden* would have it read *Cair Segont*, as coming nearer to *Civitas Segontiorum*. Archbiſhop *Uſher* thinks *Cair Sejont* different from it, being the ſame with *Cair Cuſteint* in *Nennius, i. e.* the City of *Conſtantius* near *Carnarvan*; but *Camden* applies all this to *Silceſter*; from whence to *Venta Belgarum* the *Roman* way, he ſaith, is yet unſeen; and ſo he concludes it to be *the Vindonum* in the Itenerary. Theſe *Segontiaci* are a People mentioned by *Cæſar*; and when they began to inhabit *together*, *the chief* City did bear the Name of the People; as when the *Pariſii* dwelt *together*, their City was called *Lutetia Pariſiorum*, and the chief Town of the *Seguſiani*, *Forum Seguſianorum*; and from hence *London* might well be called *Auguſta Trinobantum*, being the chief City of the *Trinobantes*, but with no more relation to *Troy*, than the City of *Paris* to the Son of *Priamus*.

Britan. p. 195.

(12.) *Cair Britthon. Huntingdon* calls it *Cair Briſtou*; and *Leland* is earneſt to make it *Venta Belgarum*; but *Camden* by no means allows it. Who differs ſo much, and ſo often from *Leland*, that nothing but *Spite* and *Envy* could raiſe *that Calumny* upon him, that he was *Leland's Plagiary*, as any one may diſcern who hath compared them both. And when it was objected againſt him in his Life-time, he ſaith, he thought it a Calumny more deſerving Laughter than Confutation; and he deſires no *better Anſwer*, than to compare *Leland*'s Works with his; which are extremely different both in their Deſign, and the Accompliſhment of it. This I here mention, becauſe a late Hiſtorian hath inſerted a Copy of Verſes to that purpoſe, called *Leland*'s *Ghoſt*, and concludes *that* Camden *is not to be excuſed*. A very unjuſt Cenſure; and abundantly refuted by *Camden* in a *little Tract* he wrote in his own Defence. But as to *Briſtow*, he declares he can find no Teſtimony at all of its coming near the *Roman* Times; and he thinks it built not long before *the Norman* Conqueſt. But how comes it then into this Catalogue of *Britiſh* Cities? It is certain, the Copies do not agree: For in all which Archbiſhop *Uſher* compared ſome are left out, which are in thoſe which *H. Huntingdon* ſaw, and he puts in others, as *Cair Glou* (called *Glevum* in the *Itinerary*,) and a Colony is here mentioned in an Inſcription at *Bath*, by *Camden* and others. But *Humphry Llhuyd* thinks it was not known to the *Romans*, but built, as *Nennius* ſaith, (whom he calls *Gildas*) after their Times by one *Glouy* Anceſtor to *Vortigern*; (but *the Itinerary* and *Inſcription* are much ſtronger Arguments to prove it a *Roman* City.) And *Cair Ceri*, *Chicheſter*, called *Corinium* in *Ptolemy*, and *Durocornovium* in *Antoninus*: *Humphrey Llhuyd* reads *it Cair Cori*, which agrees

Camd. Defen. p. 16. 17.

Church-Hiſtory of Brit. *l.* 5. *p.* 198.

Britan. p. 193.

Fragm. Deſcript. Brit. *p.* 16.

ib.

P. 14. agrees beſt with *Corinium*; and he calls *Chicheſter*, *Cair Ceri*; but *Camden* and *Uſker*, *Cair Cei*. It ſeems to have been a Miſtake in making theſe diſtinct, there being no Evidence to prove *Chicheſter* a *Roman* or *Britiſh* City: But beſides theſe, there was *Cair Dorn*, called *Durobrivæ* in the *Itinerary*, the Remainder of it ſtill called *Dornford*; here *Camden* takes notice of abundance of *Roman* Coins found in the Fields, and plain Tokens of the *Roman* ways. Theſe I mention to ſhew how different the Copies were in *Huntingdon*'s Time from what they are now, and how they came to be filled up with ſome Cities of a later Original.

(13.) *Cair Gauiragon*, al. *Guorangon*, or *Cair Wrangon*; which is agreed to be *Worceſter*, called in the Itinerary *Branonium*, for *Brannonium*; by Britan. p. 434. *Ptolemy*, *Brannogenium*. *Camden* quotes an ancient *MS.* to prove that it was walled about by the *Romans*; which is not at all improbable by its Situation on the Eaſtern ſide of the *Severn*, it being the *Roman* Cuſtom to place their Garriſons on Rivers which parted them and their Enemies, as appears by the Number of Caſtles and Fortreſſes built by Am. Mar. *l.* 28. *Valentinian* along the Rhine, as *Ammianus Marcellinus* ſaith; which were the Occaſions of ſo many Cities and Towns there afterwards. Theſe were called *Burgi* by the *Romans*, i. e. *limitum Caſtella*, as *Vignier* *Vig. Chron. Burg. init.* obſerves; and *Oroſius* ſaith, That the Name of *Burgundians* came *Oroſ.* l. 7. c. 32. from thoſe who were placed in the *Burgi* of *Germany*, to defend the Borders, by *Druſus* and *Tiberius*: But *Pontus Heuterus* thinks them ſo *Pont Heut. Rer. Burg.* l. 1. called from the *German*, *Baurhwoonders*, from living diſperſedly, as all the old *Germans* did; and therefore that ſeems to be no Reaſon for *Zoſim.* l. 2. a particular Denomination. *Zoſimus* obſerves that the *Romans* were wont to ſettle their Military Colonies, upon the Rivers which bounded *Tacit. Hiſt.* l. 12. c. 31. the *Roman* Provinces. And as to the *Severn*, *Tacitus* ſaith, that *P. Oſtorius* did fortify it againſt the Incurſion of the *Silures*, who lived on the other ſide, and were not ſubdued till *Veſpaſian*'s Time, and then the Legions removed beyond the *Severn*. It ſeems therefore very probable that *Worceſter* was firſt a *Burgus*, or Caſtle on the Borders, then a Colony as *Glouceſter* on the ſame River was, and ſo became a *Roman* City.

(14.) *Cair Guaricon*, which is not explained by *Huntingdon*, nor Britan. p. 425. mentioned in ſo much of *Alfred* as *Ranulphus* hath preſerved. *Camden* reads it *Cair Guaric*, and ſo derives it from the *Britiſh Guarth*, the ſame with the *Roman Præſidium*, which the *Notitia Imperii* mentions, and here he ſuppoſes the Præfect of the *Dalmatian Horſe* to have had his *Quarters*: This being in the Middle of the Land, as the *Præſidium* in *Corſica* was, and conveniently ſeated for a Garriſon upon a Rock on the ſide of the *Avon*. Which is far more probable, than *J. Rous* his attributing the Building of it to King *Guithelin*, and ſays, that it had its Name afterwards from a *Britiſh* Prince called *Gwayr*, Couſin to King *Tacit. Hiſt.* l. 12. c. 40. *Arthur*. For *Tacitus* mentions the *Caſtella*, that were built by *Didius Gallus*, upon an Incurſion of the *Silures*; which was a very probable Seaſon for the firſt building the Caſtle at *Warwick*.

(15.) *Cair Maunguid*, which Archbiſhop *Uſher* thinks to be the *Manduesſedum* in the Itinerary, ſtanding on the *Roman* Way between *Etocetu* near *Stafford*, and *Bennones* in *Leiceſterſhire*, but upon the Edge of *Warwickſhire*; and by the Diſtances and Way, *Camden* happily found it to be *Manceſter*; which, he ſaith, in *Nennius* his Catalogue is called *Mancegued*.

(16.)

(16.) *Cair Lerion*, which *Alfred* and *Huntingdon* agree to be *Leiceſter*. But here *Geoffrey* hath found out a *King Lear* for the Builder of this City long before the *Romans* came hither. It is an eaſy matter to make Kings and Builders after their Names, without any Proof or Monument to confirm it, by a mere Similitude of Name. And yet of this *Leland* gives a better Account, *viz.* that *Leir* was the ancient Name of the River that runs by it; which is confirmed by *Burton*'s Obſervation, that there is a Place near the firſt riſing of it ſtill called *Leire*. That it was a *Roman* City is made evident, by the Remainders of an old Temple of *Janus*, and *Roman* Antiquities, Medals and Coins here found in great Abundance. What the Name of it was among the *Romans* is not agreed, but very probably ſuppoſed by *Camden* to be *Ratæ* in the Intinerary, which in *Ptolemy* is placed next to *Lindum*, which follows.

Galf. Mon. *l.* 1. c. 15.

Lel. Coll. *To.* 2. *p.* 329.

Deſcript. of Leiceſterſhire, *p.* 5.

Id. *p.* 161.

Britan. *p.* 388.

(17.) *Cair Luitcoit*, which the ſame Authors affirm to be *Lincoln*. *Camden* ſaith, it ſhould be *Lindcoit*, and was anciently called *Lindecoln*, juſtly ſuppoſed to be *Lindum* in *Antoninus*. *R. Talbott*, in his Notes on *Antoninus*, thinks the Name, Diſtance and Situation of *Lindum* agree better to *Lenton* or *Lanton*, near *Nottingham*, than to *Lincoln*; but I confeſs, *Camden*'s Argument from the Courſe of the Road, convinces me that *Lincoln* was the *Lindum* of the *Romans*. For between *Ratæ* and *Lindum* are *Verometum*, M. P. XIII. *Margidunum*, M. P. XIII. *Ad Pontem*, M. P. VII. *Crococalanum*, M. P. VII. *Lindum*, M. P. XII. Which Diſtances are irreconcilable, with making *Ratæ* to be *Leiceſter*, and *Lenton* by *Nottingham* to be *Lindum*: But *Camden* hath very well cleared it as to *Lincoln*, making *Verometum* to be *Burrough*, *Margidunum* near *Beavoir*; *ad Pontem* to be *Daunton*; *Crococalana*, *Ancaſter*, where ſeveral Monuments of *Roman* Antiquity were found; and the *Roman* Way from thence to *Lincoln*, at the Diſtance between the Manſion in *Antoninus* and *Lindum*. If any object, that this is a great Way about in the Road from *London* to *York*; I anſwer, That the *Romans* did not meaſure the Roads by a Line, but by the Conveniency of Stations and Manſions; and it is very queſtionable whether there were any Paſſage thro' the Foreſt of *Shirewood* in the *Roman* Times, there being no Footſteps of any *Roman* Ways, or Manſions, or Coins in thoſe Parts, unleſs at a Place called *Littleburgh*; which therefore *Camden* thinks to be the *Segelocum* in *Antoninus*, the Stage between *Lindum* and *Danum*, i. e. *Lincoln* and *Dancaſter*.

Deſcript. of Nottingh. *p.* 414.

(18.) *Cair Guintguic*, the firſt in the Catalogue of Archbiſhop *Uſher*, which he thinks may be *Norwich*, or rather *Winwick* in *Lancaſhire*. Here we have no light from the ancient Interpreters of *Nennius*; but as to *Winwick* here is no Colour for it, but a bare Similitude in the Name, which is not certain; for ſome think it ought to be rather *Cair Guntum*, which, they ſay, was the *Britiſh* Name of *Norwich*; a late Name not known, ſaith *Camden*, before the *Daniſh* Wars, and the Word is wholly *Saxon*. Some have found out a brave old *Britiſh* King for the Builder of this City, called *Gurguntius*; but *Geoffrey* himſelf is ſilent in this matter. *Camden* and *Leland* agree, that there is ſome remainder of *Guntum* in the Name of the River *Wentſum*, as *Leland* ſaith it is called in the old Donations of the Cathedral in *Norwich*. It is certain there was an old *Roman* City hereabouts, called *Venta Icenorum*. *Leland* affirms it was *Norwich*; *Camden* finding no *Roman* Antiquities there, but many not far off at a Place called *Caſter*, concludes

Britan. *p.* 348.

Nevil. Norwic. *p.* 104.

Lel. Itin. *p.* 435.

that to be the old *Venta* of the *Iceni*; from whence the Road went by *Sitomagus* (*Thetford*) to *Camalodunum*, and ſo to *London*. Thus I have gone through the *Britiſh* Cities of the firſt *Province*; the other will be more eaſily diſpatched. I come now to the Province of *Britannia Secunda*, whereof *Caerleon* upon *Vſk* was the *Metropolis*; and according to Mr. *Camden*'s Rule, the Province extended as far as the Juriſdiction of the Archbiſhop of *Caerleon* did; who, according to *Ranulphus Ceſtrenſis*, had ſeven Biſhops under him; and the *Severn* was the Boundary of the Province: *Giraldus Cambrenſis* affirms the ſame. Which Sees in probability were beſide the four ſtill known, *S. Patern*, *Cair Went*, and *Henfort*; and this Number of ſeven went to meet *Auguſtin*, when he challenged Juriſdiction over all the Biſhops of *Britain*.

Britan. p. 111.

Polych. l. 1. c. 52. Itin. Cam. l. 2. c. 1.

Bed. l. 2. c. 2.

(1.) I begin with the *Metropolis*, *Cair Legion guar Vſic*, as it is in *Nennius*, but commonly called *Caer Leon ar Vſk*. This was a known Station and Colony of the *Romans*, where the ſecond Legion had its Quarters, as evidently appears from the Diſtances in *Antoninus*; although *Ptolemy* placeth the *ſecond Legion* at the *Iſca Danmonionum*. But there are ſeveral things in *Ptolemy* miſplaced with relation to *Britain*, either by the fault of Tranſcribers, or want of good Information ſo early, and at ſuch a Diſtance. There ſeems far greater Reaſon to follow the *Itinerary*, being of a later time, however it bears the Name of *Antoninus*; and there was more Cauſe to ſettle a Legion among the *Silures*, than among the *Danmonii*, who were never ſo troubleſome to the *Romans* as the other. *Geoffrey* doth not deny the *Roman* Legions being here, and that it was called from thence *Urbs Legionum*; but he ſaith the City was built long before by *Belinus*, and then it was called *Caer Vſk*, from the River *Vſk*. Here were found very remarkable Monuments of *Roman* Antiquities, Ruins of *Roman* Temples, Baths, Theatres, Inſcriptions, as may be ſeen in *Camden* and others. But what evidence is there of any City before the *Roman* Colony? And it was truly obſerved by a very learned Man, that the *Roman* Stations gave the occaſion of building moſt of the ancient Cities and Towns of *Europe*: So that the Civilizing and Improvement of theſe Parts of the World is very much due to the Prevalency of the *Roman* Empire; only the more Southern People of old *Gaul* had learnt the way of Building near together, and walling their Towns from the *Greek* Colony at *Marſeilles*, as *Juſtin* ſaith out of *Trogus*. But when *Polybius* ſpeaks of 300 Cities in *Spain* overthrown by *Tiberius Gracchus*, *Strabo* explains it only of Towns and Caſtles; other kind of Buildings, ſaith he, not agreeing with the Barbarouſneſs of the Inhabitants. And it is no diſgrace to the *Britains* to have been like the reſt of their Neighbours, full of Superſtition, and Barbariſm, living rude and diſperſed among Woods and Marſhes, frequently changing their Habitations for Conveniency. For all the barbarous People, till they were improved, lived much after the ſame manner, being *Nomades*, divided into little Governments, full of Quarrels and Animoſities among themſelves, and therefore eaſily conquer'd by a greater and more united Force. Of which before.

Galf. l. 1. c. 19.

Iſ. Caſaub. not. in Spart. vit. Hadrian.

Juſtin. l. 43. 4.

Strab. l. 2.

(2.) *Cair Meiguod*, or *Meguaid*, as it is in *Huntingdon*; in other Copies *Meiuod*. Dr. *Powel* mentions a Place called *Myvot*, where the Princes of that part of *Wales* were buried; not far from *Matraval*, where ſome think the *Mediolanum*, mentioned by *Antoninus* and *Ptolemy*,

In Girald. Camb. l. 2. c. 4.

my, ſtood; and which he ſaith, is diſcover'd by many Monuments of Antiquity there found. *Camden* undertakes to demonſtrate, from the Diſtance in the *Itinerary* lying between *Boniam* and *Rutunium* in the *Itinerary*, i. e. *Bangor* and *Rowton*, that it muſt be thereabouts; but he will not determine whether at *Matraval* or *Lanvethlin*. *Annius* had cunningly found out too notable Men, called *Olanus* and *Medus*, for *Mediolanum* in *Italy*; it is pity *Geoffrey* had not heard of them, for he could have made them Kings of *Britain*, or at leaſt Princes of *Wales*, and have founded this *Mediolanum*. But in truth, *Geoffrey*'s Invention could not hold out with *Nennius* his Catalogue; which makes him omit ſo many *Britiſh* Cities. But we have a better Account from *Tacitus*, who ſaith, when the *Ordovices* were ſubdued by *Julius Agricola*, among whom this *Mediolanum* ſtood, he built Caſtles and Fortreſſes for Security of the Province, which by degrees were made Towns and Cities.

Brit.*p*.525

Annius in Caton. Frag. p. 505.

Tacit. Vit. Ag. c. 20.

(3.) *Cair Went*; how it comes to be omitted in the Copies of *Nennius*, I know not, unleſs it be meant by *Cair Guorthigirn*, which he ſaith was built in the *Region* of *Guenneſi*; which Archbiſhop *Uſher* thinks is the ſame with *Guent* in *Monmouthſhire*; which Name was taken from *Cair Went* near *Chepſtow*, which hath riſen out of its Ruins, Which was the *Venta Silurum* in the *Itinerary*, and is ſtill diſcerned, ſaith *Camden*, by the Fragments of *Roman Antiquities* there found. *Geoffrey* ſaith, that *Vortigern*'s Caſtle was built upon the River *Wye*, which runs into the Sea at *Chepſtow*. But how came *Vortigern*'s Caſtle among the *Britiſh* Cities, and ſo noted a Place as *Cair Went* to be left out?

Brit.*p*.487

Galfr. *l*. 5. c. 1.

(4.) *Cair Merdin*, which is in *Huntingdon*'s Catalogue, and keeps its Name to this day; and is the *Maridunum* of *Ptolemy*, but called *Muridunum* in the *Itinerary*, and is the fartheſt *Roman* Station mention'd that Way.

(5.) *Cair Sejont*, called *Cair Cuſteint* in *Nennius*, where he ſaith *Conſtantius* lay buried, as he ſaith was known by the Inſcription on his Monument. *Mat. Weſtminſter* ſaith it was the Father of *Conſtantine*, who died at *York*; but why his Body ſhould be carried hither is hard to underſtand, if he had the Apotheoſis of the *Roman* Emperors. Probably it was only an Inſcription to his Memory, which by *Nennius* his Time might paſs for a Funeral Monument. This was *Segontium* in the *Itinerary*, being a *Roman* Station on the *Frith*, which divides *Angleſey* and *Britain*; and from whence *Suetonius Paulinus* paſſed over with his Army thither.

Mat. Weſt. *A.D.*1283.

(6.) *Cair Urnach*, mentioned in *Nennius*; which is ſuppoſed to be the *Uriconium* of *Antoninus* and *Ptolemy*, called *Wroxeter*, being built at firſt as a *Roman* Fortreſs on the *Severn*; where *Camden* found great Remainders of the *Roman* Building and Way.

(7.) *Cair Draiton*; which Archbiſhop *Uſher* thinks to be *Drayton* in *Shropſhire*, which hath nothing of memorable Antiquity in it. More probably *Rutunium*, ſtanding on the Weſtſide of the *Severn*, which was a noted Station of the *Romans*, ſtill called *Rowton*, near the *Roman* Way which went into *Wales*.

From hence I proceed to the 3d Province of *Maxima Cæſarienſis*, which I ſhall take in *Camden*'s Latitude, as far as the Archbiſhop's Juriſdiction extends.

Galfr. *l.* 1. *l.* 13.

(1.) *Cair Ebranc*, which *Alfred* and *Huntingdon* agree to be *York*. Here *Geoffery* hath found a King *Ebranc*, who built it in the time of King *David*. But in all the Battels *Petilius Cerealis* fought with the *Brigantes*, we meet with not one word of any ſuch City; which is afterwards ſo much ſpoken of in the Wars of thoſe Parts, both in the *Roman* and *Saxon* times; it is mention'd by *Ptolemy* among the Cities of the *Brigantes*, where the *Legio* VI. *Victrix* had its Winter Quarters: Which was brought hither out of *Germany* by *Hadrian*. Here *Severus* and *Conſtantius* died, and *Conſtantine* was declared *Cæſar* by the Legions here. *Spartianus* calls it a City and ſaith that *Severus* went to the *Temple* of *Bellona* in it; which was hardly built by King *Ebranc*; becauſe I think *Bellona* was no *Britiſh* Deity.

Spart. Vit. Sever.

(2.) *Cair Ligualid*, and *Legeuit* and *Lualid*; called *Luguvallum* by the *Romans*, as in the *Itinerary*: Which ſignifies a Tower built *ad Vallum*, as *Camden* proves: And *Ranulphus Ceſtrenſis* cannot deny that part of the *Roman* Wall went through the City; but yet he would have it built by one King *Leyl*; who according to *Geoffery* was 7th King of the *Britains*. Then *Carleyl* muſt be the *Britiſh* Name; and ſo all the Copies of *Nennius* were ſtrangely miſtaken; but that this was an ancient *Roman* City, is evident from the Monuments of *Roman* Antiquities both in and near it; as at *Morbium*, (*Moresby*) *Arbeiæ*, (*Ierby*) and all the places that were *ad lineam Valli*; on both ſides the *Roman* Wall, as will appear to thoſe that will take the pains to compare them: and no County affords ſo ample a Collection of *Roman* Antiquities, as *Cumberland*.

Bed. *l.* 2. *c.* 2.

(3.) *Cair Legion*, called *Civitas Legionum* by *Bede*, and interpreted by *Alfred* of *Beverly Cheſter*. Here the 20th Legion had its Winter Quarters. *Ranulphus* himſelf confeſſeth the Work in the old Monuments, looks more like *Romans* Work than *Britains*. So that one of *Geoffery*'s trueſt Diſciples is almoſt content to give this up for a *Roman* City. This is called *Deva* in the *Itinerary*; and it appears by the Coin of *Septimius Geta*, to have been a *Roman Colony*: And *William* of *Malmsbury* ſaith, the *Emeriti Legionum*, i. e. the *Veterans* reſided here, and ſo made a *Military Colony*.

Polych. l. 1. *c.* 48.

Malmsb. de Geſtis Pontif. *l.* 4.

Thus I have gone through all the noted *Britiſh Cities*, and particularly proved them to have been founded by the *Romans*; and therefore when *Gildas* and *Bede* ſay, that *Britain* was famous for its 28 Cities, it is to be underſtood of the *Roman* times and of Cities here built by their Means.

II. The next thing I propoſed was the State and Condition of *London* during the *Roman* Government here.

To underſtand this we muſt conſider the different Conditions of Cities within the *Roman* Empire. For all were not *Colonies* or *Municipia*, or *Emporia*; neither did thoſe which were once ſo always continue in the ſame State. For a Colony might be turned into an *Emporium*; as *Strabo* obſerves of *Sevil* in *Spain*; and an *Emporium* might be advanced to the Dignity of a Colony; and ſo *Colonies* might be turned into *Municipia* and on the contrary. *Pliny* who lived in the time when the different Condition of the *Roman* Towns was well underſtood, doth undertake

Velſer. Rer. Vind. *l.* 3. Strab. *l.* 3.

take to give a particular Account of them in ſome Provinces. In *Hiſpania ulterior*, he ſaith, there were 275 *Roman* Towns; whereof were 8 *Colonies*, as many *Municipia*, 28 that had the *Jus Latij*, (of which hereafter) 6 Free Cities, 4 Confederate, above 20 Stipendiaries. In the other Province of *Hiſpania citerior* were 294 Towns; whereof were, 12 Colonies, 13 *Municipia*, 17 that had the *Jus Latij*, 1. Confederate, the reſt Stipendiaries. In the Province of *Narbon*, beſide the Colonies he reckons up the *Latin* Towns, the confederate Cities, *&c.* and ſo in *Sicily*, *Sardinia*, *Luſitania*, &c. From hence it appears, that it was well ſaid by *Siculus Flaccus*, that the Titles of Colonies, *Municipia* and *Præfecturæ*, did ariſe from the carriage and deſerts of the People towards the *Roman* State. If any Cities upon the Invaſion of a Province readily joyn'd with the *Roman* Forces they were called confederate Cities, and were by virtue of the Compact between them to enjoy all their former Rights and Privileges, without paying any Tribute. Of which ſort were many Cities in *Italy*; but ſometimes ſuch Cities parted freely with their own Liberties, to make themſelves capable of the Privileges of the *Roman* City; and ſometimes upon misbehaviours, they were taken from them. Thus *Suetonius* ſaith, that *Auguſtus* deprived ſeveral confederate Cities of their former Liberties for the ill uſe they made of them. *Dio* mentions *Cyzicum*, *Tyre* and *Sidon*, for the ſeditious carriage of the Citizens; but *Cyzicum* had theirs ſoon reſtored upon their Submiſſion, as *Dio* ſaith, not long after. *Veſpaſian* too away the Freedom of *Achaia*, *Lycia*, *Rhodes*, *Byzantium*, and *Samos*; and likewiſe reduced *Thracia*, *Cilicia* and *Comagena*, into the Form of Provinces, which had hitherto obey'd their own Prince. For there were ſome Nations accounted it as great a Privilege to live in Subjection to them as others did to caſt them off; as appears not only by theſe Inſtances of *Thracia*, *Cilicia* and *Comagena*, but *Strabo* ſaith, of *Cappadocia*, that when the Royal Line failed, the *Romans* gave them Liberty to chooſe their own Government, not doubting that it would be a Common-wealth, as theirs was then at *Rome*; but they ſent Embaſſadors, to *Rome*, to deſire they might live under a Monarchy ſtill; and ſo, to the wonder of the *Romans* they choſe *Ariobarzanes* King.

Plin. *l.* 3. *c.* 1.
c. 4.
c. 7, 8.
Sicul. Flac. de Condit. Agror.
Suet. Aug. *c.* 47.
Dio, *l.* 54.
Suet. Veſp. *c.* 8.
Strab. *l.* 12.
p. 13.

But *Strabo* ſaith, there were 2 ſorts of free Cities in the *Roman* Empire; ſuch as were ſo by original Compacts; or ſo made by enjoying their own Laws and Magiſtrates, upon certain terms. Of this ſort we have many Inſtances in the *Roman* Hiſtory; as all the Cities of *Greece* by a Decree of the Senate; *Amiſus* a City of *Pontus*, as *Strabo* calls it, had a ſtrange Revolution; having its Liberty given by *Cæſar*, taken away by *Anthony*, reſtored by *Auguſtus*, and in the time of the younger *Pliny* ſaid to be a Free and confederate City; and the like change *Tacitus* obſerves in *Rhodes*.

Strab. *l.* 17.
Liv. *l.* 33. c. 17.
Strab. *l.* 12. Plin. Ep. l. 10. Ap. 93. Tacit. An. *l.* 12. 58.

But theſe were *Cities made free*, i. e. were admitted to the Privileges of the City of *Rome*, although no Colonies deduced from thence. Which being very great both in a publick and private Capacity, were ſparingly granted, eſpecially in the remoter Provinces. Such a City, I ſuppoſe *Tarſus*, where S. *Paul* was born, was, having its Liberty given by *Antony*, and confirmed by *Auguſtus*; and S. *Paul* pleads the Privilege of being born a *Roman* Citizen. *Spanhemius* produces a Coin of *Gordianus*, wherein it is ſaid to be a Colony; but that was of later times. For why ſhould *Antony* and *Auguſtus* give Liberty to a *Roman* Colony: Which according, to *Cicero*, is *Civitas a Matrice Civitate deducta*, and

Apian. Bell. Civil. *l.* 5.
Dio. *Chryſ.* or. 35.
Span. diſſert. de Num. p. 785.

ſo their Freedom was the ſame with that of the City of *Rome*. Among theſe Cities made Free, there were 2 ſorts; one of thoſe who enjoy'd their own *Municipal* Laws, but had honorary Privileges, that is a Capacity of the ſame Dignities which the Citizens of *Rome* had; and theſe were properly *Municipia*. Which *Municipal Laws* ſome Cities valued above all the other Privileges of *Rome*; and therefore deſired to be reduced from being Colonies to be *Municipia*; of which *Hadrian* gives an Inſtance in *Præneſte*; not called therefore a *Colony* but *Opidum*, in *Frontinus* his Book of *Colonies* in *Nerva*'s time, as *Joſ. Suareſius* obſerves: But on the other ſide many of the *Municipia* were impatient till they obtained the Privileges of Colonies, as *Hadrian* there obſerves, and inſtances in *Italica* and *Utica*. Now theſe Cities which parted with all their own Laws and Cuſtoms, and were incorporated into the *Roman* State, were ſaid to be *Populi Fundi Facti*, among whom the *Roman* Law is ſettled *tanquam in Fundo*, as *Cicero* explains it. Upon which happen'd a great Caſe in *Rome*, whether a Native of a Confederate City, not being *populus fundus factus*, could partake of the Privileges of the *Roman* City? Which was the Caſe of *Cornelius Balbus*, born at *Gades*, but had the Privilege of a *Roman* Citizen given by *Pompey*; the City pleaded that he was uncapable by their Exemption as a free City. *Cicero* on the other ſide, that the *Roman* State did not abridge their own Power, but could give the Privilege of the City to whom they thought fit. But it is plain by his Diſcourſe that the Confederate Cities were far from being pleaſed, when their Citizens forſook their own Privileges and became Members of the City of *Rome*. And in ſeveral of the Original Compacts this Clauſe was inſerted, that none ſhould be allowed ſo to do without the Conſent of the City; but then *Cicero* urges, that where that Clauſe was not mention'd, they might make any one a *Roman* Citizen whom they pleaſed; which Authority was given to *Pompey*, by a Law. But thoſe Cities which could not be admitted to an equal participation of the Privileges of the City of *Rome*, yet were deſirous of ſome ſhare of them; which was called the *Jus Latij*, and was diſtinct feom the *Jus Quiritium*, which as *Sigonius* explains it, moſt probably was that which no Strangers were admitted to, who were not *Fundi Populi*, i. e. not incorporated into the *Roman* City. But the *jus Latij*, lay only in a Right of Suffrage, but without a Tribe ſaith *Onuphrius Panvinius*; and in a capacity of being *Roman* Citizens upon bearing Offices in their own Bodies. *Aſconius Pedianus* ſaith *C. Pompeius* obtained this Privilege for the Colonies beyond *Po*; and he calls it *Jus Latij*.

A Gell. *l.* 16. *c.* 13.
Præneſt. Antiq. *l.* 1. *c.* 21.
Cicer. pro Balbo.
Sigon. de antiq. jure Ital. *l.* 1. *c.* 4.
Antiq. Veron. *l.* 2. *c.* 14.
Aſcon. Ped. *in* Cicer. Piſon.

The *Jus Italicum*, was leſs than this, conſiſting only in *the Liberty* of chooſing their own *Magiſtrates*; and afterwards carried with it an exemption from *Tribute*; which *Italy* was freed from by the Law of *Cæcilius Metellus* as *Dio* ſaith.

Dio, *l.* 37.

Thoſe Places which had none of theſe Privileges were ſaid to be reduced into the Form of a Province, and were governed wholly by Officers ſent from *Rome*, who had different Names and Titles, according to *the Extent* and *Nature* of their Juriſdiction; as Prætors, Queſtors, Legats, *&c.* But where the Power extended only to one place, they were called *Præfecti*, and the Government *Præfectura*; of which ſort there were many in *Italy*, which are reckon'd up by *Feſtus*.

As to *the Government* of the *Roman* Provinces, they that were under the immediate Care of the Emperor, after the Diviſion made by *Auguſtus*,

ſtus, (as this Province of *Britain* was) had a Governour in chief over the whole Province ſent among them, whoſe Title commonly was, *Legatus Aug. pro Prætore Prov.* Of ſuch here in *Britain* there are two Inſcriptions in *Gruter* ; and one lately found ſince the Fire near *Ludgate*, being ſaid to be a Funeral Monument for *Vivius Marcianus*, Legate to *Hadrian* here in *Britain*. That it was an Inſcription to his Memory is plain, and it is probable he was *Cæſar*'s Legate here, although not expreſſed at large. Theſe Legates had their chief Reſidence in the Metropolis of the Province ; and therefore this Inſcription to the Memory of *Cæſar's Legate* was properly fixed in the *Metropolis* at *London* ; but the Burying-place was not within the City, that being contrary to the *Roman* Cuſtom ; but in the Fields, not far from the *Roman* Way. And ſo here the *Burying-place* was on the *North-Eaſt* and *Eaſt-ſide* of the Suburbs, where many Urns, Funeral Veſſels, little Images, and Earthen Pots have been taken up, and Coins of *Claudius*, *Nero*, *Veſpaſian*, &c. which is fully ſet forth by Mr. *Stow*, whom I do not intend to tranſcribe. But it deſerves to be remembred, that Sir *Robert Cotton* had diſcovered the Monument of a Proprætor's Wife in *Ratcliff Field*. As the *Legate* or *Proprætor* had his chief Reſidence in the *Metropolis*, ſo the great Buſineſs of the Province, as to *civil Matters* was brought thither to him ; and the Power of Life and Death belong'd to him ; which the *Procurator Cæſaris* had not, unleſs he were Governour of the Province too ; as in ſmaller Provinces it often happen'd, ſo in *Judæa*, he that was *Procurator Cæſaris*, as *Pilate* was no more, had the Juriſdiction too, but under the Preſident of *Syria* ; for *Vitellius* ſent *Pilate* to *Rome* upon complaint of his ill Government ; but in greater Provinces the *Procurator* only minded the Revenue. This Diſtinction was obſerved in *Britain* ; as the *Britains* in *Tacitus* ſadly repreſented their Condition to each other, that whereas before they were under one King of their own, now they had two put upon them, the Legate that diſpoſed of their Blood, and the Procurator of their Eſtates: So that all Capital Cauſes belong'd to the Legate's Court ; and thoſe of the Exchequer to *Cæſar*'s Procurator. The Legate had his *Prætorium* in the Metropolis, which at firſt ſignified the General's Tent ; but as the Name came from the Camp to the City, ſo the *Prætorium* was the Manſion-Houſe of the Governour ; altho' in *Auguſtus*'s time it ſignified any ſtately Palace. Near the *Prætorium* was the *Baſilica* or Court of Juſtice, where he ſat in his *Sella Curulis*, and diſpatched publick Buſineſs relating to the Province ; for particular Cauſes he either heard them himſelf with the Judges appointed, or left them to their Examination, who were to be taken out of that Conventus or Diviſion, wherein the Parties lived, and to whom they conſented, as appears by *Cicero*'s proceeding againſt *Verres*. Theſe were called *Recuperatores* in the old *Roman* Writers ; and might be challenged by the Parties, without alledging a Cauſe, ſo it were done *ante Legem conteſtatam* ; and it was enough to ſay, *Hunc Nolo*, as *Cujacius* obſerves.

Marmor. Oxon. *p.* 281.

Weaver's *Monument. p.* 515.

Stow's *Survey, p.* 177.

Weaver, *p.* 30.

V. Noris Cenotaph. Piſan. *Diſſert.* 2. §.8.

Tacit. Vit. Agric.

Sueton. Aug. *c.* 72.

Cicer. pro Cæcin.

Plaut. Bacchid.

A Gell. *l.* 20. *c.* 1.

Cujac. Obſerv. *l.* 9. *c.* 23.

But becauſe the whole Buſineſs of the Province could not be diſpatched in one Place, therefore in the fitteſt Seaſon they appointed a *Solemn Conventus*, as they called it ; *i. e.* a Meeting of ſuch a Diviſion of the Province, at a place by them appointed for Adminiſtration of Juſtice. This they called *Conventus agere.* Thoſe who lived within the *Conven-*

Strab. *l.* 3.

Cicer. 7. in Verr. Berter. Pith. Diatr. 1. *c.* 9.

tus, were ſaid to make up the *Dioceſe*. So *Cicero* uſes the Word ſeveral times; from whence it appears, that a Dioceſe was originally leſs than a Province, although in the New Diſtribution of the *Roman* Empire, it comprehended ſeveral Provinces. Sometimes the Governour called ſeveral *Conventus's* to one Place, as *Cicero* ſaith he did at *Laodicea. Pliny* ſaith, that in one Province of *Spain* there were 4 *Conventus's*, in another 7, in another 3. The Place where the *Conventus* uſed to be kept, was called *Forum* as *Feſtus* ſaith; thence *Forum Seguſianorum* in *Gaul*. But the *Forum Flaminium*, and *Forum Julii* were ſo called from being Places of Trading.

Cicer. Epiſt. *l.* 13. Ep. 53. Ad Atticum, *l.* 6. Ep. 2.

Plin. *l.* 3. *c.* 1, *&c.* Feſt. *v.* Forum. H. Valeſ. Not. Gall. *p.* 200.

The *Stipendiary Cities* were ſuch as were cited to the *Conventus*, being governed by the *Roman* Magiſtrates, and paying Tribute; and ſo were of the Nature of the *Præfecturæ* in *Italy*; only they had not Magiſtrates ſent to them annually from the People of *Rome*, or the *Prætor* as thoſe had. And I cannot underſtand by *Feſtus*, that there were any *Præfecturæ* out of *Italy*; nor to what purpoſe *Præfects* ſhould be ſent from *Rome* into remote Provinces, when the Governours of them were to adminiſter Juſtice in all the Stipendiary Cities at the ſeveral *Convents*. And if there were occaſion for a *Præfect* to be ſent, the Preſident of the Province was to take care of it; and theſe were called *Vicarii & Judices Locorum*, as *Berterius* obſerves; only at *Alexandria* the Prince himſelf did appoint the Governour. Since then that *Britain* was reduced into the Form of a Province, and had a Legate appointed as Governour over it, who had his Reſidence in the Metropolis at *London*, there can be no probability in Mr. *Camden*'s Opinion, that it was in the Condition of a *Præfecture* and not of a *Colony*. But Mr. *Camden* urges, *That it was not for the Intereſt of the* Roman *Government to make ſuch a Place of Trading as* London *was, a* Roman Colony. Therefore, to clear this, we muſt conſider that there were ſeveral ſorts of Colonies, (1.) Civil Colonies, *i. e.* ſuch as conſiſted only of *Roman* Citizens, drawn out from the City, and planted in ſuch places out of which the former Inhabitants were removed. Theſe had all the Privileges of the City of *Rome*, the ſame kind of Magiſtrates and Government; thence *A. Gellius* calls them, *The little Images and Repreſentations of the City of* Rome. Many Rites and Cuſtoms belong'd to the drawing out and ſettling ſuch a Colony, which are beſide my purpoſe. (2.) Military Colonies, when the Veteran Soldiers for a Reward of long Service were ſettled together by way of a Colony. Of which ſort, from *Sylla*'s time, there were very may both in *Italy* and the Provinces abroad. Theſe generally took their Name from the Legions they belong'd to. *Ezek. Spanhemius* mentions about 120 of theſe, which he had obſerved from Coins, Inſcriptions, and other good Authorities. Of this kind here were the Colony of *Veterans* at *Camalodunum*, the Colonies of *York*, *Cheſter*, *Caerleon*, &c. But beſides theſe two, there were, (3.) *Mixt Colonies*, where the *Roman* Citizens and the Natives joyned together; and although they had not the Name, yet had the Privileges of a Colony. Of this ſort *Onuph. Panvinius* reckons up many in *Italy* it ſelf; and ſuch a one *Julius Capacius* ſaith *Puteoli* was, which *Cicero* calls an *Emporium*; *Livy* and others a Colony; *Lipſius* ſaith, it had the Right of a Colony before it obtained a mix'd Colony: And the like *M. Velſerus* ſaith of *Auguſta Vindelicorum* and *Colonia Agrippina*; and of this kind I conclude *London*

Feſt. *v.* Præfect.

Pithan. Diatr. *l.* 1. *c.* 10.

Brit. *p.* 304.

A Gell. *l.* 16. *c.* 13.

Spanhem. de Uſu Numiſm. *p.* 765. Onuph. Panvin. Antiq. Veron. *l.* 2. *c.* 13. Jul. Capac. Hiſt. Neapol. *l.* 2. *c.* 24. Cicer. ad Attic. *l.* 5. Ep. 2. M. Velſer. Aug. Vindel. *l.* 7.

London to have been; which was *Nobile Emporium*, in *Tacitus*'s time, Lipſ. ad Tacit. Annal. 14.74. a Place of mighty advantage by its *Situation for Trade*, and therefore apt to draw both *Romans* and Natives together, where they had all the Encouragement, which the *Roman* Governours Reſidence could give it. Which would ſoon make the City in ſo *little time*, grow ſo great, that although it were firſt built in *Claudius*'s time, yet in *Nero*'s, it might be too large for *Suetonius Paulinus* to hazard his Army to defend it. For where-ever there was a new Province made, there was great occaſion for ſuch an *Emporium* or place of Trading to be ſet up. For the Citizens of *Rome* made mighty Improvement of their Eſtates by ſending their Money into new Provinces; and one Perſon in *Rome* had at one time ſo much Money at Intereſt here, (even *Seneca*) that *Dio* ſaith, *The* Xiphil. in Ner. *calling of it in, was one of the occaſions of the Revolt of the* Britains. But beſides the *Roman Bankers*, they had great Traders among them; and very early there was *Collegium Mercatorum* at *Rome*; they were called Liv. *l.* 2. c. 27. *Mercurialis* in *Tully*, becauſe, as *Feſtus* ſaith, they looked on *Mercury* Cicer. Ep. ad Q. Frat. *l.* 2. Ep. as the God of Trading. Theſe lived at *Rome* and traded abroad; but there were others, who went themſelves into the Provinces, and were called *Negotiatores*, of whom *Cicero* ſaith, Gaul *was full in all places*; Cicer. pro Fonteio. and all Buſineſs of Trade and Money was diſpatched by them: and the like he mentions in the Provinces of *Aſia*; and he ſaith, their Stock Pro Lege Man. was ſo great, that a Blow could not be given them, but it would be felt at *Rome*.

But all the Trade of *Britain* did not depend upon the *New Province*; for *Cæſar* confeſſes, that before his coming there was a ſettled Commerce between the Parts of *Gaul* and *Britain*. *Cæſar* ſaith, *the Mer-* Cæſar. *l.* 4. *chants could tell him little of the Country*; it is far more probable they would not. For, he after ſaith, *he ſent over word of his coming*. And how came the *Gauls* to be ſuch Strangers here, if *Divitiacus* commanded a great part of it, as himſelf ſaith, if they ſent over Supplies into *Gaul*; if *Comius* of *Arras* had ſuch Authority among the *Britains*; if Perſons were ſent over from *Gaul* hither to be inſtructed in the *Druids* Doctrine? All which being affirmed by *Cæſar*, evidently prove a conſtant Correſpondency between *Britain* and *Gaul*. And the Trade was, not for trifling Commodities, as *Strabo* inſinuates, *viz.* of Knacks made of *Ivory* Strab. *l.* 4. and *Amber*, &c. but for *Lead* and *Tin*; which, as *Diodorus Siculus* obſerves, the Merchants bought here and tranſported into *Gaul*, and Diod. Sicul. *l.* 4. ſo by Land to *Marſeilles*, which is likewiſe affirmed by *Poſidonius* in *Strabo*; and from thence it was called the *Celtick Tin* by the *Greeks*. Strab. *l.* 3. But ſome of them had learnt it came from certain Iſlands called *Caſſiterides*, Herod. *l.* 3. but where they lay *Herodotus* confeſſeth he knew not. *Strabo* Strab. *l.* 3. ſaith, the *Phœnicians* traded to them, and conceal'd the Paſſage to that degree, that one of the Maſters rather choſe to ſtrand his Ship than diſcover it to the *Romans*, for which he was reimburſed out of the publick Stock. But after many Attempts, he ſaith, the *Romans* found the way of Trading thither, and he mentions *P. Craſſus* who was upon the Place and ſaw the way of digging and preparing their Metals, and taught the People the Art of Navigation. But *Strabo* diſtinguiſheth between the *Caſſiterides* and *Britains*. And Mr. *Camden* hath very well proved, Brit. p. 857. that the Iſlands of *Silly* were the *Caſſiterides* of the *Greeks*; and the *Oeſtrymnides* in *Feſtus Avienus*.

Whether the *Phænicians* Trade did extend any farther than thoſe Iſlands is uncertain, after all the Attempts which have been made of late to make them almoſt the Peoplers of *Britain*. A very learned Perſon had ingeniouſly conjectured, that the Name *Britannia* was derived from two Oriental Word, ברת *Barath*, which in the *Syriack* ſignifies *a Field*, and אנך *Anac*, which in the *Hebrew* ſignifies *Tin* or *Lead*; from hence he preſumes the ſame Signification continued in the *Phænician* Language; and from thence the Name *Britannia* came, as *Strabo* and others call it. This may paſs among the better ſort of Conjectures; but a bare Similitude in the Sounding of Words, where there are not ſufficient Teſtimonies to prove, that the People which uſed that Language did firſt give it, affords but a ſlender Foundation to build upon. It is poſſible the *Phænicians* might give names to thoſe Places about *Britain* which they traded to in their own Language, as the *Engliſh* have in *Hudſon*'s-*Bay*, and the *Spaniards* in *America*, but the *Dutch* may give other names to the ſame Places; whereby they are called among them. Therefore to juſtifie this Etymology, it is not enough to ſhew, that in ſome parts of the *Eaſt*, thoſe Words bear ſuch a Senſe, but that the *Phænicians* uſed them ſo, and applied them to *Britain*; and that other Nations did take this Name from their Books, or Commerce with them. But it appears by *Strabo* they concealed their Trade to the *Caſſiterides* to the utmoſt, and therefore would not acquaint other Nations with ſuch a Name, as would be moſt apt to draw other Traders thither. For, what was this, but to boaſt to the World, that they had found out a whole *Country* of *Lead and Tin*? Which is far from the Practice of that Maſter of the Ship who choſe rather to loſe his Ship than to diſcover the Trade. So that the *Phænicians* would have called it by any other Name, rather than that, if theſe Words did ſignifie ſo among them. But I ſee no ground to believe, that the *Phænicians* did trade hither, before the flouriſhing of the *Carthaginian* State. For, who that *Midacritus* was that firſt brought Lead from the *Caſſiterides*, *Pliny* doth not inform us, nor at what time he lived. *Bochartus* reads it *Melicarthus* or *Melcarthus* the *Phænician Hercules* in *Sanchoniathon*. But he confeſſes *Midacritus* to be a Greek Word; and *Piny* ſaith nothing to prove he was a *Phœnician*; and juſt before ſpeaking of the refining of Gold he attributes it to *Cadmus*, and calls him the *Phœnician*. It is certain *Strabo* gave little credit to the *Phœnicians* Stories of their Navigations in the elder times; and he blames *Eratoſthenes* for believing them; and by *Hanno*'s Voyage it appear how little they had then diſcovered beyond *Hercules*'s *Pillars*. For *Cerne* was no farther beyond them on the *African* Coaſt, than it was from *Carthage* to them. I will not deny that *Himilco* came farther this way, at the ſame time, being ſent out for Diſcoveries; but all the account we have of that is what is preſerved in *Feſtus Avienus*, who profeſſeth to follow the *Punick Annals*; where he mentions the *Oeſtrymnides* rich in Lead and Tin, full of People who were skilful in Trading, near the Iſland of the *Hiberni* and that of *Albion*; and that it was four Months Voyage from *Carthage* thither. Now if *Feſtus Avienus* may be credited, *Himilco* firſt diſcovered theſe Iſlands which were diſtant from *Britain*, and *Albion* was the Name uſed in the *Punick Annals*.

Boch. Cana. *l.* 1. *c.* 39.

Plin. *l.* 7. c. 56.

Strab *l.* 1.

Plin. *l.* 2. c. 67. Feſt. Avien. de Ora Maritim. v. 431, *&c*

It is aſſerted by a late learned Writer of our own, that *Britain* was wholly unknown of old to the *Greeks*; and that the very Name of *Britain* cannot be found in any *Greek* Writings before *Cæſar's* time. An Aſſertion I could not read without wonder, conſidering the *Greek* Authors mentioned by *Strabo* and *Pliny* who had writ concerning it; ſuch as *Timæus*, *Iſidorus*, *Charaeenus*, *Pytheas*, *Dicæarchus*, *Eratoſthenes*, *Poſidonius*, and *Polybius*. It is true, their Works are now loſt; and *Strabo* finds fault with ſeveral things ſaid by them? But what then? Doth this prove that *Britain* was not then known to the *Greeks*, becauſe their Works are not now to be found? Did they ſay nothing true, becauſe they ſaid ſomething that was not? And yet even *Pytheas* of *Marſeilles* is now juſtified in what *Strabo* moſt accuſes him of, *viz.* his Deſcription of *Thule*; whereas a preſent ingenious and learned Perſon hath undertaken ſo far to juſtifie *Pytheas* therein that he ſaith, one might have ſuſpected ſome modern Geographer had inſerted it into *Strabo*. But from hence it appears, that *Britain* was known to the *Greeks* before *Cæſar*'s time; and therefore it ſeems to be a piece of Artifice in *Cæſar* to pretend ſo great Ignorance of *Britain* when he came thither, thereby to heighten the Glory of his Enterpriſe.

Sheringham de Angl. Gentis Orig. *c.* 6. p. 98. 99.

Strab. *l.* 1. & 2. Plin. *l.* 4. *c.* 16.

Olaus Rudbech Atlantic. *c.* 19.

Having thus ſhewed that there was a ſufficient Trade even in *Britain* to found ſuch a mixt Colony of *Romans* and Natives at *London*, and that it was the *Metropolis* where the *Roman* Governour had his Reſidence; I proceed to the Third Enquiry.

III. Concerning the *Temple of Diana* ſuppoſed to ſtand where the Foundations of S. *Paul's* are ſince laid. Which Mr. *Camden* gives countenance to, from the *Camera Dianæ* not far from it, and from the *Number of Oxes Heads* taken up in *Ed.* I's time; and from the Ceremony of bringing the *Stags-Head* to S. *Paul*'s by the Family of *Bawds* in *Eſſex*. Of which laſt a true Account is given in the Hiſtory of S. *Paul's*. As to the *Camera Dianæ*, which appears ſtill in the Books, Mr. *Stow* hath given the beſt account of it; *viz.* That they were only Lodgings for *Roſamond* in *H.* II's time, from whence there was a ſecret Paſſage to the King's Palace at *Baynard*'s *Caſtle*; which, as Mr. *Camden* ſaith, ſome thought was only a part of the old *Royal Palace* which ſtood on the Weſt-ſide of the City. This *Leland* and *Camden* both ſay, was that which *Fitz Stephen* calls the *Palatine Tower* on the Weſt ſide of the City; and in the place where that ſtood, the two Caſtles called *Baynard*'s and *Mount Fitchet* were afterwards built. For when by the Charter of 4 *E.* 1. extant in *Stow*, a Licence was given to *R. Kilwarby* by the Archbiſhop of *Canterbury*, to pull down the Tower of *Mount-Fitchet*, it was that he might build the Church or Convent of *Black Friars* in the ſame place. And withal it is there expreſſed, that the Biſhop of *London* had obtained the Stones of *William the Conquerour* to reedifie the upper part of S. *Paul's-Church*. But a little after, through great Incogitancy, Mr. *Stow* makes the ſame Tower to ſtand on the other ſide the *Fleet*, where *Bridewell* ſtands: For he mentions the ſame Gift of King *William* to *Mauritius* of the choice Stones of his Caſtle ſtanding near the *Thames*, at the Weſt end of the City; but in that very place *Black-Friars* was built by *Kilwarby*, and therefore it muſt ſtand where that did.

Brit. p. 306.

Stow's Survey, p. 781.

Brit. p. 395.

Leland. Collect. To. 2. p. 283.

Stow's Survey, p. 61.

p. 61, 62.

But to take away all Suſpicion of any Temple to *Diana* being built where S. *Paul*'s ſtands; I ſhall a little farther examine the Truth of this Tradition, and that will be by conſidering by whom *Diana* ſhould be worſhipped in that place. For it muſt have been either by the *Britains*, or by the *Romans*, or by the *Saxons*; but if by none of theſe, then it will be allow'd, there was no ſuch Temple here. The *Saxons* are not ſuſpected to have had any particular kindneſs for *Diana*, and therefore it belongs to the other too.

As to the *Britains* I ſhall prove, both that they had no ſuch Deity; and if they had, they would not have worſhip'd her in that manner.

It will hardly be thought, that the Worſhip of *Diana Perſica* ſhould be propagated among the *Britains*, which beſt agrees with this Fancy; for *Plutarch* ſaith, *Oxen were ſacred to her*. But we never read that *Brutus* travelled ſo far as *Perſia*, to bring a *Diana* from thence: For the *Diana* he worſhipped was among the *Greek Iſles*, from whom he received his Oracle. Therefore it cannot be *Diana Taurica*, which was a *Scythian* Deity, and worſhipped with *Human Sacrifices*. *Lucan* doth parrallel the Worſhip of *Taranis* and of *Diana*; and *Taranis* was a *Britiſh* Deity But *Taranis* was not the ſame with *Diana*; ſo far from it, that he ſeems moſt like to the *Roman*'s *Jupiter Tonans*, and the *Thor* of the *Goths* and *Saxons*. Neither can it be underſtood of the *Greek Diana*, the Huntſmen's Deity, the Daughter of *Jupiter* of *Crete*, called *Britomartis* by the *Cretians*; for *Brutus* himſelf worſhipped her with the Sacrifice of a *White Doe*; and the offering up ſo many Oxen was very improper to her. There remains yet another *Diana*, called *Diana Lucifera* in many Inſcriptions, and *Diana Cæleſtis*, i. e. the Moon. But it is agreed, that the Worſhip of the *Gauls* and *Britains* was the ſame; and *Cæſar* therein places the difference between the Religion of the *Germans* and *Gauls*, that the *Germans* worſhip'd only the Gods they ſaw, the *Sun*, and *Vulcan*, and the *Moon*; but the *Gauls* worſhipped *Apollo* againſt Diſeaſes, *Minerva* as the inventreſs of artificial Works, *Jupiter* as having the Power of the Heavens, *Mars* as God of War. But here is no place for *Diana*; which *Cæſar* would not have omitted, being ſo celebrated a Deity among the *Romans*; and if they had worſhipp'd the *Moon*, why doth he ſet it down ſo expreſly as to the *Germans*, and leave her quite out among the *Gauls*? And if they did worſhip the *Moon*, as the *Germans* did, wherein lay the mighty Difference, between thoſe who worſhipped viſible Deities and them?

Plutarch in Lucullo.
Herod. l 4.
Am. Marcel. l. 22. n. 2.
Luc. l. 1.
Cæſar, l. 6.
Luc. l. 1. & 3.
Plin. l. 16. c. 44.
Tac. An. 14.
Max. Tyr. odyſſ. 38.
Claud. de laud. Stilic. l. 1.
Tacit. de Mor. Ger.

But ſuppoſing the *Britains* did worſhip *Diana*, yet how come they to build a *Temple* to *Diana*, when it is ſo notorious, that the *Druids* performed all their Superſtitious Worſhip in Sacred Groves, which were all the Temples in Uſe among them. *Lucan*, *Pliny*, *Tacitus*, *Maximus Tyrius*, and *Claudian*, all atteſt this. And in this all the Northern Nations ſeem'd to have agreed. So *Tacitus* ſaith of the *Germans*; that they neither had Temples nor Images, but only conſecrated Groves. *Cluverius* ſaith, the Temple of *Hertha* was only her Grove; and *Loccenius* ſhews, *Tanfana* mentioned by *Tacitus* is no more than *Luci Dominus*, the God worſhipped in the Grove. *Fan* is Lord, and *Tan* is the Fir-tree. *Tacitus* mentions the Sacred Groves among the *Batavi*; *Adamus Bremenſis* ſaith, the old *Saxons* worſhipped well-ſpred Trees. *Helmoldus* ſaith, the *Sclavi* and *Pruſſians* worſhipped in Woods and Groves. *Æneas Sylvius* ſaith the ſame of the *Lithuanians*. *Pet. de Duysberg* ſaith, that the *Crive*, or Chief of the *Pruſſian Druids*, dwelt under

Cluver. German. Antiq. l. 1. c. 34.
Loccen. Antiq. Suev. Goth. c. 3.
Tacit. Hiſt. l. 4.
Adam. Brem. l. 1. c. 6.
Helmold. Chr. Sclav. l. 1. c. 1. c. 84. n. 3.
Æn. Sylv. Comment.
Chron. Pruſſ. part 3. c. 5.

under the great Oak of *Romove*, of an incredible Thickneſs; and they could not be removed from it till *Boleſlaus*, firſt King of *Poland*, cauſed it to be cut down. So that it would have been very ſtrange for the *Britiſh Druids* to have built a Temple to *Diana*. It remains therefore, that if there were any ſuch Temple, it muſt be built by the *Romans*, among whom *Diana* was in great Requeſt; and had been ſo very ſoon after the Foundation of their City, as is obſerved by *Dionyſius Halicarnaſſæus* and *Feſtus*. But it is as evident that *Stags* were the proper Sacrifices to *Diana*; but if they could not be had, Sheep were allowed, and a Sheep was then called *Cervaria Ovis*.

Dionyſ. Halicarn. l. 2. & 3.
Feſt. v. Servorum Dies
Feſtus.

But Mr. *Camden* ſaith, *the Tauropolia were kept in Honour of* Diana. But they had no relation to Oxen, but to the Worſhip of *Diana Taurica*, as Mr. *Selden* hath ſhewed at large; and there were *Taurobolia* often mention'd in *Gruter*'s Inſcriptions, which were Rights of Initiation to the *Mater Deorum*, and are deſcribed at large by *Salmaſius*. So that we can find no Ground at all for any Temple to *Diana*; and the Arguments hitherto produced for it, rather make againſt it.

Selden. de Synedr. l. 3. c. 14. §. 9.
Salmaſ. ad Hiſt. Aug. p. 179. 180.

But if any ſhould ask, Whether ſo remarkable a part of the City of *London* could be ſuppoſed, in the *Roman* times, to have been without any Temple at all? I anſwer, not; and if I may propoſe my Conjecture, I rather think there ſtood a *Capitol*, and that for theſe Reaſons: (1.) Moſt of the noted Colonies had Capitols erected in them, in Imitation of *Rome*; which not only *Lipſius* affirms to have been the common Cuſtom, but the ſeveral Capitols are mention'd by good Authors. That at *Capua* and at *Beneventum* by *Suetonius*; at *Pompeij* by *Vitruvius*; and of later times, at *Florence* by *Politian*; at *Ravennæ* by *Hier. Rubeus*; at *Milan* by *Caſtellionæus*; at *Narbo Martius* by *Sidonius Apollonaris*; at *Tholouſe* by *Greg. Turonenſis*; at *Autan* by *Eumenius*; at *Veſontio* by *Chiffletius*; and at *Colonia Agrippina* by *Hadr. Valeſius*, who mentions it as a general Cuſtom. (2.) The Situation of the Place makes it probable; it being the Rule in *Vitruvius*, that Capitols were to be erected in the higheſt and moſt conſpicuous Part of the City, as that is where St. *Paul*'s ſtands. As the *Temples* to *Mercury* were to be built in the *Forum* or *Emporium*; to *Apollo* by the Theatre; to *Mars* without the City; and ſo to *Ceres*; to *Venus* at the Gates. (3.) The Agreeableneſs of the Sacrifices For Oxen were accounted the moſt noble Sacrifices, and ſo moſt proper for the Worſhip performed in the Capitol. *Et maxima Taurus Victima*, ſaith *Virgil*. *Servius* obſerves, that thoſe who went up to the Capitol in Triumph ſacrificed white Oxen. And again, *Ubique Jovi Juvencum legimus immolatum*. And *Feſtus*, in *Opima Spolia*, *Jovi Feretrio Bovem cædito*, which he ſaith was a Law of *Numa*. In the *Columna Trajani*, there are Oxen ready to be ſacrificed when he went up to the Capitol. And *Joh. Sariſburienſis*, upbraiding *Gilbert* Biſhop of *London* for attempting to reſtore the *Metropolitan* See to *London*, becauſe it was there in the *Roman* times, he ſaith, *Cultum Jovis inſtaurare diſponit*; *he makes as if he would ſet up the Worſhip of* Jupiter *again*; which ſhews, that he believed a *Temple* to *Jupiter* to have been here in the *Roman* Times; and his Teſtimony is more conſiderable than that of the Monks, who being poſſeſſed with the Story of *Brutus* and his *Troy novant*, could think of nothing but his ſetting up a *Temple* to *Diana*, in remembrance of her Oracle, who directed him firſt to *Britain*.

Lipſius de Magnit. Rom. l. 3. c. 5.
Sueton. Tib. c. 40.
Cal. c. 57.
De illuſt. Gram. in Orbil.
Vitr. l. 3. c. 2.
Polit. Ep. l. 1. *Ep.* 2.
Hiſt. Rave l. 1. p. 21.
Antiq. Med. Part 1. *Faſcic.* 7. p 157.
Sidon. laud. Narb.
Greg. Turon de laud. Martyr. c. 48.
Eumen. in Panegyr.
Chifflet. Veſont. part. 1. c. 16
Hadr. Valeſ. Notit. Gall. p. 149.
Vitruv. l. 1. c. 7.
Plin. l. 8. c. 45.
Virg. Georg. l. 2.
Serv. in Æneid. 3.
Columna. Trajan. n. 241, 242.
Joh. Sariſbur. Ep. 272.

IV. I now come to the laſt part of my deſign, which is, to give an Account of the firſt Foundation of the Cathedral Church of St. *Paul's* by King *Ethelbert*.

After that by the Influence of his Queen *Bertha*, and the Perſuaſions of *Auguſtin* the Monk, (ſent hither on purpoſe by *Gregory* the Great) *Ethelbert* had embraced the Chriſtian Faith, the firſt thing he took care of was to have Churches erected for the publick Worſhip of God. For when *Auguſtin* came firſt over, *Bede* ſaith, that he and his Brethren performed all Offices of Religion in the Queen's Church, called the Church of St. *Martins* on the Eaſt ſide of the City of *Canterbury*, which had been built in the time of the *Romans*: But when there was ſo great Progreſs made towards the Converſion of the People, as to have the King own himſelf a Chriſtian, then a new Cathedral Church was fitted up at *Canterbury*, being the Place deſigned for the Archbiſhop's See. To this end, he obtained from the King the Grant of the Ruins of an old Church in the *Roman* times; which being by the King's Munificence raiſed to a greater Splendor, was dedicated to the Honour of our Bleſſed Saviour, and deſigned to be the Metropolitical See. For although, according to Pope *Gregory*'s *Model*, *London* was ſtill to have been the chief See, as it had been in the *Britiſh* times; yet *Canterbury* being then the Royal Seat of King *Ethelbert*, it is moſt reaſonable to ſuppoſe, that by his Authority it came to be fixed there. For otherwiſe what Reaſon had *Auguſtin* to vary from the Inſtructions of his Maſter? *Gregory* having declared *London* and *York* to be the two Metropolitan Sees, and ſeveral times calling him Biſhop of *London*: And yet ſoon after the Receipt of thoſe Letters brought by *Mellitus* (after Biſhop of *London*) the Metropolitical See was fixed at *Canterbury*. Which either ſhews *Auguſtin*'s Diſobedience to the Pope's Authority, or the King's Power to order what concerns the external Polity of the Church. For the Monks who ſay, *the See was fixed there afterwards out of Honour to* Auguſtin, do not conſider that *Bede* ſaith that *Auguſtin* fixed the *See* in *Chriſt's Church* for himſelf and his Succeſſors. Which ſhews, that it was not done by others after his Death, but by himſelf, while as yet Pope *Gregory* was living; as appears by comparing the latter end of the firſt with the beginning of the 2d Book of *Bede*. And the Year before *Gregory*'s Death, he had conſecrated *Mellitus* Biſhop of *London*, which *Bede* ſaith was done *A. D.* 604. and *Gregory* died not till *A. D.* 605.

Bed. l. 1. c. 26.
c. 33.
Leland. Collect. To. 1. p. 31.
Bed. l. 1. c. 29.
Chronic. S. Auguſt. Cantuar. M. S.
W. Malms. de Geſt. Pontif. l. 1. c. 1.
De Geſt. Reg. l. 1. c. 70.
l. 2. c. 1. 3.

This *Mellitus* was ſent with *Juſtus*, *Paulinus*, *Rufinianus*, and others, to aſſiſt in the great Work of converting the *Saxons* from their Idolatry; and he was pitched upon as the fitteſt Perſon to be employ'd in ſettling Chriſtianity among the Eaſt *Saxons*, over whom King *Ethelbert* had at that time great Power, not only becauſe *Sebert* their King was his Nephew, being his Siſter's Son, but becauſe he had brought all the other *Saxon* Kings on this ſide *Humber*, to own a Subjection to him, as *Bede* ſeveral times affirms. *Mellitus* was very kindly receiv'd by *Sebert*, and Chriſtianity for the time embrac'd by his People, and eſpecially at *London*, which then continued (as *Bede*, *Malmsbury*, and *Huntingdon* all ſay) a noble *Emporium*, famous for the Trade which it ſtill maintained into foreign Parts.

l. 1. c. 25. 2, 3, 5.
Bed. l. 2. c. 3
Malm. l. 2. *de Geſt. Pontif.*
Huntingd. l. 3.

Here by the incouragement of *Sebert* and of *Ethelbert*, two *Churches* were deſigned (as is ſaid) by *Mellitus*; the one within the City to the Memory of St. *Paul*, and the other at a diſtance from it, in an Iſland then called *Thorney*, to St. *Peter*'s. Both theſe are called *Minſters*, i. e. Monaſteries; for from St. *Auguſtin*'s time the Clergy living together with their Biſhop, do bear the Name of a *Monaſtery*. But theſe were of two different kinds; that which ſtood in a place of Retirement, as *Weſtminſter* then did, was intended for a *Nurſery* to the *Church*, wherein Perſons might be bred up in a way of *Devotion* and *Learning*, to fit them for farther ſervice, when they ſhould be taken out; but the other was made up of ſuch who were actually imploy'd in the daily Offices; or ſent up and down by the Biſhop to ſuch Places as he thought fit, for inſtructing the People. This ſeemed to have been *Gregory*'s deſign, when he ſent *Mellitus* and the reſt over, that, where-ever they ſettled a Church they ſhould take care of both theſe *Foundations*. So *Gotſelin* in his Life of St. *Auguſtin* ſaith, that *Ethelbert* after his Converſion took care to eſtabliſh two things, *Epiſcopia & Monaſteria*; which he preſently after calls *Eccleſiæ, & Cœnobia*, i. e. *Cathedral Churches and Nurſeries of Religion and Learning*, to fit Men for the Service of the Church. And that the firſt Monaſteries here were ſo deſigned, appears by the Education of Perſons therein for the Service of this Church. For although at firſt they were forced to make uſe of Foreigners, yet after a reaſonable time the *Engliſh* were bred up ſo, as to be capable of the higheſt Dignities in the Church. For immediately after the Death of *Gregory*'s own Diſciples, *viz.* *Auguſtin*, *Laurentius*, *Mellitus*, *Juſtus* and *Honorius*, who were ſucceſſively Archbiſhops of *Canterbury*, the next who ſucceeded, was an *Engliſhman* born among the *Weſt Saxons*, who was called by a Latin Name *Deuſdedit*; and after him by the conſent of the Kings of *Northumberland* and *Kent*, *Wighardus* another *Engliſhman* was choſen in his Place, one highly commended by *Bede* for his Learning: and ſo at *Rocheſter*, *Ithamar* a *Kentiſhman* ſucceeded *Paulinus*, and comparable, ſaith *Bede*, to his Predeceſſors, either for Life or Doctrine. He was the firſt *Engliſhman* advanced in the Church, ſaith *Malmsbury*, and brought a Reputation to the Nation by his Excellent Learning: to whom *Damianus* ſucceeded who was a *South Saxon*. Theſe I inſtance in to ſhew that before the coming of *Theodore*, care was taken to breed up Perſons in Learning, for the Service of the Church: and *Bede* takes great care to ſhow how well the Monaſteries were furniſhed to that purpoſe; and how he was brought up himſelf ſo, under *Ceolfrid* from ſeven years old. He tells how many Journeys to *Rome*, *Benedict Biſcop* took to provide the beſt Books for their Library: and he ſpeaks of the Diviſion of his time, between Praying, Studying, Writing, and Inſtructing others. And where *Bede* ſpeaks of *Sigebert*'s appointing a School among the *Eaſt Angles* for the Education of Youth, he ſaith, that *Felix* Biſhop of the Dioceſe, provided Maſters and Tutors for them, according to the Cuſtom at *Canterbury* Now this *Sigebert* was contemporary with *Eadbaldus* Son to *Ethelbert*; and *Felix* was Biſhop of the *Eaſt Angles* while *Honorius* was Archbiſhop and *Paulinus* Biſhop of *Rocheſter*: From whence it follows, that at *Canterbury*, there was care taken in the Monaſtery there founded, for Maſters and Tutors; in order to the Education of fit Perſons for the Churches Service. And *Bede* mentions the great Number of Books

Gotſelin. Vit. Auguſt. *c.*23.

W.Thorn. Chronic. *c.*1. §. 6.

Bede. *l.* 3. *c.* 20.

c. 24. *l.* 4. *c.* 1.

l. 3. *c.* 14.

De Geſtis Pontif. *l.* 1.

Bed. *l.* 3. *c.* 20.

Bed. Hiſt. Abbat. Wirem. *p.* 26.

Bed. Hiſt. *l.* 3. *c.* 18.

l. 1. *c.* 29.

which *Gregory* ſent to *Auguſtin*, as ſoon as he heard of his Succeſs; which were laid up in the Monaſtery of St. *Auguſtin*; but the *M S.* Chronicle of that Abby gives a very ſlender account of them: the chief whereof are, the *Biblia Gregoriana*, *Pſalterium Auguſtini*, wherein was contained the ordinary Offices then uſed of Pſalms and Hymns; *Textus Evangeliorum* with Ten *Canons* in the beginning. Another Pſalter divided into Five Books; with Notes and Directions for the uſing and underſtanding it: and Hymns at the end. Another Text of the Goſpels, with a *Prologus Canonum*; ſeveral Lives of the Apoſtles. An Expoſition of the Goſpels and Epiſtles. And then it is ſaid, *Hæ ſunt primitiæ Librorum totius Eccleſiæ Anglicanæ:* but certainly theſe could not be the *Codices plurimi*, which *Bede* ſaith, were ſent; but we know what diſtinction there was made of Monaſteries and Libraries in the time of the *Danes*; and *Thorn* takes notice of the loſs of many Books by a Fire, *Anno Dom.* 1168.

Chronic. W.Thorn. c. 12.

The like care we have reaſon to believe was taken in other *Dioceſes* as well as that of *Canterbury* and the *Eaſt Angles*; eſpecially where we have ſuch evidence of the building a *Cathedral Church* and a *Monaſtery*, as there was by *Mellitus*, in the Dioceſe of *London*. *Bede* indeed ſaith no more than that *Ethelbert*, cauſed *the Church of St.* Paul*'s* to be built in *London* for an *Epiſcopal See*, for *Mellitus* and his Succeſſors. H. *Huntingdon* keeps cloſe to *Bede*, and takes notice only of St. *Paul*'s being built by *Ethelbert*, for a Biſhop's See, which he ſaith, was richly endowed by him. And *Gotſelin* of St. *Bertins*, who lived before *Malmsbury*, and was eſteemed by him next to *Bede*, mentions only an Epiſcopal See, as ſettled by *Ethelbert* at *London*. But *William* of *Malmsbury*, not only ſaith, that the Biſhop of *London* had his See fixed in the Church of St. *Paul*, which was built by King *Ethelbert*; but that *Mellitus* built a Monaſtery to St. *Peter* in the Weſtern Part of the City, being admoniſhed, as is ſaid, to do it by a Meſſage from St. *Peter*; and then follows the Legend of St. *Peter*'s being ſeen to conſecrate the Church himſelf by a Fiſherman, who brought him over the River in his Ferry-boat: which, he ſaith, was ſo firmly believed, that it had no other Conſecration. *Florence* of *Worceſter* takes no notice of *Weſtminſter*, but only ſaith that *Ethelbert* built the Church of St. *Paul* in this Metropolis of *London*. But others ſay, that *Ethelbert* built the Church of St. *Paul*, and *Sebert* his Nephew that of St. *Peter* at *Thorney*, now called, (from the Church) *Weſtminſter*; ſo *Sporely* the Monk of *Weſtminſter*; and another old Chronicle; and *Sulcardus* who lived in the Conqueror's time, makes *Sebert* alone the Founder of that Church. To which the Charter of King *Edgar* the Confeſſor agrees; but in that of *Edward* the Confeſſor, it is only ſaid, that it was built in the time of *Mellitus*; but *Ailredus* where he gives an account of King *Edward*'s Foundation, ſaith that *Sebert* built the Church of St. *Paul* within the Walls of *London* and honoured it with the Epiſcopal See of *Mellitus*; and without the Walls Weſtward he founded a Monaſtery to the Honour of St. *Peter* and richly endowed it. But when the New Church was built at *Weſtminſter* by *Henry* III. (the Old Church of King *Edward* being pulled down) which *Stow* ſaith, was Fifty Years in building; then *Walſingham* tells us, the Body of King *Sebert* was tranſlated from his Sepulchre in the Old Church into the New; he being the firſt Founder of a Church there; and his Body having been buried there about

Bed. *l.* 2. c. 3.
H. Huntingd. *l.* 3.
W.Malmſ. de geſt. Pontif. *l.* 2.
Florent. Wigorn. A. D. 604.
Monaſtic. *p.* 55.
Reyner Apoſtol. Benedict. *p.* 72. 69. 66.
Ailred. Vit. Edwardi. ap. Sur. 5. Jan.
Stow's Survey *of* London, *p.* 498.
Walſingh. *in* Edw. 1. *p.* 93.

700 Years before. So that upon the whole matter it appears moſt probable that King *Ethelbert* founding the Church of St. *Paul* in the City and eſtabliſhing the Epiſcopal See therein; *Sebert* to ſhew his readineſs to promote Chriſtianity here complied with *Mellitus* his deſires in founding a Monaſtery at *Weſtminſter* for a Seminary to the Church of *Eaſt Saxons*, over which he was Biſhop. So *Baronius* rightly underſtands it when he calls it *amplum Seminarium* a large Nurſery for the Church of *England*; which ſhews, that he believed it to have been firſt deſigned for the Education of Perſons for the Service of the Church; and not for a Monaſtery of *Benedictin* Monks, whoſe buſineſs it was to work with their Hands, when their Offices were performed in the Choire; as appears by the *Benedictin* Rule, which they are ſtrictly bound to obſerve.

Baron. *To.* 8. *A. D.* 610. *n.*10.

The *Church* of St. *Paul* being thus built by King *Ethelbert* and the Epiſcopal See eſtabliſhed, the next thing was to ſettle a Society of his Clergy, who were to live together, under his care and inſpection, and to attend the publick Offices of Religion in the Cathedral, or where the Biſhop ſhould appoint them. And that there was ſuch a Body of the Clergy here fixed by *Ethelbert*, appears by a *Charter* of *William the Conqueror*, wherein he grants to God and St. *Paul* and *his Servants* the Twenty four Hides of Land, which *Ethelbert* gave to the Church of St. *Paul* when he founded it; and therein large Privileges are confirmed and granted to them. The meaning of this Charter is beſt underſtood by *Doomſday-Book*, wherein a particular Account is given of the Lands then held by the *Canons* of St. *Paul*; which for the moſt part are the ſame which they enjoy to this day. In the Charter of King *Ethelbert* mentioned in the Appendix, the Mannor of *Tillingham* is given *ad Monaſterii ſui ſolatium*. King *Athelſtan* in his Charters mentions the Lands given to the *Monaſtery* of St. *Paul* and the Privileges by King *Sebba*, which are confirmed by him. King *Edgar* in his Charter beſtows Land *in Monaſterium S. Pauli:* and ſo doth *Egelſeda* his Queen. King *Ethelred* Father to *Edward the Confeſſor* gives Land to St. *Paul ejuſque Eccleſiæ Fratribus*, and to the Brethren of his Church. In another Charter of his they are called *Terræ Monaſterii B. Pauli*, the Lands belonging to the *Monaſtery* of St. *Paul*'s. In a Charter of King *Cnute* all the Lands were confirmed which were given *ad augmentum Monaſterii B. Pauli*, &c. In a Charter of *William the Conqueror* he reſtores ſome Lands which had been taken from the Church of St. *Paul*'s and calls them *Terras Monaſterii S. Pauli*, &c. Theſe things I mention to ſhew that there was a Society of the Clergy upon the firſt building of the Church who lived together under the Government of the Biſhop, and had Lands given them by ſeveral Kings before the Conqueſt (or the building of the great Church begun by *Mauricius*) and appropriated to their uſe.

This Body of the Clergy ſo living together went then under the Title of a *Monaſtery*. And ſuch a one was called *Monaſterium Epiſcopale* by *Marianus Scotus*; and *Monaſterium Canonicorum* in the *Capitulars*; ſuch Clergy being then called the *Canons* of the Church. Of which a twofold Reaſon is given; either firſt from their inrollment among the Members of the Church, which Roll was called *Canon*; or from their having their ſhares out of a common Stock. *Canon* ſignifying a certain payment and ſo uſed among the *Romans*, as appears by *Aſconius Pedianus*; thence

Marian. Chron. A.D.1081.

Capitular. Vol. 2. *p.* 53.

Aſc. Ped. *in* Verr. 3.

the *Canon Frumentarius* in the *Theodoſian Code*; *Canon Veſtium*, *Canonica penſitatio*; and the *Canonici Tituli* in a Law of *Valentinian*: and *Agobardus* mentions the *Canonicum* which was a certain proportion of Corn, which ſome People paid to Perſons, whom they believ'd could ſecure the reſt while growing, from the force of ill Weather. And ſo *Præbenda* ſignified a certain allowance of Diet among the *Romans*, to Souldiers and others; and the Proportions of Bread allow'd by the Imperial Laws to the Citizens of *Rome* and *Conſtantinople* were called *Panes Præbendarii*; which were ſet out according to the *Canon Frumentarius*. Both which words came afterwards into the uſe of the Church; when there came to be allowances made out of the Common Stock to particular Perſons. In St. *Cyprian's* time we read of the *Sportulantes Fratres*, and the *Diviſiones menſurnæ*; which ſhews that the Clergy had their ſhares then allow'd them, which the Biſhop had the diſtribution of. This Stock did in thoſe times of Perſecution ariſe out of the Benevolence of the Chriſtians; but when Chriſtianity came to be ſettled, *Conſtantine* did make a large allowance to the Clergy of the Cities, by a legal Eſtabliſhment, beſides the Donations of particular Perſons. This is expreſly affirmed by *Sozomen*, viz. that *Conſtantine* did ſet apart a ſhare of the Publick Revenue to the Clergy of every City, which he confirmed by a Law: which Law, ſaith he, remains ſtill in force, being only repealed in the time of *Julian*. By vertue of which Law, the *City Clergy* were well provided for, throughout the *Roman* Empire; and in *Gregory's* time, there were annual *Præbends* paid to them; as appears by an Epiſtle of his to the Biſhop of *Meſſina*; wherein he charges him to pay to the Clergy their *annual* allowance, according to Cuſtom. But when a New Church was to be founded here among the *Saxons*, *Gregory* adviſed *Auguſtin* to follow the Primitive pattern in the Church of *Jeruſalem*, viz. for the Biſhop and his Clergy to have all things in Common. It ſeems by *Auguſtin's* Queſtion, his deſire was to know what ſhare was to be reſerved to the Biſhop out of the Common Stock; *Gregory* tells him that at *Rome* indeed, the Biſhop had his ſhare diſtinct from the *Clergy*; but he could not adviſe ſuch a Diſtribution in the beginning of a Church, as the caſe was then in *England*. And it is plain from hence, that he deſigned to ſet up here that Courſe of Life, as *to the Biſhop and his Clergy*, which had been firſt brought into the Weſtern Church by *Euſebius* of *Vercelles*, and follow'd by *Simplicianus* at *Milan* and St. *Auguſtin* at *Hippo*. And the Clergy Men ſo living, from adding a particular Rule to the general obligation of Church-men, were in after-times, called *Canonici Regulares*, which as *Petrus de Marca* obſerves, is no ſuch impropriety, as is commonly thought; ſince the former only relates to their being in *Canone*, i. e. among the Clergy; and the latter to their obligation, to live together after a *peculiar Rule*. But I do not find that *Auguſtin* did follow this Counſel; and the Reaſon I ſuppoſe was, becauſe he found *Ethelbert* in ſo good a Diſpoſition to make a ſettlement of ſufficient Revenues to maintain both the Biſhop and Clergy as diſtinct from each other. So that the Original Endowment of the *Engliſh* Church, is not to be conſtrued according to the quadripartite or tripartite Diviſion, ſo often mention'd in other Churches of the Oblations of the Faithful: but according to the intention and deſign of ſuch pious Founders of *Cathedral Churches*, as King *Ethelbert* was. Who not only built the *Church of* St. *Paul*, and gave Lands to maintain the Biſhop; but he

Cod. Theod. XI. Tit. 1. l. 30. 31. l. 36. Agobard. de Grand. c. 15.

Cypr. Ep. 1. 39. ed. Oxon.

Sozom. l. 5. c. 5.

Greg. Reg. l. 1. Ep. 64.

Bed. l. 1. c. 27.

Hiſt. de Bearn. l. 5. c. 10. n. 1.

he made a ſettlement, for the maintance of the Clergy, as a diſtinct Body, (but under the Government of the Biſhop) as appears by the Charters already mentioned. But before I conclude this Diſcourſe, I ſhall briefly endeavour to make out the uſefulneſs of *Cathedral Churches* in a Chriſtian Kingdom, in a three-fold Reſpect.

(1.) To the Biſhop of the Dioceſe.
(2.) To the Publick Worſhip of God.
(3.) To the Propagation of Religion.

(1.) As to the Biſhop of the Dioceſe.

The Clergy being ſettled under the Eye and Care of the Biſhop, were not only ready to attend the *Publick Service* in the Church, but to aſſiſt as an *Eccleſiaſtical Senate* to him in the great affairs of his Dioceſe. Thence *Ignatius* calls the Presbyters of the Church (in conjunction with the Biſhop) a *Divine Council*; and *Origen*, a Senate in every City of God's own appointing; anſwering to the *Collegium Decurionum* in every *Roman* Corporation. St. *Cyprian* very frequently mentions his *Compresbyters* as ſitting with him. At *Rome*, the College of Presbyters not only governed the affairs of the Church in the vacancy of the See, as appears by St. *Cyprian*'s Epiſtles; but he ſaith, that the Clergy there ſat all together with the Biſhop, and made up a holy and venerable Senate. *Et nos habemus in Eccleſiâ Senatum noſtrum, cœtum Presbyterorum*, ſaith, St. *Jerom:* where he writes without provocation. The Author of the Commentary on the Epiſtles in St. *Ambroſe's* Works, wonders how in ſome Places, the Council of Presbyters came not to be ſo much regarded; which he imputes to ſloth on one ſide, and Pride on the other: But that it was not commonly ſo, appears by St. *Jerom*'s Words, who ſaith the Chriſtian Church had ſtill ſuch a Senate of Presbyters. The 4th Council of *Carthage*, voids the Sentence of a Biſhop, if he gave it without the Advice of his Clergy. St. *Chryſoſtom* ſaith, the Presbyters had their ſhare in the Government of the Church. And therefore it is no wonder if the *Deans* and *Chapters* of this Church, have had time out of Mind, any part of the *Eccleſiaſtical Juriſdiction* committed to them. And by the Canon Law, the *Dean* or *Archipresbyter* hath a Right of Viſitation of the Churches within his Juriſdiction, as *Alteſerra* proves. For the Ancient Power of the Presbyters, under the Biſhop, upon the great increaſe of the Clergy, came to be fixed, by a kind of devolution upon thoſe who were neareſt to the Biſhop, and ſo more capable of Aſſiſting in the affairs of the Dioceſe. So *Claudius Fonteius*, a late learned Divine of *Turin* having undertaken to clear the Ancient Right of Presbyters in the Government of the Church in ſubordination to the Biſhops, he intended to ſhew, if he had lived, how that Right came to be devolved upon the *Deans* and *Chapters* of *Cathedral Churches*. *Joh. Molanus* ſaith, the Clergy who reſide in Cathedral Churches are, *Epiſcopi Confratres, Conſiliarii & Aſſeſſores*, and preſently after he calls them *Senatum Eccleſiæ*. Thence the Canon Laws calls the *Dignities* and *Prebends* of the Cathedral Churches *membra Epiſcopatus*; of which *Molanus* gives this Account, becauſe by their firſt Inſtitution, they were deſigned for ſuch, who were to be *opitulatores & co-operarii Epiſcopalis ſolicitudinis:* and ſo *Card. Palæotus* calls them in the Diſcourſe he made to

Ignat. Ep. ad Trall. p. 48. ed: Iſ. Voſſii.
Orig. *c.* Celſ. l. 3. *p.* 129.
Cypr. Ep. 1. 39. 40. Ed. Oxon.
Ep. 8. 9. 20, 27, 35, 36, 59.
Hieron. in Iſai. *c.* 3.
In 1 Tim. 5.
Conſtit. Apoſtol. *l.* 2 *c.* 28.
Concil. Car. 4. c. 23.
Chry. Hom. 11. *in* 1 Timoth.
Diſſert. Juris Canon. *l.* 1. *c.* 16.
De Antiquo jure Presbyter. in Regim. Eccleſiæ Taurini. A.D. 1676.
Molanus de Canonicis l. 1. *c.* 27.
Decr. p. 2. *c.* 1. q. 3. *c.* 3.
Molan. de Canon. *l.* 2. *c.* 2.

to the *Canons* of his Church of *Bononia*; and he proves, that they are *the Biſhops Counſel* by the Canon Law, as well as by the Teſtimonies of the Fathers. Theſe, as *Hallier* obſerves, are ſaid to be *à latere Epiſcopi*; as the Legats *à latere* were thoſe which the Biſhop of *Rome* ſent from his own Clergy, or Conſiſtory; for none but ſuch, as the *Canoniſts* tell us, can be ſaid to be *à latere* though ſent by the Pope, and his own Attendents. And thoſe of his Conſiſtory do plead that the Pope cannot diſpatch any great affairs of the Church without their Advice, as appears by the Clauſe in his Bulls *de Fratrum noſtrorum Conſilio.* But it is warmly debated among the Canoniſts how far the Pope is bound to take and to follow their Advice. *Card. Palæotus* ſaith, ſome went ſo far as to null all Acts that are done without it; chiefly for this Reaſon, becauſe thoſe who deny the Neceſſity of it, yet all grant it to be *de honeſtate*, and therefore the acting without it is *contra honeſtatem*, which, ſay they, renders the Act void in Law. But although he denies the Conſequence, yet he grants that there is an Obligation on the Pope to take the Advice of his Conſiſtory; which he proves by many Arguments in the fore-going Sections; and the firſt is from the Parity of Reaſon as to a Biſhop and his Chapter; who, ſaith he, *Jure Communi* is bound to make uſe of it; and the College of Cardinals hath the ſame reſpect to the Pope, which the *Chapter* hath to a Biſhop; who are by the Canon Law ſtiled *Concilium* and *Senatus Epiſcopi*, as *Barboſa* and *Antonius Frances* confeſs. But that which is far more material to us, is, that by our *Common Law*; it is ſaid, *That the Dean and Chapter were appointed as a Council to the Biſhop; with whom he is to conſult in Caſes of Difficulty, to which purpoſe every Biſhop* habet Cathedram; *and who are to conſent to every grant*, &c. And in the Caſe of *the Dean and Chapter of* Norwich, *their being is declared to be ſo neceſſary, that although they ſhould depart with their Poſſeſſions, yet for neceſſity the Corporation doth remain, as well to aſſiſt the Biſhop in his Calling, as to give their Aſſent*, &c.

*Palæot. de Adminiſt. Eccleſ. Bonon. Part. 7. p. 508. p. 513.
Hallier de Sacris Elect. & Ordinat. p. 110. 114.
Azor. Part. 2. l. 4. c. 3. 9. 5.
Anton. Frances de Eccle. Cathedr. c. 3. n. 82.
Palæot. de Sacri. Conſiſt. •Conſult. Part. 1. Qu. 3. Art. 7. Art. 2.
Barb. de Can. & Dignitat. c. 42. n. 1.
Ant. Fran. de Eccleſ. Cathedral. c. 14. n. 93. 94, 95.
Co. 3. Rep. Dean and Chapter of Norwich.

(2.) The *Cathedral Churches* being thus eſtabliſhed in the *Biſhop*, and his *Clergy*, all things were to be ſo ordered as might the moſt tend to the ſolemn Performance of the Publick Worſhip of God; which was another End of the firſt Inſtitution of them, and an Argument of their Uſefulneſs. For in the beginning of a Church it was neceſſary for the Biſhops to have an Eye to two things; firſt to ſet up the publick Worſhip in the moſt decent and ſolemn Manner, and in the Places of greateſt Reſort; and this was the Foundation of *Cathedral Churches*; the ſecond was to gain as many Converts as they could in diſperſed Places, and to let them want nothing that was neceſſary to the Chriſtian Profeſſion, and this was the Foundation of *Parochial Churches*: which were as the Synagogues to the Temple at *Jeruſalem*; being built for the Conveniency of thoſe who could not attend the ſolemn Worſhip of God in the Temple. So it was in the Chriſtian Church; every Cathedral in its firſt Inſtitution was as the Temple to the whole Dioceſe, where the Worſhip was to be performed in the moſt decent, conſtant and ſolemn Manner; for which End it was neceſſary to have ſuch a Number of Eccleſiaſtical Perſons there attending, as might ſtill be ready to do all the Offices which did belong to the Chriſtian Church. Such as Conſtant Prayers, and Hymns, and Preaching, and Celebration of Sacraments; which were to be kept up in ſuch a Church as the daily Sacrifice was in the Temple. Not only for the ſatisfaction of all Perſons who deſire to know what the Manner of our Worſhip is, but that all devout Perſons may certainly know whither to go at certain Hours to offer up their Prayers and Thankſgivings to God, and that in the moſt publick and ſolemn Manner. And upon this Ground the Inſtitution of *Cathedral Churches* among Chriſtians was a very pious and reaſonable thing. For granting that all that is meerly neceſſary to Salvation may be had in Parochial Churches, yet muſt thoſe who profeſs themſelves Chriſtians, look at nothing in the Worſhip of God beyond what is plainly neceſſary? It can never be proved neceſſary to Salvation to have Parochial Churches well built, or decent Pulpits or Pews in them, or to go to thoſe Churches in a more orderly Dreſs than they ſit in at home, or to have the Pſalms ſet to the beſt Tunes, or to have their Bibles handſomely bound; yet there is ſuch a becoming Decency in theſe things, as argues, that what relates to God and his Worſhip, ought to have ſomething above what is barely neceſſary. For to give God no more than juſt what is neceſſary, is as if we thought we had a hard bargain of it, when we were required to ſerve him. Shall Ingenuity, Gratitude, Generoſity, Beneficence have no Influence on what relates to the Publick Worſhip of God in the World? But if the greater Solemnity of Divine Worſhip makes for the greater Honour of Religion, then there ariſes an Obligation to promote it proportionable to the Concernment we have therein. It is certain the Worſhip of God in his Temple might have been performed after a ſort by a far leſs Number of Men, without the Courſes of Singers and Levites, and Prieſts of ſeveral Ranks, who were required to attend it. But God would be worſhiped in a way becoming his Greatneſs and Majeſty. It is true he hath not laid ſuch a ſtrict Law upon the Chriſtian Church, as to the Solemnities of Worſhip, but we are obliged to do whatſoever things are orderly, decent, and of good Report. Phil. 4. 8. So that we are only to enquire, whether ſuch a ſolemn way of worſhipping God be of this Nature, and if it appear to be ſo, we are obliged to promote and maintain it. And who is ſo fit a Judge of what becomes his Service as God himſelf? Would he have ſuffered any Indecency in his Worſhip, becauſe there were Types and Shadows among the Jews? What did the Pſaltery, and Harp, and Organs, and Ten-ſtringed Inſtruments, and loud ſounding Cymbals ſignifie? Why ſhould the harſh unpleaſing Voices and unskilful Singing of common People be thought more agreeable to Goſpel-worſhip, than grave and melodious, vocal and inſtrumental Muſick? And why ſhould the beſt Harmony in the Worſhip of God be thought a Jewiſh Diſpenſation? It is a great miſtake in thoſe that look on all things practiſed in the Jewiſh Church as Ritual and Ceremonial, which related to the Worſhip of God. For there were many Circumſtances uſed and allow'd, which had no relation to the Ceremonial Law, but were taken up as fit Expreſſions of Natural Decency, and helping to ſet forth the Solemnity of Divine Worſhip. Of this kind I ſuppoſe the Muſick of the Temple to have been, for there was no Inſtitution of it in the Ceremonial Law; which was ſo complete in its kind, that there was a Command not to add to it; Deu. 44.8. 12, 32. which extended to Princes and Prophets as well as others. And although God by his Prophets did lay other Commands on the People, yet he added not to the Ceremonial Law; but rather ſuch as interpreted and mollified the ſtrictneſs of it, and made the Ritual Service

more

1 Chron. more eaſie to them. And for this End in probability it was, that when
6. 31. the Publick Worſhip came to be ſettled in *David*'s time by the reſting
of the Ark, then it is ſaid, that *David* appointed the conſtant Service
of the Choire; for the words are, *And theſe are they whom* David *ſet*
over the Service of Song in the Houſe of the Lord after the Ark had reſt.
32. *And they miniſtred before the Dwelling-Place of the Tabernacle of the*
Congregation with ſinging, until Solomon *had built the Houſe of the Lord*
in Jeruſalem, *and then they waited on their Office according to their Order.*
Here is the plain Inſtitution of the Service of the Choire, with the Nature
of their Duty, and the Order uſed in the Performance of it; and
the Number of thoſe who were firſt appointed for it, is ſaid to be *two*
hundred fourſcore and eight; who were diſtributed into Twenty four
25. 7. Courſes for the more convenient Attendance; over whom *Aſaph*, and
6. *Jeduthun*, and *Heman* were as the *Præcentors*, whoſe buſineſs was to
take care of thoſe who were to be brought up to the *Service of ſinging*
in the Houſe of the Lord; and therefore *David* directs his Pſalms, as
Anthems compoſed for the Uſe of the Tabernacle, to theſe as the chief
Maſters of the Church-Muſick. But ſome of theſe, eſpecially *Aſaph*,
did himſelf compoſe *Anthems*, which were conſtantly uſed with thoſe
of *David* in the Publick Service: For in the time of *Hezekiah* it is ſaid,
29, 30. that *the Levites were commanded to ſing praiſe unto the Lord, with the*
words of David *and of* Aſaph *the Seer*; and this Attendance was ſo conſtant,
that *they were to ſtand every Morning to thank and praiſe the Lord,*
23. 30. *and likewiſe at Evening*; and their full Number at the End of *David*'s
5. Reign was increaſed to 4000, *who praiſed the Lord with the Inſtruments*
that David *made.* So extremely careful was he about it! And it is ſaid
of *Solomon*, that *he appointed according to the Order of* David *his Father,*
2 Chron. *the Courſes of the Prieſts to their Service, and the Levites to their*
8. 14. *Charges to praiſe and miniſter before the Prieſts, as the Duty of every Day*
required. And it is obſervable afterwards, in the Reformations ſpoken
of, there was not only a great Regard had to the Levitical Service appointed
by the Law, but to this particular Inſtitution of *David*. So of
23. 18. *Jehoiada*, that *he appointed the Offices of the Houſe of the Lord by the*
Hand of the Prieſts, the Levites whom David *had diſtributed in the*
Houſe of the Lord; to offer the Burnt-Offerings of the Lord, as it is
written in the Law of Moſes, *with rejoycing and ſinging as it was ordained*
29. 25. *by* David. And of *Hezekiah*, that *he ſet the Levites in the Houſe*
of the Lord with Cymbals, Pſalteries, and Harps, according to the Commandment
of David, *and* Gad *the King's Seer, and* Nathan *the Prophet;*
for ſo was the Commandment of God by his Prophets. Which words are
on purpoſe added, leaſt all this ſhould be thought an illegal Impoſition,
by virtue of *David*'s Royal Authority, without God's particular Approbation.
And after the Return of the Jews from the Captivity, this
was one of the firſt things ſet up with reſpect to the Worſhip of God;
Ezr. 3. 10. for we read, *when the Builders laid the Foundation of the Temple of the*
Lord, they ſet the Prieſts in their Apparel with Trumpets, and the Levites
the Sons of Aſaph, *with Cymbals to praiſe the Lord, after the Ordinance*
of David *King of* Iſrael. *And they ſung together by courſe in praiſing*
and giving thanks unto the Lord, becauſe he is good, for his mercy endureth
for ever towards Iſrael. And this Cuſtom, as far as we can learn,
continued as long as the *Jewiſh* Temple ſtood, and therefore was conſtantly
obſerved in our Saviour's time; who was frequently preſent at
the

the *Temple Muſick*, which begun in Courſe as ſoon as the Oblation was over. In the time of offering the Incenſe the Solemn Prayers began, both Morning and Evening; and when the Daily Sacrifice was at an end the Choir began their Service. The former no one queſtions, was a part of Natural Religion added to the Ceremonial Worſhip, and there is no Reaſon to queſtion the latter to have been of the ſame kind; but had more expreſs Divine Approbation by the Prophets than in being at the time of *David*'s firſt Inſtitution of it. By whom the Publick and Solemn Prayers were firſt appointed, we have no certainty; but we know that the uſe of the Quire was firſt appointed by no leſs a Perſon than *David*, a Man after God's own Heart; who would therefore never ſet up a Way of Worſhip any ways unſuitable to the Divine Nature. And it ſeems very unreaſonable to think *David*'s Pſalms ſtill fit to be uſed, and the way of ſinging them, which himſelf appointed, *viz.* in *Inſtrumental* as well as *Vocal Muſick*, to be unbecoming the Chriſtian Church; for how comes one to be Typical and Ceremonial and not the other? If there be any thing indecent in the former, *i. e.* it be light and vain, on that account it ought to be rejected as unſuitable to Divine Worſhip; but if it be grave and ſolemn, apt to compoſe or elevate the Mind in Acts of Devotion towards God, it is not eaſie to underſtand, why it ſhould not be very agreeable to the *Nature* and *Deſign* of *Publick Worſhip*. And a very learned Perſon had undertaken to make out that the uſing both theſe ſorts of Muſick in the Worſhip of God is one of thoſe things which are common to all Religion (as he particularly deſigned to prove out of the Oriental Books) and therefore ought to be look'd on as a Dictate of Reaſon and Natural Religion; not ſtrictly taken for the Neceſſary Duties of it, but for what is naturally Decent and becoming the Worſhip of God. And ſo much at preſent may ſuffice as to this part of the Cathedral Service; as to others I have occaſion to give an account of them in another place.

Jac. Golius in Epiſt. ad Diſſert. de Organ. *p.* 72.

(3.) As to the Propagation of Religion. For the Biſhop and his Clergy being united together in one Body, he knew better how to direct and imploy them in ſeveral Places abroad in order to their Converſion and Eſtabliſhment; and by their returning back to him, he had a conſtant and certain Account of the Affairs of his Dioceſe. And this was generally the means whereby moſt Countries were converted to the Chriſtian Faith; the Biſhop and his Clergy leading very Regular Lives together, and when they went or were ſent abroad, it was with a deſign only to do Good among them, and ſo to return to their Society again. And this continued till ſuch time as Pariſhes were divided; which was not near ſo ſoon as is commonly thought. It is generally ſaid, that Pariſhes were divided in the *Saxon* Churches in the time of *Honorius* Archbiſhop of *Canterbury*, who was one of *Gregory*'s Diſciples; and the learned Author of the *Antiquitates Britannicæ*, is produced for it. Mr. *Cambden* follows his Authority: for he alledges none elſe. But whoſoever conſiders the Circumſtances of that time will find no Reaſon to believe it; this Church being ſo little ſettled before *Theodore*'s coming, and hardly capable of a Diviſion into Pariſhes then; ſo that had it not been for the Cathedral Foundations, there had been no tolerable Subſiſtence for thoſe who were to carry on that difficult Work of Converting the *Saxon* Idolaters: but the great Advantage was, that the Cathedral Churches being firſt endow'd by the Munificence of the firſt Chriſtian Princes, they were thereby enabled to conquer the many Difficulties

Ant. Brit. in Honorio.
Cam. Brit. *p.* 116.

1 Chron. more eaſie to them. And for this End in probability it was, that when
6. 31. the Publick Worſhip came to be ſettled in *David*'s time by the reſting
of the Ark, then it is ſaid, that *David* appointed the conſtant Service
of the Choire ; for the words are, *And theſe are they whom* David *ſet*
over the Service of Song in the Houſe of the Lord after the Ark had reſt.
32. *And they miniſtred before the Dwelling-Place of the Tabernacle of the*
Congregation with ſinging, until Solomon *had built the Houſe of the Lord*
in Jeruſalem, *and then they waited on their Office according to their Order.*
Here is the plain Inſtitution of the Service of the Choire, with the Nature
of their Duty, and the Order uſed in the Performance of it ; and
the Number of thoſe who were firſt appointed for it, is ſaid to be *two*
hundred fourſcore and eight ; who were diſtributed into Twenty four
25. 7. Courſes for the more convenient Attendance ; over whom *Aſaph*, and
6. *Jeduthun*, and *Heman* were as the *Præcentors*, whoſe buſineſs was to
take care of thoſe who were to be brought up to the *Service of ſinging*
in the Houſe of the Lord ; and therefore *David* directs his Pſalms, as
Anthems compoſed for the Uſe of the Tabernacle, to theſe as the chief
Maſters of the Church-Muſick. But ſome of theſe, eſpecially *Aſaph*,
did himſelf compoſe *Anthems*, which were conſtantly uſed with thoſe
of *David* in the Publick Service : For in the time of *Hezekiah* it is ſaid,
29, 30. that *the Levites were commanded to ſing praiſe unto the Lord, with the*
words of David *and of* Aſaph *the Seer* ; and this Attendance was ſo conſtant,
23. 30. that *they were to ſtand every Morning to thank and praiſe the Lord,*
and likewiſe at Evening ; and their full Number at the End of *David*'s
5. Reign was increaſed to 4000, *who praiſed the Lord with the Inſtruments*
that David *made.* So extremely careful was he about it! And it is ſaid
of *Solomon*, that *he appointed according to the Order of* David *his Father,*
2 Chron. *the Courſes of the Prieſts to their Service, and the Levites to their*
8. 14. *Charges to praiſe and miniſter before the Prieſts, as the Duty of every Day*
required. And it is obſervable afterwards, in the Reformations ſpoken
of, there was not only a great Regard had to the Levitical Service appointed
by the Law, but to this particular Inſtitution of *David.* So of
23. 18. *Jehoiada*, that *he appointed the Offices of the Houſe of the Lord by the*
Hand of the Prieſts, the Levites whom David *had diſtributed in the*
Houſe of the Lord ; to offer the Burnt-Offerings of the Lord, as it is
written in the Law of Moſes, *with rejoycing and ſinging as it was ordained*
29. 25. *by* David. And of *Hezekiah*, that *he ſet the Levites in the Houſe*
of the Lord with Cymbals, Pſalteries, and Harps, according to the Commandment
of David, *and* Gad *the King's Seer, and* Nathan *the Prophet ;*
for ſo was the Commandment of God by his Prophets. Which words are
on purpoſe added, leaſt all this ſhould be thought an illegal Impoſition,
by virtue of *David*'s Royal Authority, without God's particular Approbation.
And after the Return of the Jews from the Captivity, this
was one of the firſt things ſet up with reſpect to the Worſhip of God ;
Ezr. 3. 10. for we read, *when the Builders laid the Foundation of the Temple of the*
Lord, they ſet the Prieſts in their Apparel with Trumpets, and the Levites
the Sons of Aſaph, *with Cymbals to praiſe the Lord, after the Ordinance*
of David *King of* Iſrael. *And they ſung together by courſe in praiſing*
and giving thanks unto the Lord, becauſe he is good, for his mercy endureth
for ever towards Iſrael. And this Cuſtom, as far as we can learn,
continued as long as the *Jewiſh* Temple ſtood, and therefore was conſtantly
obſerved in our Saviour's time ; who was frequently preſent at
the

the *Temple Muſick*, which begun in Courſe as ſoon as the Oblation was over. In the time of offering the Incenſe the Solemn Prayers began, both Morning and Evening; and when the Daily Sacrifice was at an end the Choir began their Service. The former no one queſtions, was a part of Natural Religion added to the Ceremonial Worſhip, and there is no Reaſon to queſtion the latter to have been of the ſame kind; but had more expreſs Divine Approbation by the Prophets than in being at the time of *David*'s firſt Inſtitution of it. By whom the Publick and Solemn Prayers were firſt appointed, we have no certainty; but we know that the uſe of the Quire was firſt appointed by no leſs a Perſon than *David*, a Man after God's own Heart; who would therefore never ſet up a Way of Worſhip any ways unſuitable to the Divine Nature. And it ſeems very unreaſonable to think *David*'s Pſalms ſtill fit to be uſed, and the way of ſinging them, which himſelf appointed, *viz.* in *Inſtrumental* as well as *Vocal Muſick*, to be unbecoming the Chriſtian Church; for how comes one to be Typical and Ceremonial and not the other? If there be any thing indecent in the former, *i. e.* it be light and vain, on that account it ought to be rejected as unſuitable to Divine Worſhip; but if it be grave and ſolemn, apt to compoſe or elevate the Mind in Acts of Devotion towards God, it is not eaſie to underſtand, why it ſhould not be very agreeable to the *Nature* and *Deſign* of *Publick Worſhip.* And a very learned Perſon had undertaken to make out that the uſing both theſe ſorts of Muſick in the Worſhip of God is one of thoſe things which are common to all Religion (as he particularly deſigned to prove out of the Oriental Books) and therefore ought to be look'd on as a Dictate of Reaſon and Natural Religion; not ſtrictly taken for the Neceſſary Duties of it, but for what is naturally Decent and becoming the Worſhip of God. And ſo much at preſent may ſuffice as to this part of the Cathedral Service; as to others I have occaſion to give an account of them in another place.

Jac. Golius in Epiſt. ad Diſſert. de Organ. p. 72.

(3.) As to the Propagation of Religion. For the Biſhop and his Clergy being united together in one Body, he knew better how to direct and imploy them in ſeveral Places abroad in order to their Converſion and Eſtabliſhment; and by their returning back to him, he had a conſtant and certain Account of the Affairs of his Dioceſe. And this was generally the means whereby moſt Countries were converted to the Chriſtian Faith; the Biſhop and his Clergy leading very Regular Lives together, and when they went or were ſent abroad, it was with a deſign only to do Good among them, and ſo to return to their Society again. And this continued till ſuch time as Pariſhes were divided; which was not near ſo ſoon as is commonly thought. It is generally ſaid, that Pariſhes were divided in the *Saxon* Churches in the time of *Honorius* Archbiſhop of *Canterbury*, who was one of *Gregory*'s Diſciples; and the learned Author of the *Antiquitates Britannicæ*, is produced for it. Mr. *Cambden* follows his Authority: for he alledges none elſe. But whoſoever conſiders the Circumſtances of that time will find no Reaſon to believe it; this Church being ſo little ſettled before *Theodore*'s coming, and hardly capable of a Diviſion into Pariſhes then; ſo that had it not been for the Cathedral Foundations, there had been no tolerable Subſiſtence for thoſe who were to carry on that difficult Work of Converting the *Saxon* Idolaters: but the great Advantage was, that the Cathedral Churches being firſt endow'd by the Municifence of the firſt Chriſtian Princes, they were thereby enabled to conquer the many Difficulties

Ant. Brit. in Honorio.
Cam. Brit. p. 116.

ficulties they otherwiſe met with. As will beſt appear by a brief Account of the State of the Churches here in thoſe times. I begin with the Dioceſe of *London*; while *Ethelbert* and *Sebert* lived, by the aſſiſtance of *Mellitus* and his Clergy, the Face of Chriſtianity was kept up in *London* and other parts of the *Eaſt Saxon* Kingdom. But after their death *Sebert*'s 3 Sons returned to *Paganiſm*, and affronted *Mellitus* in the publick Celebration of the Euchariſt, and becauſe he refuſed to give it them without Baptiſm, they baniſhed him and his Clergy. Upon the Converſion of *Eadbaldus* Son to *Ethelbert*, *Mellitus* was recalled and ſe[illegible] back to *London*, but the *Londoners* would not receive him, and perſiſted in their Idolatry; although the Sons of *Sebert* were all deſtroyed. After which, the Biſhoprick of *London* was vacant about 40 years till after *Honorius* his death; how then could Pariſhes be divided in this Dioceſs in his time? But in the time of *Sigebert*, by the perſwaſion of *Oſwi*, King of the Northern *Saxons*, Chriſtinity was again received in theſe parts, and *Cedda* was made Biſhop of the Eaſt *Saxons*; and of him it is ſaid indeed that he built Churches, and ordained Prieſts and Deacons for his Aſſiſtance, chiefly at a place called *Ithanceſter* (not far from *Maldon* in *Eſſex*, ſaith *Radulphus Niger*, and *Camden* thinks it was *Othona* in the *Roman* times) and at *Tilaburg* now *Tilbury* on the *Thames*. But in the time of *Siger* and *Sebbi* there was a new Apoſtaſie in the Dominions of the former, as *Florentius Wigornienſis* ſaith; whereupon *Wolſere* King of the *Mercians* ſent *Jarumannus* to convert them, and he effected his deſign, ſaith *William* of *Malmsbury* and *H. Huntingdon*, who ſucceeded *Trumhere* in the Biſhoprick of the *Mercians*. But *Wolſere* ſent *Wina*, driven out from the Weſt *Saxon* Biſhoprick by *Kenwalch*, to the Biſhoprick of the Eaſt *Saxons*, where he continued Biſhop as long as he lived, ſay *Bede* and *Florentius*; but not reckon'd among the Biſhops of *London*, ſaith *Matt. Weſtminſter*, becauſe he came in by *Simony*: which ſhews that the Endowments of the Biſhoprick were then recovered.

Bed. *l.* 2. *c.* 5.
1. 6.
l. 3. *c.* 22.
Florent. Wigorn. ad A. D. 664.
W. Malmſ. de geſtis Pontif. *l.* 2.
H. Huntin. *l.* 3. *p.* 191.
Bed. *l.* 3. *c.* 1. Florent. ad A.D. 666.

After him *Erkenwald* was made Biſhop of *London* by the favour of K. *Sebba*, ſaith *Leland*, out of an old Author of his Life, (who was Canon of St. *Paul*'s in the time of *Gilbertus Univerſalis*.) This *Erkenwald* was one of the Diſciples of *Mellitus*, and conſecrated Biſhop of *London* by *Theodore*, who lived and died with great Reputation for Sanctity, and was buried in St. *Paul*'s; to the Structure whereof he had given freely, and out of his own Poſſeſſions increaſed the Revenue of the Church, and obtained large Privileges for it, ſaith Biſhop *Godwin*. It is pity he did not cite his Authorities, that we might learn what Alterations were made in the Church of St. *Paul* by *Erkenwald*; for the Author of his Life affirms, that it continued the ſame to the time of the horrible Fire in the Conquerour's time, which burnt it to the Ground. He deſcribes it as a Timber-Building, and ſaith, they did not then underſtand the way of Building with Stone Arches; which was brought in by the *Normans*. From whence ſome have concluded, that our Churches before the *Normans* were all made of Wood; but if I miſtake not, this new way of Building relates only to the Roof, and not to the Walls, *i. e.* they did not underſtand the way of turning ſuch great Arches with Stone, as were in the New Church of St. *Paul*'s begun by *Mauricius*. For the *Saxons* did know the way of building Churches with Stone, as appears by what *Matt. Weſtminſter* ſaith of King *Edwin*'s building a Church of Stone for *Paulinus* at *York*. I confeſs *Bede* ſaith not ſo much, but only that a *Baſilica* was built by him, which was after burnt by the *Pagans*; but *Stephanus*

Leland. Col. *vol.* 2. *p.* 22.
Somners Antiq. *of* Canterb. *p.* 156.
Stow. Survey *of* London, *p.* 351.
Mat. Weſt. A.D. 628.
Bed. *l.* 2. *c.* 14.

Stephanus Heddius, who lived before *Bede*, in the *Salisbury* MS. (for that part is defective in the *Cotton* MS.) affirms that *Edwin* did build at *York* a Church of Stone, which was afterwards repaired by *Wilfrid*, and the Windows adorned with Glaſs then newly brought into *England* by *Benedict Biſcop*. And *Bede* himſelf ſaith, that *Paulinus* having converted *Blecca* the Governour of *Lincoln* ſet up there *Eccleſiam operis egregii de lapide*, a famous Church of Stone, the Wallls whereof ſtood in his time, but the Roof was decayed; in which Church *Paulinus* conſecrated *Honorius* Archbiſhop of *York*. And there is no reaſon to ſuppoſe the Church of St. *Paul's*, being founded by King *Ethelbert*, the richeſt King of the *Saxons*, ſhould fall ſhort of the Churches built at *York* and *Lincoln* not long after. But as to *Parochial Churches*, I can find no certain evidence of any one that was built in *London* in the *Saxon* times: For what *Matt. Weſtminſter* ſaith of St. *Martins's Ludgate* being built by the *Britains* for the ſake of *Cadwallader*, is very improbable, conſidering the great hatred between the *Britains* and *Saxons* at that time, even after they both profeſſed to be Chriſtians, which *Bede* ſpeaks of with great reſentment. As to the Tradition of St. *Peter's Cornhill*, that depends upon the credit of an obſcure Table hung up in the old Church, without ſufficient Authority to atteſt it; and if it prove any thing, it only proves, that the old Cathedral ſtood there in the time of the *Romans*, and not that there was any *Parochial Church* there after the building of St. *Paul's*. So that the main care of preſerving and propagating Religion in the City of *London*, if not through the whole Dioceſe, did in thoſe elder times of the *Saxon* Churches depend upon the Biſhop and his Clergy, who were then ſettled in the Cathedral Church of St. *Paul's*. And to it the City reſorted, to attend on the publick Offices of our Religion; and eſpecially to the celebration of the Holy Sacraments. For even after the time that for the multiplicity of Converts in great Cities, there was a neceſſity of having other places for the People to meet in for Prayers, &c. I much queſtion whether the Adminiſtration of Sacraments were commonly allowed to the Parochial Churches, unleſs the Biſhop and his Clergy went thither. And *Onuphrius Panvinius* and *Joſephus Vicecomes* have proved that there was for ſome time but one Baptiſtery in a City, and that by the Cathedral Church; and the One Altar relating to the Biſhop doth imply that thoſe who were under the care of the Biſhop did communicate with him. Which Notion is ſo far incorporated into the Canon Law, that it is a Maxim ſtill received, that the Cathedral Church is *the Pariſh* to the whole Dioceſe; ſo that thoſe who adminiſter there, may give to thoſe of any Pariſh, and thoſe who receive there do anſwer the Canons as much as if they did it in their own Parochial Churches; and that Magiſtrates on ſolemn Days are bound to go to the Cathedral Churches; which ſay the Canoniſts, doth not ariſe from the Preſence of the Biſhop, but from the very Notion and original Right of a Cathedral Church, which they call *Jus Cathedralitatis*: which, ſay they, can no more be taken away from it by the Biſhop, than a Parochial Miniſter can take away the Right of a Pariſh from his Church. All theſe Privileges are the remainders of the ancient Practice, and the Teſtimonies of that Right which accrues by them; and is not loſt by the frequency of Parochial Churches.

But to proceed in ſhewing how the Chriſtian Religion was here propagated by the means of the Cathedral Churches at firſt erected. *Sigebert* King of the *Eaſt Angles* fixed the Epiſcopal See for *Felix* who came

cut

Vit. Wilf. §. 15.

Bed. *l.* 2. c. 16.

Mat. Weſt. ad A. D. 676.

Onuphr. Pavin. de 7 Urbis. Eccleſ Joſeph. Vicecom. de antiq. Baptiſm. Ritib. *l.* 1. *c.* 8. Anton. Fra. de Eccleſ. Cathedr. *c.* 15. *n* 173. Decret. Greg. *l.* 1. *f* 34. *c.* Officium. *v.* foris. Lavorii Variæ Lucubr. Tit. 2. c. 11. *n.* 65. Barboſa de Canocic. & Dignit. *c.* 6. *n.* 19. Chaſſan. Catal. Glo.

Mundi, part. 4. conſi. 47. Anton. Fran. de Eccleſ. Cathedr. c. 21. n. 64. 65. 110. 111. Bed. *l.* 2. c. 15. *l.* 3. c. 7. c. 21. *l.* 4. c. 3.

out of *Burgundy* at *Dumnoc* or *Dunwich*; where he reſided 17 years, and was the means of converting the whole Province. *Birinus* was fixed at *Dorceſter* as his Epiſcopal See by the Gift of *Cynigilſus* King of the *Weſt Saxons* and *Oſwald* King of the *Northumbers*; and by that means much People was converted and ſeveral Churches built in his own time. The Kingdom of *Mercia*, or the *Middle Angles*, ſeem to owe their Converſion to Four Presbyters, *Cedda*, *Adda*, *Beſſi*, and *Diuma*, the 3 firſt *Engliſh*, and the laſt a *Scot*; but this was while *Penda* lived, who was no Chriſtian; but he was no ſooner dead but a Cathedral Church was erected and *Diuma* was made Biſhop of the *Middle Angles*, and was very ſucceſsfull in converting much People in a little time. In the time of *Wulphere Cedda* was by *Theodore*'s means made Biſhop of the *Mercians*, and the Cathedral Church was fixed at *Litchfield*; who beſides the Body of his Clergy had, ſaith *Bede*, 7 or 8 of his Brethren, with whom in his retirement as often as he had leiſure from his work of Preaching, he was wont to Pray and to Study; and after his death *Winfred* one of his Clergy ſucceeded him. Laſtly, as to the *South Saxons Wilfrid* the Biſhop of *Tork*, but then driven out, was the chief Inſtrument of their Converſion, but he had the aſſiſtance of his Clergy who are mentioned by *Bede*: and King *Edilwalch* fixed the Cathedral Church for them at *Selſeſey* and very liberally endowed it. From which it appears how extremely uſefull the firſt Cathedral Churches among the *Saxons* were for the Converſion of the Nation; and upon what great Conſiderations the firſt Chriſtian Kings of the *Saxons* did beſtow their Endowments upon them: which in ſome meaſure they have ever ſince enjoyed, and there is Reaſon to hope they will do, as long as Chriſtian Princes and the due ſenſe of our Converſion to Chriſtianity remain among us: which I hope will be to the Worlds End. A.

c. 13.

THE

52: 2.E
79: 2.D

A
DISCOURSE
Concerning the
Unreaſonableneſs of a New Separation,
On account of the OATHS: With an ANSWER to the Hiſtory of PASSIVE OBEDIENCE, ſo far as relates to THEM.

SIR,

YOur former Letter gave me an Account of Your own and others Diſſatisfaction about the Oaths; but your ſecond carries the Point a great deal farther; for therein you tell me, *Thoſe who are unſatisfied, think themſelves bound to ſeparate from the Communion of thoſe who have taken them; and that if Eaſe be not given to the Scrupulous, new Congregations will be immediately formed; and therefore you beg my Aſſiſtance in clearing theſe Points, in order to the preventing a New Separation.*

I was not a little ſurprized at the reading theſe Paſſages; and I ſoon apprehended the miſchievous Conſequence of a *new Schiſm*, eſpecially among the Members of the Church of *England*. But I can hardly think it poſſible that thoſe who have expreſſed ſo great a Senſe of the *Miſchief* of it in others, ſhould be ſo ready to fall into it themſelves, and that upon the meer Account of *Scruples*; when the Difference is only about the Reſolution of a Caſe of Conſcience, wherein Wiſe and Good Men may eaſily differ: But it cannot be a Mark either of *Wiſdom* or *Goodneſs*, to ſeparate from thoſe who do ſo. Some think the Oaths lawful, and therefore take them; others do not, and therefore forbear: But is taking the Oaths made a Condition of Communion with us? Is it required of all who join in our Worſhip, at leaſt, to declare, that they think the taking of them to be lawful? If not? what Colour can there be for breaking Communion on the Account of the Oaths?

Suppoſe thoſe who take the Oaths are to blame; If they act according to their Conſciences therein, what Ground can there be of Separation from them for ſo doing, unleſs it be lawful to ſeparate from all ſuch who follow the Dictate of an Erroneous Conſcience? And ſo there can be no End of Separations, till all Men's Conſciences judge alike: for a Man's Conſcience is his practical Judgment concerning Moral Actions; and there are ſo many Circumſtances, which vary the Nature of ſuch Moral Actions, as Oaths, that I do not wonder to ſee Men differ about them; but I ſhould wonder and lament to ſee them ſeparate from each other for the ſake of ſuch a Difference.

But there is a great deal of Difference between a *Tenderneſs* and a *Sowreneſs* of Conſcience. There is a natural Tenderneſs in the Eye, which makes it apt to be offended with Motes; and in that Caſe it is to be gently dealt with: But when an ill Humour falls into it, there ſeems to be greater Tenderneſs, but from a worſe Cauſe; and then the beſt way of Cure is to ſweeten or remove the bad Humour which cauſed it. I cannot imagine why, becauſe ſome Men's Conſciences are ſo tender in the Point of Loyalty, that they cannot take the Oaths, that they muſt be ſo tender too, as not to joyn in Communion with thoſe who do it. This ſeems to come from another Cauſe, and not from the Original Scruple. Are they afraid of joyning with others, not ſo tender as themſelves? This is the *Scruple* about *mixt Communion*, which hath been ſo long exploded among us. What then? Have we hereby changed the Standard of our Communion, or are there in this Caſe impoſed any new Terms of Communion with us? How then comes a Scruple about the Oaths to lead men to think of a Separation? How come they to make ſo much Conſcience of one, and ſo little of the other? Is a Separation from our Church become a Duty with thoſe, who ſo lately looked on it as ſo great a Fault in others? But, I perceive, a tender Conſcience is like a tender Conſtitution, it is ſoon put out of Order: So much greater Care then ought thoſe to have who forſake any worldly Advantages for the ſake of their Conſciences, leſt that which begun with a Scruple, at laſt end in Humour and Faction, and the Ruine of that Church, which they have always pretended to value.

But to leave theſe general Reflections, I ſhall now apply my ſelf to the main Point, Whether there be any Reaſon for theſe Scruples about the Oaths? for if there be not, it will be granted that there can be no Reaſon for a Separation on the Account of them. If there be any Reaſon, it muſt ariſe, either from the continuing Obligation of the former Oaths, or from the Nature of the preſent Oaths: And therefore I ſhall enquire into two things:

Firſt, The Nature and Meaſure of the Obligation of Political Oaths in general.

Secondly, The Difficulties which relate to our Oaths in particular.

Firſt, As to the Nature and Obligation of Political Oaths; by which I mean ſuch as have immediate and particular reſpect to Humane Society, and the Government we live under; as all *Oaths* of *Allegiance* do.

And herein the Difference lies between thoſe and the common Oaths between Man and Man; becauſe theſe are founded on an Equality of Right, but the other on the general Security of Humane Society.

In *Political Oaths* we muſt diſtinguiſh the particular *Intention* and *Deſigns* of the *Perſons* to whom they are made, from the general *End* and *Scope* of the *Oaths themſelves*. I do not deny but ſuch Oaths at firſt came from the Miſtruſt, which thoſe in Power had, of ſuch as were at preſent in Subjection to them. And becauſe the Fears of a Deity made the ſtrongeſt Impreſſions on People's Minds, therefore they were not contented with bare Promiſes, but they added the Solemnities of Oaths, that they might look on God as concerned, both as a Witneſs and a Judge.

Leſſ. de Juſt. & Jure, l. 2. c. 17. n. 52.

But if we ſearch narrowly into this Matter, the Obligation comes not from the bare Oath, but from ſomething antecedent to it, or from the Promiſe contained in it, to which the Oath adds greater Solemnity on the Account of Religion. And therefore it is generally reſolved by the *Civilians* as well as *Caſuiſts*, That *an Oath follows the Nature of the thing about which it is converſant; for that*, ſay they, *is the Principal, and the other is but the Acceſſary; and the Acceſſary ſtill follows the Nature of the Principal.*

Molina de Juſt. & Jure, tr. 3. diſp. 150.

Even *Molina*, who is noted for ſingularity in this matter, (for aſſerting That an Oath added an Obligation of Juſtice beſides that of Religion) yet

yet when he comes to explain himſelf, he founds it on the Promiſe included in the Oath, and not in the Oath it ſelf: For after an Oath taken, ſuch as the Obligation was before, ſuch is it after, and the Promiſe contained in an Oath admits of the ſame Conditions, which it would have had, if no Oath had been joyned with it.

If there be a Law, which makes a Contract void, on the Account of the Publick Good, the adding an Oath to ſuch a Contract doth not make it valid: As for Inſtance, if the Law of the Country makes void all clandeſtine Marriages; if a Man marries a Woman after ſuch a manner, although this be an Obligation of the ſtricteſt Nature: Yet ſuch is the Force and Power of Laws made for a Publick Good, that although the Intention of one Perſon was to tie the other in an indiſſoluble Bond; yet the Law ſuperſedes that Obligation, or elſe it is made to no purpoſe, at leaſt, ſo far as it relates to the *Civil Contract*, which is as much as is neceſſary to my purpoſe; for, even that hath an obligation of Conſcience going along with it, which however in this Caſe is ſuperſeded for the Publick Good.

I do not deny, that the chief Intention of thoſe who require *Oaths of Allegiance* to themſelves, is to bind Men as faſt as may be to them; and there is a Perſonal Obligation conſequent upon it. But then, I ſay, that the Rule and Meaſure of it, is not to be taken from ſuch Intention of the Perſons, but from the *General Good*, which was chiefly intended in ſuch things. For, there is a Common Good of Humane Society, which Mankind have an obligation to, antecedent to that obligation they are under to particular Perſons. For, as Magiſtrates were deſigned for a general Good, ſo the obligation to them muſt be underſtood ſo, as to be ſtill in ſubordination to the main end.

And it is agreed on all hands, That an Antecedent and Superiour Obligation doth void that which is ſubſequent and inferiour, when they contradict each other; elſe an Oath might bind a Man to ſin; which no Man will aſſert.

Therefore whatſoever the Intention of the Perſons was, how ſtrict ſoever the Expreſſions may be, if the keeping of the Oath be really and truly inconſiſtent with the welfare of a People, in ſubverting the Fundamental Laws which ſupport it; I do not ſee how ſuch an Oath continues to oblige: For, there is no Relation of Mankind one to another, but there is ſome good antecedent, which is the juſt meaſure of that Obligation they ſtand in to each other. Thus it is between Parents and Children, Husbands and Wives, Maſters and Servants; and therefore it is moſt reaſonable to be ſo between Princes and their Subjects.

A Vow to God is as ſolemn a thing as an Oath; but our Saviour declares, if it hinders that Good which Children are bound to take care of with reſpect to Parents, it ceaſeth to oblige. If Parents, inſtead of regarding the Good of their Children, do openly deſign their Ruin, and contrive ways to bring it about; none will ſay but that they are bound to take care of their own welfare, although ſuch Parents may call it *Obſtinate Diſobedience.* For, even the Government of Parents, as natural as it is, is not abſolute, but is limited by Reaſon and the Good of their Children. And when they are of age, they are allow'd to judge of what concerns their welfare, and (if it be neceſſary) to withdraw from their Parents immediate care, but preſerving a due Reverence and Reſpect to them.

The hardeſt Caſe we can ſuppoſe, is that of *Slavery*, *i. e.* of *Dominion by Force* ; but although the Law of Nations allows it, yet it is with ſuch limitations, as ſtill ſhew, That whatever the condition of Men be, with reſpect to one another, there is ſtill a regard to be had to the Benefit of thoſe who are in ſubjection to others.

The only thing which makes a ſtate of Slavery reaſonable, is, That when Men are taken Captive by others, they are at their Mercy; and the giving of life is ſo great a benefit, as cannot be compenſated by any thing leſs than a perpetual Service; and in conſideration of it, the Maſter is to afford Protection and Maintenance. Still we ſee all reaſonable ſubjection is in order to ſome Good of thoſe who are under it; and without it, as *Ariſtotle* ſaith, *They are not uſed as Men, but as Tools.* And it is agreed by the beſt Writers on this Subject, That if the Slave be kept in Chains, he is under no obligation of Conſcience to him that keeps him; but he may find his own way to eſcape, becauſe he is treated as an Enemy, and therefore hath all the Right of War on his ſide. But if he yields upon Terms, then he is under Obligation, but it is according to the Terms upon which he yielded himſelf.

Mr. *Hobbs* indeed ſaith, *That thoſe who ſubmit upon Compact, are capable of no Injury afterwards; becauſe they have given up their Wills already, and there can be no Injury to a willing mind.* But this is very falſe reaſoning; for himſelf grants, That where there is ſuch a Compact, there goes ſome Liberty or Priviledge along with it. And it is not to be imagined, that ſuch who entred into compact for their Benefit, ſhould renounce all right to it when they have done it; and if they have right they may be wronged. And in the Caſe of the greateſt Slavery, *Natural Equity* was required, and a *Common Right* was ſtill due to Slaves, as Men: So that Nature owns no ſuch thing, as meer *Abſolute Power* in ſome over others, meerly for their own advantage; but all *Reaſonable Power* ſuppoſes Conſent, and a Good to be attained by it. But when it is carried to a contrary end, it is againſt the Intention of Nature, which lays an obligation on ſome Men towards others, with regard to a *Common Good*, which cannot otherwiſe be attained.

De Cive c.8. n.7.

Ariſt. Nic. l.8. c.13. Sen. de Clem. l.1. c.18.

It is not denied by the ſtricteſt Caſuiſts in theſe matters, but that *under a ſtate of uſurpation, notwithſtanding their Oaths to the Rightful Prince, men are bound to do thoſe things which tend to the Publick Safety as well as their own.* But then they found it upon *a preſumptive Conſent of the abſent Prince*; whereas, the true Reaſon is, That Men are in the firſt place bound to promote the Publick Good, and conſequently, and with reſpect to it, to regard the Will of their Princes, who are appointed by God and Nature for that end. And if ſuch be rendred uncapable of doing it, yet the Obligation on others remains. Whereas, if it depended on the Will of the abſent Prince, his *preſumptive Will* would not be ſufficient; for that can lay no obligation.

But, that the *Publick Good* is the true and juſt meaſure of the Obligation in theſe Oaths, doth further appear, in that the *Oaths* are *reciprocal.* Whereas, if only the Good of the Perſons to whom Oaths of Allegiance are made, were to be our Rule, then there would be no mutual Oaths. I am not now enquiring how far in *reciprocal Oaths* one Party's failing diſobliges the other, but I am ſhewing, That it muſt be a General Good that is aimed at when both Parties are ſworn to each other; ſo it was in the ſtricteſt *Feudal Allegiance*, the Lord was as much ſworn to the Tenant to protect and defend him in his Rights, as the other was to attend him in his Wars for the ſecurity of his Perſon. And this was certainly founded on a mutual Contract, called by the old Feudiſts *Liga*, and thence *Ligeas* and *Ligeantia*, and ſo our *Allegiance*. The words of *Glanvil* and *Bracton* and the *Cuſtomary* of *Normandy*, are plain, to ſhew the *Reciprocal Obligation* in this Caſe, and the meaſures on both ſides were to be *the Rights, and Cuſtoms, and Laws of the Land*. So that *Allegiance* originally implies a Compact, and is to be meaſured by the *Laws*, which are the Standard of the *Publick Good* of a Country.

Mutua quidem debet eſſe Dominii & Homagii fidelitatis connexio, ita quod quantum debet homo Domino ex homagio, tantum illi debet Dominus ex Dominio præter ſolam Reverentiam. *Glanvil.* l. 9. c. 4. *Bracton.* l. 2. §. 2. *Curſt. Norm.* c. 43.

2dly, Having thus in general fixed theſe grounds to proceed upon, I come to the particular examination of the *difficulties* which relate to the preſent *Oaths*; and becauſe we are charged with *Apoſtacy from the Principles of the Church of* England, and that is made the main ground of the deſigned Separation, I would fain know what this Charge is built upon, with reſpect to the Oaths, for that is all we are concerned in. If any particular Perſons have advanced new *Hypotheſes* of *Government*, contrary to the *Senſe* of our *Church*, let them anſwer for themſelves. The Caſe of the Oaths is quite of another Nature.

Here is no *Renouncing the Doctrine of Paſſive Obedience*, or *aſſerting the Lawfulneſs of Reſiſtance*; but the ſingle Point is, “ Whether the Law of “ our Nation doth not bind us to Allegiance to a King and Queen in actu- “ al Poſſeſſion of the Throne, by conſent of the Three Eſtates of the “ Realm? and whether ſuch an Oath may not lawfully be taken, not- “ withſtanding any former Oath?

And by this very ſtating of the caſe, any one may ſee how impertinent to this purpoſe the Book called the Hiſtory of *Paſſive Obedience* is; the truth is, there are not many paſſages in it which come near the buſineſs; but thoſe that do, contain in them the main difficulties which relate to the Oaths, and therefore I ſhall impartially conſider them. Which are theſe.

I. That they are to the prejudice of a third Perſon.

II. That they are contradictory to a former Oath.

III. That the Perſon to whom they were made, hath given no releaſe or diſcharge from them.

For the firſt we have theſe Teſtimonies; Biſhop *Hall*, p. 46. ſaith, *That a Promiſſory Oath, which is to the certain Prejudice of another man's Right, cannot be attended with Juſtice.*

Biſhop *Sanderſon*, p. 61. *An Oath impoſed by one that hath not a juſt Authority, is to be declined as much as we can; if it be forcibly impoſed, it is to be taken with reluctancy, upon this condition, that the words imply nothing unlawful or prejudicial to the Rights of a third Perſon; for if ſo, we muſt refuſe the Oath at the peril of our lives.*

I grant, it is a Rule among the *Caſuiſts*, That an Oath ought not to be taken *to the Prejudice of a third Perſon*; but ſo it is likewiſe, *That it ought not to be taken againſt the Publick Good*; and theſe two are often put together. *It is a ſin*, ſaith *Zoeſius*, *to make a compact to the publick prejudice and injury of another; and an Oath that is converſant about ſuch a matter, is unjuſt, and not to be kept.* So that the *Right of a Third Perſon* is not to be taken as diſtinct from the *Publick Good*; for, if it be inconſiſtent with it, there is no ground to ſet up a *perſonal Intereſt* againſt a *General Good*. And ſo far *a* MISCHIEF *is better than an Inconvenience*; for it is a ſtanding Rule in Reaſon as well as Law, *The publick Right cannot*

Zoeſ. in Dig. l. 12. Tit. 2. n. 66.

not

Jus publicum privatorum pactis mutari non poteſt.

not be changed by the Contracts of particular Perſons, ff. *l.* 2. *tit.* 14. If a Man takes an Oath to a *third Perſon*, to do ſomething which the Law forbids; although *he ſuffers by it*, yet it is concluded, That ſuch an Oath doth not bind, becauſe the *Publick Good* is to be preferred. *As often as a Compact doth depart from the Common Right, it ought not to be kept*; *nor is an Oath requiring it to be obſerved.* ff. *l.* 2. *tit.* 14. *Juris Gentium* §. 16. And again, *An Oath againſt the Force of Law and Authority of Right is of no moment.* What is the Reaſon that an Oath doth not bind againſt the Law? Is not the Authority of God above that of Men? No doubt of it; but ſince God hath eſtabliſhed Government and Laws for a *Publick Good*, their meaning is, That Men cannot by any Act of their own be bound to overthrow it, in what ſolemn manner ſoever it be done.

It is reſolved in the Text of the Canon Law, in the *King of* Hungary's *Caſe*, *That an Oath taken againſt the good of the Kingdom, doth not oblige, de jurejur. c.* 33. *intellecto*; although it were to the Prejudice of others, becauſe it was *in Præjudicium Regni ſui, to the Prejudice of his Kingdom*; which was more to be regarded; and becauſe it was contrary to the Oath which he took at his Coronation, *Jura Regni ſui illibata ſervare, That the Rights of the Kingdom were to be preſerved inviolable.*

Sylveſter in ſum. 6. *juram.* 4. *n.* 16. ſaith roundly, *That an Oath doth not bind againſt the Publick Good in the firſt Place*; *but if it be for a Private Benefit principally and conſequentially for the Publick, then the Oath holds*; becauſe ſtill the publick Good is to overrule in all ſuch Oaths.

If a Man ſwears to keep a Secret, and that be to the *Prejudice of a third Perſon*, the *Caſuiſts* ſay, That Oath doth not oblige; how much leſs, where the Publick Intereſt and Safety is concerned?

And it is generally agreed by our Divines, That an Oath of Secrecy, where the *Publick Safety* is in Danger, doth not bind; as in *Garnet's Caſe*, who pleaded his Oath for not diſcovering the *Gun-Powder-Treaſon.* Now if an Oath doth oblige againſt the common Good, *Garnet* made a good Plea; for his Diſcovery was to the *Prejudice* of others: but if his Plea was naught, then the *Publick Good* doth make the Obligation of an Oath to ceaſe.

Suppoſe a Man makes a Contract with another, who thereby acquires a Right: yet if that Contract be againſt the common Good, and be confirmed with an Oath; that Oath doth not oblige, ſaith *Bonacina, de contract. diſp.* 3. *q.* 1. *p.* 1.

There are two ſorts of Laws, ſaith *Suarez*, *which reſpect the Publick Good*; ſome which concern *ipſum ſtatum Reipub. & utilitatem communitatis*; the general State of the Commonwealth, and Benefit of the Community: Others which concern *Bonum commune mediante privato*; that common Good which reſults from every Man's Good: *Againſt the former*, he ſaith, *an Oath cannot oblige*; but in the latter, it may, as far as concerns his own Benefit. *Suarez de juram. l.* 2. *c.* 26. *No Obligation, though ſworn to, is of any Force againſt thoſe things which are owing to God and the Kingdom*, ſaith *Zeiglerus* in his Notes on *Grotius de jure B. & P. l.* 2. *c.* 13. §. 7.

From all this it appears, That if the *Right of a third Perſon* be inconſiſtent with the *publick Good*, ſuch an Oath doth not oblige. And it is to be obſerved, That thoſe Perſons, whoſe Teſtimonies are alledged, never put the Caſe of the Right in a third Perſon and a Publick Good ſtanding in Competition; and therefore they do not reach our preſent Caſe.

II. It is alledged, That this Oath is contradictory to a former Oath.

Biſhop Hall again, Hiſtory of *Paſſive Obedience*, p. 46. *No Oath is or can be of Force that is made againſt a lawful Oath formerly taken; ſo that he that hath ſworn Allegiance to his Sovereign, and thereby bound himſelf to maintain the Right, Power and Authority of his ſaid Sovereign, cannot by his ſecond Oath be tied to do ought that may tend to the infringement thereof; and if he hath ſo tied himſelf, the Obligation is,* ipſo facto, *void and fruſtrate.*

No doubt, if the firſt Oath continues in Force, the ſecond is void, ſo far as it contradicts it. But we ſay, The former Oath is not in Force, as it is repugnant to the Publick Good, and ſo the ſecond may be taken without any Contradiction: And if the Doctrine there laid down holds in our Caſe, I cannot ſee how it is conſiſtent with the former Oath, for any ſuch Perſons to continue under the Protection of the preſent Government, or to enjoy the Benefit of the Laws; or to take out a *Writ* in their Names, any more than to pray for them; the one being owning their Authority as much as the other.

III. Becauſe the Perſon who had the Right hath given no Releaſe.

For this Dr. *Hammond* is quoted, in his *Practical Catechiſm*, *Hiſtory of Paſſive Obed.* p. 54. S. *but was not* Tiberius *an Uſurper, and yet Chriſt ſaith,* Render to Cæſar the things that are Cæſar's. C. Julius Cæſar *wreſted the Power out of the Hand of the Senate; but before the Time of* Tiberius *the Buſineſs was accorded between the Senate and the Emperors, That the Emperors now reigned unqueſtion'd, without any Competition from the Senate; which Caſe,* he ſaith, *is diſtant from other forcible Uſurpations, where the Legal Sovereign doth ſtill claim his Right to his Kingdoms, and to the Allegiance of his Subjects, no way acquitting them from their Oaths, or laying down his Pretenſions.*

To clear this Matter, I ſhall enquire into two things.

1. How far a Diſcharge is neceſſary from the Perſon concerned.
2. How far our *Saviour's* Rule holds in our Caſe?

As to the former, I ſay, The Reſolution of Conſcience in this Caſe doth not depend upon the Will and Pleaſure of the Perſon to whom the former Oath was made, but upon the Grounds on which it was made, and from which it had its force to oblige: And if thoſe ceaſe, the Obligation of the Oath ceaſes together with them. And whether they do or not, no particular Perſon is ſo fit to judge as the Three Eſtates of the Realm; as I ſhall now prove from ſeveral remarkable Inſtances to this purpoſe in *our Hiſtories* and *Parliament Records*; whereby I ſhall make it appear, That when a Diſpute hath happened about the *Right* of *Succeſſion*, and to whom the *Oaths of Allegiance* were to be made, they have looked on it as their proper Right, to limit the Succeſſion, and to determine the Oaths.

Under the *Britiſh Government*, we find a conſiderable Inſtance to our Purpoſe; *Vortigern* the Britiſh King had entered into a *Secret League*, To bring over the *Saxons*; upon which *the Great Men of the Nation deſerted him, and choſe* Vortimer *in his room.* Here it is plain, They thought the introducing a Foreign Power, a ſufficient Diſcharge of their Obligation to him, it being ſo directly contrary to the *publick Good* of the Nation, although *Vortigern* gave them no Diſcharge.

A.G. 454. Magnates Brit. Regem Vortigernum penitus deſerentes, unanimiter filium ſuum in Regem ſublimaverunt. *Mat. Weſt.* p. 83.

In the *Saxon* Times, *Sigebert* King of the *Weſt Saxons*, was complained of for *Miſgovernment, and for changing their Laws* for his own Ends; but when he perſiſted in his Way, there was a Convention of the Nobility and People, (*convenêrunt Proceres Regni cum Populo univerſo*, ſaith *Matt. Weſtminſter*) and they declared themſelves free from Allegiance to him, and choſe *Kineulfus* in his room.

Cum autem modis omnibus male tractaret eos, legeſque anteceſſorum ſuorum propter commodum ſuum, vel depravaret, vel mutaret. *Mat. Weſt. A. D.* 756. *H. Huntingd. l.* 4. *p.* 196.

A.G. 758.

In the Kingdom of *Mercia Beornredus* for not governing by the Laws, was by a *Convention* of the Nobility and People ſet aſide from the Government, and *Offa* choſen King; who was of the Royal Stem, but not the next Heir; and ſo *William* of *Malmsbury* obſerves, in the *Weſt Saxon Kingdom* after *Ina*, *That no lineal Succeſſion was then obſerved; but ſtill ſome of the Royal Line ſat in the Throne.* And of *Ina* himſelf, *That he was rather put into the Throne for his Virtue, than by Right of Succeſſion.*

Gens de Regno Merciorum, contra Regem ſuum Beornredum inſurgens, pro eo quod Populum non æquis legibus, ſed tyrannidem gubernaret, convenerant in unum omnes, tam nobiles quam ignobiles, & Offa Duce ipſum à Regno expulerunt. *Matth. Weſt.*

Nam & ipſe Brithricus & cæteri infra Inam Reges licet Natalium ſplendore gloriantes, (quippe qui de Cerdicio originem traherent) non parum tamen à lineâ regiæ ſtirpis exorbitaverant. *Will. Malmsb. de Geſtis Reg. Angl. l.* 1. *c.* 2.

Regnum per Inam novatum qui Cinegiſli ex Fratre Cuthbaldo pronepos magis pro inſitivæ virtutis induſtria, quam ſucceſſivæ ſobolis proſapia in Principatum aſcitur. *id. ib.*

Matth. Weſt. A. D. 854. 867.

Æthelulphus, King of the *Weſt Saxons*, went to *Rome*, and there crowned *Alfred*, his youngeſt Son, King, and married the King of *France*'s Daughter in his Return, and made her Queen against their Laws; for which Reaſons he was excluded his Kingdom: His eldeſt *Son* and *Alſtan*, Biſhop of *Shireburn* being at the Top of this Act of Excluſion; and he came back only upon the Terms of receiving his Son into a Share of the Kingdom: Which ſhews, That they looked on the Laws as the Meaſure of their Allegiance; and where thoſe were openly broken, that it was in their Power to transfer it.

Mat. Weſt. p. 101. Bromton p. 862. W. Malmſbur. l. 1. c. 3. p. 14.

If our Allegiance cannot be transferred by the States of the Realm, it muſt be becauſe (as ſome think) by the fundamental Conſtitution of this Kingdom we are bound in *Allegiance* to the *next right Heir in a Lineal Succeſſion*; but I find no ſuch thing in the *Saxon Times:* for although generally they kept to the *Royal Line*, yet not ſo, but that when it appeared to be much more for the *Publick Good*, they did not ſtick upon the Point of *Proximity*. I ſhall not meddle with the Kingdom of the *Northumbers*, which alone was *originally Elective*, as appears by *Matt. Weſtminſter*; and wherein there happened ſo great Diſorders and Confuſions, that at laſt *William* of *Malmsbury* ſaith, *None could be perſwaded to accept of the Kingdom*; and ſo it continued thirty three Years, till at laſt *Egbert* took it into his Hands; and ſo it became a part of the *Engliſh Monarchy*; which was eſtabliſhed in him.

Mat. Weſt. A. D. 934. A. D. 939.

But if by the fundamental Conſtitution, *Allegiance* were indiſpenſably due to the next *Rightful Heir* in this Monarchy, how came *Athelſtan* to be crowned *magno conſenſu Optimatum*, ſaith *Malmsbury*, when he was not the rightful Heir? Some ſay (from an old Monk in *Malmsbury*) *That his Father left him the Crown by his Teſtament*; (which doth not clear the Difficulty as to the inviolable Right of *Succeſſion* by the *Conſtitution.*) But this cannot be true, for his elder Brother *Elwardus* died after his Father; and none pretend that his Father diſinherited him: And if *Athelſtan* were lawful Heir, what made him to diſpatch his Brother *Edwin* out of the way, and to build two Monaſteries for Expiation of that Guilt? How came *Alfred* to oppoſe his *Election*, as being *illegitimate*, as *Malmsbury* confeſſes? but *Matt. Weſtminſter* gives the Reaſon, the Times were then difficult, and *Edward*'s other Sons were too young to manage the Government, and therefore they ſet up *Athelſtan*, as one fit for Buſineſs.

How came *Edred* to ſucceed *Edmond*, and not his Son *Edwin* and *Edgar*? *Matt. Weſtminſter* and *Bromton* give the ſame Reaſon; They were uncapable by reaſon of their Age, *Repugnante illegitimâ ætate, Patri ſuccedere non valebant. Florence* of *Worceſter* ſaith, The *Northumbers* ſware Allegiance to *Edred*; and he ſaith, *He was next Heir*, and yet there were two Sons of *Edmond* before him; for he confeſſes, That they were the Sons of *Edmond* and *Algiva* his Queen.

Mat.Weſt. A. 946. Bromton. p. 862. Flor. Wigorn. A. 949.

After the Death of *Edred*, the eldeſt Son of *Edmond* ſucceeded; but being found under a *Moral Incapacity*, (for in *Florentius* his Words, and *Matt. Weſtminſter*, *In commiſſo Regimine inſipienter egit*) he was ſet aſide, as to all the Government beyond *Thames*, and *Edgar* put into it: And not long after into the whole Kingdom, by general Conſent.

A. 957.

How came a Diſpute to happen about the Election, after the Death of *Edgar*, between his eldeſt Son *Edward*, and *Ethelred* his youngeſt? I lay no Force on his Mother's Endeavours to advance him; but if there had been ſuch an unalterable Right of Succeſſion, there had not been any Colour or Pretence for it; eſpecially ſince it is ſaid, That his Father declared his Mind, That the elder ſhould ſucceed. But ſaith *Florentius Wigorn.* there was a great Contention among the great Men about the Choice of the King: How could there be any Diſpute, if they knew the Conſtitution of the Kingdom to be, That the next Heir muſt inherit the Crown; and that thoſe are perjured who transfer their Allegiance?

A. 975.

After the Death of *Ethelred*, the Nobility and People were divided, ſome chuſing *Canutus* the *Dane*, and ſwearing *Allegiance* to him; others to *Edmund* the Son of *Ethelred*.

Florent. Wigorn. A.D.1016.

The former pleaded for themſelves, that *Ethelred had broken his Faith with them, and therefore they deſerted him, ſo as he was fain to fly into Normandy*; and that *Edmund* was not his *legitimate Son.*

W. Malm. l.2.p.35.2.

Matt. Weſtminſter ſaith, *That the greateſt part of the Nation, Clergy as well as Laity, did ſwear Allegiance to* Canutus; *without any Diſcharge from* Ethelred, while living, or his Son after him.

Mat.Weſt. A.D.1013. 1015, 1016.

After the death of *Canutus*, a new difference aroſe about the Succeſſion; ſome were for *Harold* his ſuppoſed *Son* by *Algiva*, others for *Hardecnute*, his Son by *Emma.* If the lineal Succeſſion were a part of our *Conſtitution*, How come ſuch perpetual Diſputes to be concerning it? For if it had been owned as a Fundamental Law, the Right of Succeſſion muſt have been clear beyond Diſpute. But *Reaſon of State* and the *Publick Intereſt* ſtill over-ruled this matter, and ſo *Ethelred*'s Sons by *Emma*, who were the true Heirs by *Legal Succeſſion*, were ſet aſide, and *Harold*, being upon the Place, and ſo beſt able to manage the Affairs of the Kingdom, carried it.

A. 1055.

Hardecnute being dead, how came the baniſht Sons of *Edmund Ironſide*, if he were lawful Heir, not to be ſent for to ſucceed? If *Edmund* had no good Title, how was the Right of Succeſſion then preſerved? How could Allegiance on theſe Principles be ſworn to him? If he had a good Title, How could the Oaths be taken to *Edward* the *Confeſſor*, when the Heirs of *Edmund Ironſide* were living? I perceive ſome, to ſalve the Succeſſion, make the Mother of *Edmund* to have been *Ethelred*'s firſt Wiſe, and call her *Elgiva Duke Thored's Daughter*; but *William Malmsbury* ſaith, *She was ſo obſcure a perſon, that ſhe was not known; and that* Edmond Ironſide *made up what was wanting in the management of his Father, and the Quality of his Mother.* And the ſame is ſaid by *Matt. Weſtminſter. Florentius Wigorn.* ſhews the reaſon of the miſtake; for he ſaith, That *Emma*, *E-*

Wil. Malm. l. 2. p. 40. Mat.Weſt. A. 1015. Florent. A 102.

thelred's *Queen*, was in the *Saxon* Language called *Algiva*; and ſo, out of two Names, they have made two Queens. *Bromton* leaves the matter in Diſpute, and ſaith ſome affirm, *The Mother of* Edmond *was betrothed to King* Ethelred, *and was the Daughter of Count* Egbert: Others, That ſhe was a Stranger and a Concubine. Now, if a Man's Conſcience be ſtrictly tied in ſuch Oaths of *Allegiance*, to the *Right Heir in a lineal Succeſſion*, what ſatisfaction can he have as to the taking them, ſince he is then bound to ſatisfie himſelf in the ſtrict Juſtice of a Title? For, if *Edmond*'s Mother was not married, he had no Title, and no Oath of Allegiance could be taken to him; and whether he was married or not, for all that we can perceive, there was a great doubt at that time, and ſo continued. And, it is not eaſie to determine what is to be taken for Marriage in a Prince, unleſs the Law be the Rule. And, if the Law determines the nature of Contracts in Princes, why not as well the Obligation of Subjects? For, if there be no Rule, it is not poſſible to ſatisfie Conſcience in the Niceties of Titles; if there be a Rule, the general Conſent of the People, joined with the Common Good, ſeems to have been that which our Anceſtors proceeded by.

Append. 7. ad vit. Alf. Bromton inter 10. Script. p. 877.

I do not hereby go about to ſet up the *Power of the People over Kings*, which is in effect to overthrow *Monarchy*; for then the whole *Soveraignty* lies in the People, and *Kings* are but their *Servants*: And ſo there is but one ſort of Reaſonable Government, *viz.* that of a *Commonwealth*. Whereas, from the eldeſt times, the *Rights* of *Soveraignty* have been placed in *ſingle Perſons*, before any *Popular Governments* were known; and Monarchy hath been ever eſteemed a diſtinct and a reaſonable Government, eſpecially where it is limited by Laws, and thoſe Laws made by the Conſent of the People, *i. e. by the Three Eſtates of the Realm*; which are together the true Repreſentatives of the People.

I ſee no neceſſity of going about to undermine the *Monarchy*, that I may come at a reſolution of the preſent caſe; for, I take ours to be a true *Original Monarchy*, eſpecially after the Rights of the leſſer Monarchs were ſwallowed up or delivered into that of the *Weſt-Saxon* Kings. And farther, I do not ſtick to affirm, That it was *Hereditary*, where the *Right of Succeſſion* and the *Publick Good* did not interfere; *i. e.* where there was not a *Natural* or *Moral Incapacity*: a *Natural*, as in the Sons of the elder *Edmond*, when *Edred* was made King before them; a *Moral*, as when *Edgar*'s elder Brother was ſet aſide for his *ill Government*, by one half of the Nation, and the other never diſputed the matter with them; and when *Ethelred* was ſo far deſerted, that he went into *Normandy*, and was recalled upon Promiſe of better Government. *Si ipſe vel rectius gubernare, vel mitius eos tractare vellet*, are the words in *Florentius*; and to the ſame purpoſe *Matt. Weſtminſter*, and *Bromton*, and *Malmsbury*: *H. Huntingdon* adds, That he promiſed *omnia Rege & Populo digna*; all things worthy of the KING and People. Theſe things I mention to ſhew, That although this were *a true and ſucceſſive Monarchy* in ordinary courſe; yet where the *Publick Good* was by the *Eſtates* of the Realm judged to require it, they thought it no *Perjury* or *Breach of Faith*, to transferr their Allegiance, although it were without the Conſent of the actual Governour, or the next lineal Heirs.

Florentin. Wigor. A.D. 1014. H. Huntin. l. 6. p. 207. 2.

Having thus far cleared this Point, as to the *Saxon Conſtitution* of our Government, I come to that of the *Norman*; and here I ſhall not go about to ſhew how broken the Succeſſion was by *Force* and *Faction*, but what the Judgment of the Nation was, as to the transferring Allegiance.

And the firſt Inſtance I ſhall bring, is in the Caſe of the Oath taken to *Maud* the Daughter of *Henry* the Firſt, in the One and Thirtieth year of his Reign; and there is no queſtion, but he deſigned her to ſucceed him; *Legitimâ & perenni ſucceſſione*, as *Malmsbury*'s words are; but *Stephen*, (who had before ſworn Allegiance to her) watched his opportunity, and by the help of a Party made by his Brother, (the *Biſhop* of *Winchester*) he was Crowned KING; and although at firſt, *Malmsbury* ſaith, *but three Biſhops, and very few Noblemen*, joined with him, yet he ſoon after ſaith, *That moſt if them went in to him*: And even *Robert* of *Glouceſter*, King *Henry* the Firſt's natural Son, took an Oath to him, but with the condition of his preſerving his Honour and Covenants. There are ſeveral things worthy our obſervation in this Affair, with reſpect to Oaths of *Allegiance*.

Malmsb. Hiſt. Novel. l. 1. p. 100, 105. 2.

(1.) That thoſe who excuſe them from *Perjury*, who had Sworn *Allegiance* to *Maud* before, do it upon this account, Becauſe it is ſaid by *Rad. de Diceto*, *That* Hugh Bigod *ſware, that King* Henry *the Firſt, on his Deathbed, diſinherited his Daughter, and made* Stephen *his Heir*. Suppoſing the Story true, what is this to the Diſcharge of the Oath as to *Maud*? (for the Oath was not made to *Henry* the Firſt, but to his Daughter, and her Right was chiefly concerned in it.) If this hold, an *Oath* of *Allegiance* may ceaſe, without diſcharge from the Party to whom it is made. And ſo the *Archbiſhop* of *Canterbury*, and the Biſhops of *Wincheſter* and *Salisbury*, as well as the Nobility, thought themſelves at liberty to take a New Oath of Allegiance, without a Releaſe from the Party concerned in the former Oath.

(2.) That upon the Agreement between *K. Stephen* and *H.* 2. *Maud* her ſelf was ſet aſide, and *Stephen* was to continue King for his Life, and *H.* 2. to ſucceed him. Now if Oaths of Allegiance muſt not be interpreted by the *Publick Good*, here are inſuperable Difficulties as to the Obligation of theſe Oaths. For the Allegiance was transferr'd from the right Heir to an Uſurper, as *Stephen* muſt be owned to have been by thoſe who deny that Allegiance can be transferr'd from the right Heir. And they muſt continue Allegiance to the Uſurper for his Life; which is repugnant to the Nature of our Conſtitution, if it be founded in a *Lineal and Legal Succeſſion*. And again, *Maud*, to whom they had ſworn, is ſet aſide, and the Reverſion of the Crown is entailed on her Son, although ſhe was living. *Forteſcue*, in a Manuſcript-Diſcourſe about the *Title of the Houſe of Lancaſter*, ſaith, this was done in Parliament, *Communi Conſenſu Procerum, & Communitatis Regni Angliæ*. *Rad. de Diceto*, who lived nearer the time, ſaith no ſuch thing; but *Forteſcue* appeals not only to the *Chronicles, but to the Proceedings of Parliament*, for it. And *Matt. Weſtminſter* and *Paris* ſay, The Right of *H.* 2. was declared by K. *Stephen in Conventu Epiſcoporum, & aliorum de Regno Optimatum*; which was the Deſcription of a Parliament of that time; for, as yet, the *Baronage* repreſented the Nation. *Gervaſe* ſaith, *The Great Men were ſummoned to perfect the Agreement, by giving their Aſſent to it, and confirming it by their Oaths*. *Forteſcue* ſaith further, that *H.* 2. *was crowned King in the Life of his Mother, (who lived to the* 13 *of H.* 2.*) by the general Conſent of the Kingdom*. Which ſhews how far the *Publick Good* was thought to be the Meaſure of the Obligation of theſe Oaths. For *Guil. Neuburgenſis* ſaith, That the *Bonum Publicum* was the Foundation of this Agreement. And *Matt. Weſtminſter*, *That the King and the Lords did all ſwear to it, and a ſolemn Charter was made of it, and kept in a moſt ſecure Place*.

Rad. de Diceto, A.D. 1153.

Matt. Weſtm. A. 1153.

Mat. Pariſ. ib.

Gervaſ. A. D. 1153.

Guil. Neobarg. l. 1. c. 30.

Matt. Weſtm. S. 1153.

And thus the Oaths of Allegiance were continued to one that had no Right for his Life; and made to one who pretended to no Right, but after his Mother, who was ſet aſide in this Agreement. So that here were three Oaths of Allegiance at once, that to *Maud* the Empreſs, that to K. *Stephen*, and to *H.* 2. and yet the *General Good* of the Nation muſt give an equitable ſenſe of theſe Oaths, or there muſt be *Perjury* on all ſides. For thoſe who had firſt ſworn to *Maud*, could not tranſfer their Allegiance on any other account, either to *Stephen*, or *H.* 2. during her Life. For we never read that ſhe was preſent at the Agreement, or reſigned her Right to the Crown.

The next Inſtance I ſhall produce, is in the Oaths that were taken during the Controverſies between the Houſes of *Tork* and *Lancaſter*. Which was not ſo plain a Caſe as Men commonly imagin; and in Truth, if the juſt legal Title be the only Rule of Conſcience in this Caſe, it was hard to take the Oaths on either ſide. For, as on the one ſide, a lineal Deſcent was pleaded from the Daughter of the Duke of *Clarence*, who was elder Brother to *John Duke of Lancaſter*, from whom by Marriage the Duke of *Tork* claimed his Title; ſo, on the other ſide, it was objected, that there was no ſufficient Evidence of the Legitimacy of *Philippa* Daughter to the Duke of *Clarence*; becauſe, as *Forteſcue* obſerves, the Duke of *Clarence* was abroad from before the time of her Conception till after her Birth, and that he never owned her Mother after; that ſhe never aſſumed the Arms of the Duke as her Father, nor thoſe deſcended from her, till the Duke of *Tork* pretended to the Crown; that *E.* 3. made an Entail of the Crown upon his Heirs Male; (of which I have ſeen a written Account as old as the time of *H.* 6. which not only affirms the Abſence and Divorce of the Duke of *Clarence*; but that *E.* 3. ſeized all his Lands into his Hands, and in Parliament ſoon after entailed the Crown on his Heirs Male, and that his Daughters there preſent agreed to the ſame.) But beſides they pleaded, that ſo long a Preſcription as the Houſe of *Lancaſter* had of above threeſcore years, was allowed by the *Jus Gentium*, to purge the Defects of the firſt Title: Theſe are things which deſerved Conſideration againſt ſuch a meer lineal Deſcent as the Houſe of *Tork* inſiſted upon. And againſt the Houſe of *Lancaſter*, the Intruſion of *H.* 4. upon the Depoſition of *R.* 2. is an invincible Objection to ſuch as found Allegiance on the Right of Succeſſion.

But that which I lay the greateſt weight upon, is the way of ending this Difference in *Parliament*, which hath ſeveral remarkable things in it:

(1.) That the Duke of *Tork*, notwithſtanding his Title, takes an *Oath of Allegiance* in Parliament to *H.* 6. during his Life; reſerving to himſelf the *Right of Succeſſion* after him. For he ſwears *to do nothing to the Prejudice of his Reign or Dignity-Royal, nor againſt his Life or Liberty; and that he would to the utmoſt of his Power, withſtand all Attempts to the contrary.* The ſame *Oath* was taken by his Sons *Edward* Earl of *March* (afterward *E.* 4.) and *Edward* Earl of *Rutland*. Was this a lawful Oath or not? To ſay it was unlawful, is to reflect on the Wiſdom of the *Three Eſtates*, who looked on this as the beſt Expedient for the Publick Good, as being the way to prevent the Effuſion of Chriſtian Blood. And it is not eaſie to prove ſuch an Oath unlawful; as containing nothing unlawful, nor to the Prejudice of a third Perſon, when he who was chiefly concerned voluntarily took it. If it were a lawful Oath, then an Oath of Allegiance on the account of *Poſſeſſion*, is a lawful Oath. For the matter of Right is not mentioned in it, and *Richard* Duke of *Tork* did not renounce the opinion

Rot. Parl. 39. *H.* 6. n. 21.

nion of his own Right hereby, (whether true or falſe) but did bind up himſelf to do nothing to the Prejudice of the Royal Dignity of *H.6.* and yet he look'd on him as meer Poſſeſſor of it; therefore in his Judgment and the Parliament's, an Oath of Allegiance may lawfully be taken, on the account of the *Poſſeſſion* of the *Crown*, although Perſons be not ſatisfied of the Right of it.

The Words of his Agreement are remarkable to this Purpoſe, as they are to be found in the *Parliament-Rolls*. *The ſaid Title notwithſtanding,* N. 20. *and without Prejudice of the ſame, the ſaid* Richard *Duke of* York *tenderly deſiring the Weal, Reſt and Proſperity of this Land, and to ſet apart all that might be trouble to the ſame; and conſidering the Poſſeſſion of the ſaid King* Henry *the Sixth, and that he hath for his time be named, taken, and reputed King of* England *and* France, *and Lord of* Ireland, *is content, agreeth and conſenteth, that he be had, reputed and taken King of* England *and of* France, *with the Royal Eſtate, Dignity and Preeminence belonging thereto, and Lord of* Ireland, *during his Life natural; and for that time the ſaid Duke, without hurt or prejudice of his ſaid Right and Title, ſhall take, worſhip and honour him for his Sovereign Lord.* Here was certainly an Oath taken to a King, whom the Perſon taking it looked on only as a King *de facto*, and not *de jure*; and yet this Oath was taken and allowed, nay contrived in Parliament; and that for no leſs an end, than for the *Weal, Reſt, and Proſperity of the Land*, i. e. for the Publick Good.

It may be ſaid, *That the Caſe is different; for* Richard *Duke of* York *parted with his own Right; but we cannot with anothers, which we have ſworn to preſerve.*

I anſwer, That he did not look on ſuch an Oath as parting with his Right, but as a thing fitting to be done on the account of *Poſſeſſion* for the Publick Good. And ſo may others take ſuch another Oath of Allegiance, wherein there is no Declaration as to Right, but the ſame things required, which the Duke of *York* promiſed in his Oath to *Hen.* 6.

But Allegiance is not due but where there is a Right to claim it; and that cannot be, where there is no Right to the Crown.

I anſwer, That an Oath of Allegiance may be twofold: 1. *Declarative of Right*; and in that caſe none can be owned to have Right, but he that hath it.

2. *Submiſſive Allegiance*; where no more is required than is contained in the Duke of *York*'s Oath, and yet he declared *this was no prejudice to his Right. But it may be ſaid, He declared ſo much before he took the Oath, and ſo gave the Senſe in which he took it.*

I anſwer, That

His putting in his Claim, and his Title being allow'd after the King in being, had been ſufficient; but in our caſe there is no need of a *Declaration*, ſince the declaratory part is left out; which is a fuller Declaration of the ſenſe of the Oath, than our Words can make.

But to proceed;

(2.) The firſt Objection the *Parliament* made to the Duke of *York*'s Claim was, from *the Oaths they had taken to* H. 6. To which the Duke of *York* gave a large Anſwer, that *Oaths muſt not bind againſt Truth and Juſtice.* But this was to take it for granted, that he had the Truth and Juſtice of his ſide, whereas there was a long Poſſeſſion of threeſcore Years againſt him; ſurely matters of Fact which were neceſſary to the diſproving his Title, were then ſo far out of Memory, that it was impoſſible to make clear Evidence about them; and others were not examin'd, as whether the

Duke of *Clarence* were abſent ſo long from his Wife abroad, when *Philippa* was born? Whether one Sir *James Awdely* ſuffer'd about it? Whether he was divorced from her upon it? Whether *E.* 3. after the Death of the Duke of *Clarence*, did entail the Crown on his Heirs Male? Whether upon the Depoſition of *R.* 2. the Claim of Right on behalf of the Duke of *Clarence*'s Heir ought not to have been made? How far *Edmond Mortimer's* owning the Title of *H.* 5. and the Duke of *Cambridge*'s Attainder did affect him? Whether he had not renounced his own Pretentions, by owning *H.* 6. to be *his Supream* and *Sovereign Lord*, as he had often done in a moſt ſolemn manner, particularly in his Oaths at the Altar at St. *Paul's*, which is to be ſeen in the *Book of Oaths*, p. 146. and elſewhere. But at that time, *H.* 6. was under the Power of the Duke of *York*; and that was a very unfit time to clear a ſinking Title.

But however the Lords in Parliament were concerned for their *Oaths* to *H.* 6. and propoſed the former *Expedient*, not only for the publick Welfare, but in regard to their *Oaths*, notwithſtanding that they allow'd the *Duke's* Title to be good. Their Words are, *It was concluded and agreed by all the ſaid Lords, that ſince it was ſo, that the Title of the ſaid Duke of* York *cannot be defeated, and in eſchewing the great Inconvenience that might enſue, to take the Mein above rehearſed, the Oaths that the ſaid Lords had made unto the King's Highneſs at* Coventry *and other places ſaved.*

From whence it is plain, that they look'd on their *Oaths to Hen.* 6. as conſiſtent with owning the Right to be in the Duke of *York*; and that *Poſſeſſion* was a ſufficient Ground for continuing their Oaths.

(3.) In 1 *E.* 4. where the Right and Title of the D. of *York* is moſt amply ſet forth, there this Agreement, 39 *H.* 6. is recited, and the Proceedings againſt *H.* 6. are grounded upon his Breach of it. Which ſhews farther that thoſe *Parliaments* which did aſſert the *Right of Succeſſion* higheſt, (among which, this of *E.* 4 ought to be reckon'd) yet it was never diſputed, whether thoſe who had taken the Oaths to *H.* 6. were *perjured*; for they look on the *Poſſeſſion* of the *Crown* as a ſufficient Ground for the *Allegiance* required.

But it may be ſaid, *That from hence we ſee that he was look'd on as having the beſt Title, who had the beſt Right by lineal Succeſſion.* I anſwer, that we are not enquiring into *Titles*, but ſearching into the Reaſons and Meaſures of *Oaths* of *Allegiance*; and whether thoſe do require full Satisfaction about the beſt Title? Or ſuppoſing one unſatisfied about that, he may not yet be ſatisfied in taking ſuch an Oath as the D. of *York* and his Sons did?

But ſuch Precedents prove nothing, unleſs they be agreeable to our Laws and Conſtitutions. Yes, a great deal, while we are enquiring into our *Legal Conſtitution*; and we find ſuch things allowed in *Parliaments*; and not only ſo, but in ſuch *Parliaments* which allow'd not the Title of the King to whom thoſe Oaths were made.

But it may be ſaid, *Our Law owns no King meerly as in Poſſeſſion, but the Right Heir is the legal King, whether in Poſſeſſion or not.* Our Law does own a King in Poſſeſſion, if *Treaſon may be committed againſt Him*; and for this we have not only the *Authority of Sir* E. C. but of the *Year-Books*, 9 *E.* 4. where it is deliver'd for Law at that time; and with a particular Reſpect to *H.* 6. *Et home ſera arraigne de Treaſon fait a dit Roy H.* and therefore Sir *E.C.* had good Authority for what he ſaid; and that not in the Reign of a King *de facto*, but when a King thruſt out another for want of Right, and derived his whole Right from a *lineal Succeſſion*. *Bagot's* *got's Caſe* goes farther than *Grants and Judicial Proceedings of a King de facto*; for therein it is declared Treaſon to compaſs the Death of a King *de facto*; and it is very abſurd to imagine Treaſon againſt one whom the Law doth not own: for Treaſon is a high Violation of the Law, and how can the Law be violated againſt one whom the Law doth not own? Beſides, in *Bagot's Caſe* there is a diſtinction made between *a meer Vſurper, and one on whom the Crown is ſettled by Parliament*; and ſo *H. 6.* is denied to be a meer Uſurper. *Et ſix le dit Roy H. de fait Merement, come Vſurper, Car le Corone fuit taille a luy per Parliament.* So that by our Conſtitution a great Deference is to be ſhew'd to the Judgment of *the Three Eſtates* in matters that concern the *Right of the Crown*; Or elſe, an Entail made by them could make no difference; but the whole Reſolution muſt be into the *lineal Deſcent*. And thus I look on the Statute, 11 *H.* 7. as *agreeable to our Conſtitution*; for if it be *Treaſon* to compaſs the Death of a King *de facto*, there is great Reaſon there ſhould be Indemnity for thoſe who act for Him.

But what doth this ſignifie to the Conſciences of Men? Very much, if they are to be ſatisfied by our Conſtitution. I grant meer *Indemnity* doth not clear a Man's Mind; but its agreeableneſs to former Proceedings and Judgments ſhews how far our Conſtitution allows us to go, and that there is no Argument from thence which can hinder the Satisfaction of Conſcience ſo far.

But ſuppoſe a King de jure *be in Poſſeſſion of this Act, and another comes and diſpoſſeſſes Him, and ſo is King* de facto, *Doth this Law indemnifie thoſe who fight againſt the King* de jure *for the King* de facto?

Whoſoever is in actual and quiet Poſſeſſion of the Crown, by *Conſent of Parliament*, hath the Right to challenge the Benefits of this Act for thoſe who ſerve Him. But I do not ſay, that this Act gives any Man Right to oppoſe a *Rightful King*; but it only provides for the Indemnity of thoſe who aſſiſt the preſent Poſſeſſor, although another had the Right by Deſcent. For after the D. of *York*'s challenging the Crown by Right of Succeſſion againſt the Poſſeſſor, there were two Parties in the Nation, the one was for the *Right* of *Succeſſion*, and the other for the *Right* of *Poſſeſſion* by a *National Conſent*. And the Diſputes between theſe two continued as long as the Differences between the Houſes of *York* and *Lancaſter* laſted. When *H.* 7. was ſettled in the Throne, without regard to the *Right* of *Succeſſion*, although there was a general Submiſſion, yet there was ſtill a great Diſſatisfaction in the *York Party*; which occaſioned all the Diſturbances of *H. 7th's* Reign, from ſetting up an Heir of the Houſe of *York*. (And Sir *William Stanly* was gained to that Party, which coſt him his Life.) And they went ſo far as to conclude it *Treaſon* to ſtand by the Poſſeſſor againſt the *next lineal Heir*. Which I take to have been the true occaſion of the Statute 11 *H.* 7. which doth certainly Indemniſy thoſe who adhere to the Poſſeſſor, although another may claim a better Right; and thereby declares a *Poſſeſſory Right* to be a ſufficient Ground of Allegiance, as far as that Act goes.

There are three ſorts of Perſons may be ſaid to have Poſſeſſion of the Crown, an *Vſurper*, a King *de jure*, and a King *de facto*; and becauſe the diſtinction between theſe doth not ſeem to be well underſtood, I ſhall briefly explain it.

An Uſurper is one who comes in by *Force*, and continues by *Force*.

A King *de jure* is one, who comes in by *lineal Deſcent*, as next Heir, and whoſe Right is owned and Recognized by the Eſtates of the Realm.

A King *de facto* is one, who comes in by Conſent of the Nation, but not by Vertue of an *immediate Hereditary Right*; but to ſuch a one being owned and receiv'd by the Eſtates of the Realm, the Law of *England*, as far as I can ſee, requires an *Allegiance.* Or elſe the whole Nation was perjur'd in moſt of the Reigns from the Conqueſt to *H.* 8. For the two *Williams*, ſix at leaſt of the ſeven *Henries*, King *Stephen*, and King *John* were all Kings *de facto*, for ſome time at leaſt, for they came not in as next *Heirs* in a *lineal Deſcent.* But ſtill Oaths of *Allegiance* were taken to them; and no ſuch *Scruples* appear to have been made all that time; nor any charge of *Perjury*, on thoſe who did what our Law and Conſtitution required. Was the Nation *perjured* in the Time of *H.* 7. who, as all know, had no Pretence of an *Hereditary Right*? Yet being received and Crowned, the Oaths of *Allegiance* were taken to Him, before he was Married to the Daughter of *E.* 4. For, he was Crowned *Octob.* 30. 1485. Had the Crown entailed in Parliament *Nov.* 7. and was Married *Jan* 18. But the firſt Parliament of *R.* 3. endeavoured to make void the Title of the Children of *E.* 4. upon pretence of a *Precontract* with the *E.* of *Shrewsburies* Daughter; and of *George* Duke of *Clarence* by his Attainder, thereby to make *R.* 3. *Right Heir to the Crown*; but leſt theſe things ſhould fail, *to his Claim of Inheritance, they join their own Election, and deſire him to accept the Crown, as to him of Right belonging, as well by Inheritance as by lawful Election.* It ſeems, they would have made him a King *de jure* as well as *de facto*; but the excluding the Children of *E.* 4. never gave Satisfaction ſince the Lady *Lucy* her ſelf diſowned it to the Mother of *E.* 4. And if ſuch an Allegation would hold, the whole Succeſſion both of *York* and *Lancaſter* might be queſtioned; for both derive from *H.* 3. whoſe Mother was believed at that time to have been precontracted at leaſt to *Hugh le Brun*, before ſhe was married to K. *John*, and was married to Him, whilſt his former Wife was living. And if Q. *Eleanor's* Divorce from the K. of *France* were not Good (as it is hard to prove it ſo) what becomes of all the Line of *H.* 2. who married Her, after ſhe had two Children by her former Husband? But if Mens Conſciences are tied to a ſtrict legal and *lineal Deſcent*, they muſt be ſatisfied in all theſe Points.

Mat. Weſt. A. 1200.

But ſuppoſing the Right of the Children of *E.* 4. to have been never ſo Good; what doth this make towards the juſtifying the Oaths of Allegiance, which were made to *H.* 7. whom ſome will not allow to have any Claim by the Houſe of *Lancaſter*, ſince they ſay, the ſame Act which legitimated *John* of *Gaunt's* Children by *Kath. Swinford*, did exclude them from any Title to the Crown? Yet the *Oaths* of *Allegiance* were taken by the whole Nation in the time of *H.* 7. and no Diſpute was then made about it; becauſe it was then believed, that quiet Poſſeſſion was a ſufficient Ground for Allegiance.

It is objected, *That it cannot be agreeable to the Law of* England *to ſwear Allegiance to a King* de facto, *when the Duke of* Northumberland *ſuffered by the Law for adhering to a Queen* de facto.

A King *de facto* according to our Law (as I ſaid) is one in quiet Poſſeſſion of the Crown, by Conſent of Parliament, without Hereditary Right; ſuch as *H.* 4, 5, 6, 7. were all thought to be, by thoſe who made this Diſtinction. For, as far as I can find, the Diſtinction of a King *de facto* and *de jure* was then ſtarted, when the Houſe of *York* ſo much inſiſted on their Hereditary Right; and ſo many of our Kings had governed the Kingdom by Conſent without it. Therefore the Lawyers, to find a ſufficient *Salvo* for the Kings of the Houſe of *Lancaſter*, framed this Diſtinction of Kings *de facto* and *de jure*; but ſtill they meant *Kings Regnant*, as they called them, or in full Poſſeſſion of the Royal Dignity by a National Conſent. (The Diſtinction had been better of a two-fold Right, *viz.* *Poſſeſſory* and *Hereditary*.) But this was far from being the Caſe of *Queen Jane*, who was ſet up by a particular Party againſt the General Senſe of the Nation, as ſoon appear'd; for the main Point her Title ſtood upon was this, Whether the King by his Grant could diſpoſe of the Crown againſt an Act of Parliament which ſettled the Succeſſion? and that this was the true Point, appears evidently by Judge *Mountague*'s Papers, who was imployed againſt his Will, in drawing up the Grant. So that the Duke of *Northumberland*'s Caſe doth by no means reach the Point of a King *de facto*.

But it is further urged from our *Homilies*, *That our Church therein condemns thoſe Engliſh who did ſwear Fidelity to the Dauphine of* France, *breaking their Oath of Fidelity to their Natural Lord the King of* England. To which I anſwer.

Sixth Part of the Homily againſt wilful Rebellion.

(1.) That King *John* was only a King *de facto* himſelf, if a Legal Succeſſion makes a King *de jure*. For, (1.) His eldeſt Brother's Son *Arthur* was then living, as all confeſs. (2.) He was convicted of Treaſon againſt his Brother *R.* 1. and the Sentence pronounced againſt him by *Hugo de Pudſey* Biſhop of *Durham*, as the King of *France* pleaded to the Pope's Legat who came to ſolicit for him. (3.) *Hubert* Archbiſhop of *Canterbury* declar'd at his Coronation, that he came not in by *Hereditary Right*, but by *Election*; and he accepted of it ſo. (4.) What Right he had after the Death of his Nephew, he gave up by the Reſignation of his Crown to the Pope. He could have no *Hereditary Right* while *Arthur*'s Siſter lived, who ſurvived him, and was kept in the Caſtle at *Briſtol*. But ſuppoſing it, I do not underſtand how he that gave up his Right of Dominion to the Pope, could ſtill retain it? And if he was Feudatary to the ſame, he could not challenge Allegiance as due to him, but to the Pope as Lord Paramount. And it was pleaded againſt him, *That although he could not diſpoſe of his Crown without Conſent of his Barons, yet he might demiſe it: And upon his Reſignation he ceaſed to be King; and ſo the Throne was vacant. And by that means there was a devolution of Right to the* BARONS *to fill up the Vacancy; who made choice of* LEWIS *by the Right of his Wife, who was Heir to King* John. If after all this, an *Oath* of *Allegiance* to him was lawful, then, I ſay, an Oath to a King *de facto* is ſo, for King *John* was no more.

Mat. Paris. f. 280.

Matt. Weſtm. A. 1216.

Mat. Paris. A. 1199.

Mat. Paris. A. 1216. f. 281.

(2.) As to the *Barons* calling in *Lewis*, and forſaking K. *John*, it is neceſſary to obſerve on what Reaſon it is that our *Homilies* condemn it. For the whole deſign of that *Homily* is, to ſhew *the Popes Uſurpations over Princes, and their ſtirring up Subjects to Rebellion againſt them, by diſcharging them from their Oaths; and for thoſe the Inſtance of King* John *is produced*; as appears by the words juſt before. *Now had Engliſh-men at that time known their Duty to their Prince ſet forth in God's Word, would a great many Nobles, and other Engliſh-men natural Subjects, for this foreign and unnatural Uſurper his vain Curſe of the King, and for his feigned diſcharging them of their Oath and Fidelity to their Natural Lord, upon ſo ſlender, or no Ground at all, have rebelled againſt their Sovereign Lord the King? Would Engliſh Subjects have taken part againſt the King of* England, *and againſt Engliſh Men, with the French King, and French Men, being incenſed againſt this Realm by the Biſhop of* Rome?

A King *de facto* is one, who comes in by Conſent of the Nation, but not by Vertue of an *immediate Hereditary Right*; but to ſuch a one being owned and receiv'd by the Eſtates of the Realm, the Law of *England*, as far as I can ſee, requires an *Allegiance*. Or elſe the whole Nation was perjur'd in moſt of the Reigns from the Conqueſt to *H.* 8. For the two *Williams*, ſix at leaſt of the ſeven *Henries*, King *Stephen*, and King *John* were all Kings *de facto*, for ſome time at leaſt, for they came not in as next *Heirs* in a *lineal Deſcent*. But ſtill Oaths of *Allegiance* were taken to them; and no ſuch *Scruples* appear to have been made all that time; nor any charge of *Perjury*, on thoſe who did what our Law and Conſtitution required. Was the Nation *perjured* in the Time of *H.* 7. who, as all know, had no Pretence of an *Hereditary Right*? Yet being received and Crowned, the Oaths of *Allegiance* were taken to Him, before he was Married to the Daughter of *E.* 4. For, he was Crowned *Octob.* 30. 1485. Had the Crown entailed in Parliament *Nov.* 7. and was Married *Jan* 18. But the firſt Parliament of *R.* 3. endeavoured to make void the Title of the Children of *E.* 4. upon pretence of a *Precontract* with the *E.* of *Shrewsburies* Daughter; and of *George* Duke of *Clarence* by his Attainder, thereby to make *R.* 3. *Right Heir to the Crown*; but leſt theſe things ſhould fail, *to his Claim of Inheritance, they join their own Election, and deſire him to accept the Crown, as to him of Right belonging, as well by Inheritance as by lawful Election.* It ſeems, they would have made him a King *de jure* as well as *de facto*; but the excluding the Children of *E.* 4. never gave Satisfaction ſince the Lady *Lucy* her ſelf diſowned it to the Mother of *E.* 4. And if ſuch an Allegation would hold, the whole Succeſſion both of *York* and *Lancaſter* might be queſtioned; for both derive from *H.* 3. whoſe Mother was believed at that time to have been precontracted at leaſt to *Hugh le Brun*, before ſhe was married to K. *John*, and was married to Him, whilſt his former Wife was living. And if Q. *Eleanor*'s Divorce from the K. of *France* were not Good (as it is hard to prove it ſo) what becomes of all the Line of *H.* 2. who married Her, after ſhe had two Children by her former Husband? But if Mens Conſciences are tied to a ſtrict legal and *lineal Deſcent*, they muſt be ſatisfied in all theſe Points.

Mat. Weſt. A. 1200.

But ſuppoſing the Right of the Children of *E.* 4. to have been never ſo Good; what doth this make towards the juſtifying the Oaths of Allegiance, which were made to *H.* 7. whom ſome will not allow to have any Claim by the Houſe of *Lancaſter*, ſince they ſay, the ſame Act which legitimated *John* of *Gaunt*'s Children by *Kath. Swinford*, did exclude them from any Title to the Crown? Yet the *Oaths* of *Allegiance* were taken by the whole Nation in the time of *H* 7. and no Diſpute was then made about it; becauſe it was then believed, that quiet Poſſeſſion was a ſufficient Ground for Allegiance.

It is objected, *That it cannot be agreeable to the Law of* England *to ſwear Allegiance to a King* de facto, *when the Duke of* Northumberland *ſuffered by the Law for adhering to a Queen* de facto.

A King *de facto* according to our Law (as I ſaid) is one in quiet Poſſeſſion of the Crown, by Conſent of Parliament, without Hereditary Right; ſuch as *H.* 4, 5, 6, 7. were all thought to be, by thoſe who made this Diſtinction. For, as far as I can find, the Diſtinction of a King *de facto* and *de jure* was then ſtarted, when the Houſe of *York* ſo much inſiſted on their Hereditary Right; and ſo many of our Kings had governed the Kingdom by Conſent without it. Therefore the Lawyers, to find a ſufficient *Salvo* for the Kings of the Houſe of *Lancaſter*, framed this Diſtinction of Kings *de facto* and *de jure*; but ſtill they meant *Kings Regnant*, as they called them, or in full Poſſeſſion of the Royal Dignity by a National Conſent. (The Diſtinction had been better of a two-fold Right, *viz. Poſſeſſory* and *Hereditary*.) But this was far from being the Caſe of *Queen Jane*, who was ſet up by a particular Party againſt the General Senſe of the Nation, as ſoon appear'd; for the main Point her Title ſtood upon was this, Whether the King by his Grant could diſpoſe of the Crown againſt an Act of Parliament which ſettled the Succeſſion? and that this was the true Point, appears evidently by Judge *Mountague*'s Papers, who was imployed againſt his Will, in drawing up the Grant. So that the Duke of *Northumberland*'s Caſe doth by no means reach the Point of a King *de facto*.

But it is further urged from our *Homilies*, *That our Church therein condemns thoſe Engliſh who did ſwear Fidelity to the Dauphine of* France, *breaking their Oath of Fidelity to their Natural Lord the King of* England. To which I anſwer.

Sixth Part of the Homily againſt wilful Rebellion.

(1.) That King *John* was only a King *de facto* himſelf, if a Legal Succeſſion makes a King *de jure*. For, (1.) His eldeſt Brother's Son *Arthur* was then living, as all confeſs. (2.) He was convicted of Treaſon againſt his Brother *R.* 1. and the Sentence pronounced againſt him by *Hugo de Pudſey* Biſhop of *Durham*, as the King of *France* pleaded to the Pope's Legat who came to ſolicit for him. (3.) *Hubert* Archbiſhop of *Canterbury* declar'd at his Coronation, that he came not in by *Hereditary Right*, but by *Election*; and he accepted of it ſo. (4.) What Right he had after the Death of his Nephew, he gave up by the Reſignation of his Crown to the Pope. He could have no *Hereditary Right* while *Arthur*'s Siſter lived, who ſurvived him, and was kept in the Caſtle at *Briſtol*. But ſuppoſing it, I do not underſtand how he that gave up his Right of Dominion to the Pope, could ſtill retain it? And if he was Feudatary to the ſame, he could not challenge Allegiance as due to him, but to the Pope as Lord Paramount. And it was pleaded againſt him, *That although he could not diſpoſe of his Crown without Conſent of his Barons, yet he might demiſe it: And upon his Reſignation he ceaſed to be King; and ſo the Throne was vacant. And by that means there was a devolution of Right to the BARONS to fill up the Vacancy; who made choice of* LEWIS *by the Right of his Wife, who was Heir to King* John. If after all this, an *Oath* of *Allegiance* to him was lawful, then, I ſay, an Oath to a King *de facto* is ſo, for King *John* was no more.

Mat. Paris. f. 280.

Matt. Weſtm. A. 1216.

Mat. Paris. A. 1199.

Mat. Paris. A. 1216. f. 281.

(2.) As to the *Barons* calling in *Lewis*, and forſaking K. *John*, it is neceſſary to obſerve on what Reaſon it is that our *Homilies* condemn it. For the whole deſign of that *Homily* is, to ſhew *the Popes Uſurpations over Princes, and their ſtirring up Subjects to Rebellion againſt them, by diſcharging them from their Oaths; and for thoſe the Inſtance of King* John *is produced*; as appears by the words juſt before. *Now had Engliſh-men at that time known their Duty to their Prince ſet forth in God's Word, would a great many Nobles, and other Engliſh-men natural Subjects, for this foreign and unnatural Uſurper his vain Curſe of the King, and for his feigned diſcharging them of their Oath and Fidelity to their Natural Lord, upon ſo ſlender, or no Ground at all, have rebelled againſt their Sovereign Lord the King? Would Engliſh Subjects have taken part againſt the King of* England, *and againſt Engliſh Men, with the French King, and French Men, being incenſed againſt this Realm by the Biſhop of* Rome?

(3.) This doth not concern the preſent Caſe. For Men may condemn thoſe Engliſh Men who ſent for *Lewis*, and yet may lawfully take the preſent Oaths. By which Men are not bound to juſtify ſuch Proceedings, but to promiſe Faith and Allegiance to ſuch as are in actual Poſſeſſion of the Throne. Which the Oaths taken to *K. John* will juſtify.

Thus I have conſidered the greateſt Difficulties I have yet met with about taking the Oaths, and have not diſſembled the ſtrength of any of them.

There is only one thing remains, and that is the Anſwer given to the Caſe of *Tiberius, who was an Uſurper, and yet our Saviour ſaid, Give unto* Ceſar *the things that are* Ceſar's. The Anſwer is, *That although it were a forcible Uſurpation in* Julius Ceſar, *yet before that time the Matter was accorded between the Senate and the Emperors, and they reigned unqueſtioned without any competition from the Senate.*

So that it was not lawful to ſwear Allegiance to *Julius Ceſar*, who had the full Poſſeſſion of the Power, but it was to *Tiberius:* And why ſo? Where was the Right of Government in the time of *Julius Ceſar? In the Senate and People.* And ſo it continued all *Julius Ceſar*'s time. But how came the *Senate and People* to loſe their Right in the time of *Tiberius?*

(1.) Had they given it up by any ſolemn Act of theirs, as many ſay they did by the *Lex Regia*, which *Juſtinian* confidently affirms; Then all the Right which the Emperour had, was by *Devolution* from the People; and ſo they acted by vertue of that Power which the *People* gave them; (*Populus* comprehends both *Senate* and *Community.*) And then the Emperors had their Rights of Sovereignty from the People, and not from God. For here was no other Act but that of the People giving up their Right. And then the Caſe of Obedience to the Roman Emperors will be found very different from that of the Northern Kingdoms, where the People never gave up their Rights in ſuch a manner: but in Caſes of Difficulty concerning Succeſſion, the *three Eſtates* did look on themſelves as particularly concerned; as might be eaſily proved, if it were needful, in all the Northen Kingdoms.

(2.) But ſuppoſe they did not formally give up their Right, but were partly wheedled and partly forced out of it; Doth this give a good Title? Suppoſe *Auguſtus* had by his Acts procured the Conſent of the People, as to his own Government; What was this to *Tiberius?* Did they give him a Power to make whom he pleaſed his Succeſſor? Something may be ſaid from *Dion* and *Strabo* as to the former; but there is no Pretence as to the latter: For it was a meer Arbitrary Act in *Auguſtus* to nominate *Tiberius*; and all the Title he had at firſt was from the Prætorian
Tacit. l. 1. Band and Legions: Afterwards *the Conſuls, and Senate, and Souldiers, and People did ſwear Allegiance to him*, as the Hiſtorians tell us. Now here I deſire to know, whether *Tiberius* was any more than Emperor *de facto*, when they did thus ſwear to him? For all the Right he had was from their voluntary Submiſſion to him at *Rome*.

Tacit. ib. As to the Roman Provinces, *Tacitus* ſaith, *They were content with the preſent change of Government, becauſe they ſuffered by the Factions and Avarice of the great Men; which made them weary of the Government by the Senate and People.* But this only ſhews that they were willing to change their Maſters, hoping they might mend their Condition, but ſignifies little to the matter of Right. Since after they were made *Provinces*, they owned their Subjection to the Roman Government, by *paying Tribute*,

bute, and receiving Magiſtrates from it, however that Government was managed, whether by Senate or People, or by one who had the Imperial Power, whatever Name he were called by. But as to the Province of *Judea* in particular, there are ſeveral Conditions of it to be conſidered.

(1.) While it was tributary to the Kings of *Perſia* and *Syria*. Jaddus *the High Prieſt told* Alexander *that they had taken an Oath of Fidelity to* Darius, *and therefore could not bear Arms againſt him while he lived.* But was *Darius* King *de jure* or *de facto* over the *Jews*? He was not King over them by a lineal Succeſſion from their own Princes; nor by the Fundamental Conſtitution of their Government, which owned no *legal King* that was not of their Brethren: I do not ſay they were not to ſubmit to, but not to chuſe any other. But what Right had *Darius* over the *Jews*, any more than ſucceeding in the *Perſian* Monarchy gave a Right to the *Chaldean* Conqueſts? I grant, the *Jews* did act under the *Perſian* Monarchs, as *Nehemiah* was Governour under *Artaxerxes*, and that they did ſwear to them, appears by *Jaddus*; but the Queſtion is, On what Right that Oath was founded? and whether upon *Alexander*'s Conqueſt, they could not as well take a new Oath to him? For why ſhould not preſent actual Dominion give as much Right, as ſucceeding into anothers Right of Dominion, which was at firſt gained by Conqueſt? If Poſſeſſion gives Right in one caſe, why not in the other; ſince there is more reaſon for Allegiance, where there is a Power of Protection, than where there is none. And ſo we find *Jaddus* and the *Jews* did ſubmit to *Alexander* afterwards, and ſome of them went into his Army, although *Darius* was ſtill living; which ſhews, that as they were not forward to break their Allegiance ſworn to *Darius*; ſo they were not obſtinate in oppoſing *Alexander*, but yielded to the over-ruling Hand of Providence.

Joſeph. l. 11. c. 8.

Deut. 17. 15.

Neh. 8. 9.

(2.) When the *Jews* had their Liberty granted them by the Kings of *Syria*. For *Antiochus Eupator* made *Peace with them, by which they were to have the Liberty of their own Laws*; and although he ſoon brake his Agreement with them; yet the *Lacedæmonians* and *Romans* owned them as a *Free People*, and treated with them as ſuch. And *Simon* pleaded to *Athenobius* in this War; *We have neither taken other Mens Land, nor holden that which appertaineth to others; but the Inheritance of our Fathers, which our Enemies had wrongfully in Poſſeſſion a certain time. Wherefore we having Opportunity, hold the Inheritance of our Fathers.* Which plainly ſhews, that they look'd on thoſe who ruled over them as unjuſt Poſſeſſors; at that time when they were ſo far under them, as to ſwear Allegiance to them. After this *Antiochus Pius* did grant them their Liberty upon Compoſition; which they enjoyed as their Neighbours did, and ſuffered not as Slaves to the Kings of *Syria*, but as ſometimes oppreſſed by them.

Joſeph. 12. c. 15.

1 Maccab. 14. 16. 40.

15. 33. 34.

(3.) When they were reduced into the form of a *Roman Province*; which was done by *Pompey*. And from that time they were in Subjection to the *Roman* State; being only permitted to enjoy the Liberty of their Religion.

But I ſhall take notice only of the caſe of the *Jews* Subjection to the *Roman* Emperor in our Saviour's time. *Suetonius* takes notice of *the*

(3.) This doth not concern the preſent Caſe. For Men may condemn thoſe Engliſh Men who ſent for *Lewis*, and yet may lawfully take the preſent Oaths. By which Men are not bound to juſtify ſuch Proceedings, but to promiſe Faith and Allegiance to ſuch as are in actual Poſſeſſion of the Throne. Which the Oaths taken to *K. John* will juſtify.

Thus I have conſidered the greateſt Difficulties I have yet met with about taking the Oaths, and have not diſſembled the ſtrength of any of them.

There is only one thing remains, and that is the Anſwer given to the Caſe of *Tiberius, who was an Uſurper, and yet our Saviour ſaid, Give unto* Ceſar *the things that are* Ceſar's. The Anſwer is, *That although it were a forcible Uſurpation in* Julius Ceſar, *yet before that time the Matter was accorded between the Senate and the Emperors, and they reigned unqueſtioned without any competition from the Senate.*

So that it was not lawful to ſwear Allegiance to *Julius Ceſar*, who had the full Poſſeſſion of the Power, but it was to *Tiberius*: And why ſo? Where was the Right of Government in the time of *Julius Ceſar*? *In the Senate and People.* And ſo it continued all *Julius Ceſar*'s time. But how came the *Senate and People* to loſe their Right in the time of *Tiberius*?

(1.) Had they given it up by any ſolemn Act of theirs, as many ſay they did by the *Lex Regia*, which *Juſtinian* confidently affirms; Then all the Right which the Emperour had, was by *Devolution* from the People; and ſo they acted by vertue of that Power which the *People* gave them; (*Populus* comprehends both *Senate* and *Community*.) And then the Emperors had their Rights of Sovereignty from the People, and not from God. For here was no other Act but that of the People giving up their Right. And then the Caſe of Obedience to the Roman Emperors will be found very different from that of the Northern Kingdoms, where the People never gave up their Rights in ſuch a manner: but in Caſes of Difficulty concerning Succeſſion, the *three Eſtates* did look on themſelves as particularly concerned; as might be eaſily proved, if it were needful, in all the Northen Kingdoms.

(2.) But ſuppoſe they did not formally give up their Right, but were partly wheedled and partly forced out of it; Doth this give a good Title? Suppoſe *Auguſtus* had by his Acts procured the Conſent of the People, as to his own Government; What was this to *Tiberius*? Did they give him a Power to make whom he pleaſed his Succeſſor? Something may be ſaid from *Dion* and *Strabo* as to the former; but there is no Pretence as to the latter: For it was a meer Arbitrary Act in *Auguſtus* to nominate *Tiberius*; and all the Title he had at firſt was from the Prætorian Tacit. l. 1. Band and Legions: Afterwards *the Conſuls, and Senate, and Souldiers, and People did ſwear Allegiance to him*, as the Hiſtorians tell us. Now here I deſire to know, whether *Tiberius* was any more than Emperor *de facto*, when they did thus ſwear to him? For all the Right he had was from their voluntary Submiſſion to him at *Rome*.

Tacit. ib. As to the Roman Provinces, *Tacitus* ſaith, *They were content with the preſent change of Government, becauſe they ſuffered by the Factions and Avarice of the great Men; which made them weary of the Government by the Senate and People.* But this only ſhews that they were willing to change their Maſters, hoping they might mend their Condition, but ſignifies little to the matter of Right. Since after they were made *Provinces*, they owned their Subjection to the Roman Government, by *paying Tribute*,

bute, and receiving Magiſtrates from it, however that Government was managed, whether by Senate or People, or by one who had the Imperial Power, whatever Name he were called by. But as to the Province of *Judea* in particular, there are ſeveral Conditions of it to be conſidered.

(1.) While it was tributary to the Kings of *Perſia* and *Syria.* Jaddus *the High Prieſt told* Alexander *that they had taken an Oath of Fidelity to* Joſeph. l. 11. c. 8.
Darius, *and therefore could not bear Arms againſt him while he lived.* But was *Darius* King *de jure* or *de facto* over the *Jews?* He was not King over them by a lineal Succeſſion from their own Princes; nor by the Fundamental Conſtitution of their Government, which owned no *legal* Deut. 17. 15.
King that was not of their Brethren: I do not ſay they were not to ſubmit to, but not to chuſe any other. But what Right had *Darius* over the *Jews*, any more than ſucceeding in the *Perſian* Monarchy gave a Right to the *Chaldean* Conqueſts? I grant, the *Jews* did act under the *Perſian* Monarchs, as *Nehemiah* was Governour under *Artaxerxes*, and Neh. 8. 9.
that they did ſwear to them, appears by *Jaddus*; but the Queſtion is, On what Right that Oath was founded? and whether upon *Alexander*'s Conqueſt, they could not as well take a new Oath to him? For why ſhould not preſent actual Dominion give as much Right, as ſucceeding into anothers Right of Dominion, which was at firſt gained by Conqueſt? If Poſſeſſion gives Right in one caſe, why not in the other; ſince there is more reaſon for Allegiance, where there is a Power of Protection, than where there is none. And ſo we find *Jaddus* and the *Jews* did ſubmit to *Alexander* afterwards, and ſome of them went into his Army, although *Darius* was ſtill living; which ſhews, that as they were not forward to break their Allegiance ſworn to *Darius*; ſo they were not obſtinate in oppoſing *Alexander*, but yielded to the over-ruling Hand of Providence.

(2.) When the *Jews* had their Liberty granted them by the Kings of *Syria.* For *Antiochus Eupator* made *Peace with them, by which they were* Joſeph. 12. c. 15.
to have the Liberty of their own Laws; and although he ſoon brake his Agreement with them; yet the *Lacedæmonians* and *Romans* owned them as a *Free People*, and treated with them as ſuch. And *Simon* pleaded to *Athenobius* in this War; *We have neither taken other Mens Land, nor* 1 Maccab. 14. 16. 40.
holden that which appertaineth to others; but the Inheritance of our Fathers, which our Enemies had wrongfully in Poſſeſſion a certain time. Wherefore we having Opportunity, hold the Inheritance of our Fathers. Which plainly ſhews, that they look'd on thoſe who ruled over them as unjuſt 15. 33. 34.
Poſſeſſors; at that time when they were ſo far under them, as to ſwear Allegiance to them. After this *Antiochus Pius* did grant them their Liberty upon Compoſition; which they enjoyed as their Neighbours did, and ſuffered not as Slaves to the Kings of *Syria*, but as ſometimes oppreſſed by them.

(3.) When they were reduced into the form of a *Roman Province*; which was done by Pompey. And from that time they were in Subjection to the *Roman* State; being only permitted to enjoy the Liberty of their Religion.

But I ſhall take notice only of the caſe of the *Jews* Subjection to the *Roman* Emperor in our Saviour's time. *Suetonius* takes notice of *the* *ſtrange Impudence of* Tiberius, *in ſeeming ſo long to decline the accepting the Soveraignty, when from the very firſt he had aſſumed the Soveraign Power, without asking the Leave either of Senate or People.* * *Tacitus* ſaith, *That he took upon him the Government immediately upon the Death of* Auguſtus; *and did exerciſe the Imperial Power every where; only when he was in the Senate he ſeemed to demur, for fear of* Germanicus *and his* Legions.

† Dio, *That he exerciſed all the parts of the Government, having ſecured the* Italian *Forces to himſelf*; but he declined the Name, till he underſtood the Deſign of *Germanicus.*

So that here we have a plain *Original* Uſurpation in *Tiberius*; there being no conſent of Senate and People to his aſſuming the Soveraign Power. And yet *Tacitus* ſaith, *Firſt the Conſuls and great Officers, then the Senate and People did ſwear Allegiance to him.* Which was before he had their Conſent. For he uſed his own Art afterwards, that he might ſeem to be choſen by them; and not to come to his Power by the force of Arms, or the Intrigues of his Mother. But what Appearance of conſent ſoever afterwards he gained from the *Senate*, it was extorted from them by Force or Fraud; as is evident from the ſame Hiſtorians. But what Right can ſuch a Conſent give? And he took away the Remainder of the Peoples Liberties in their *Comitia*, and never asked their Conſent.

What then was the Right of *Tiberius* to the Government founded upon? *Auguſtus* had ſeveral repeated Acts, whereby they continued his Government from time to time, and thereby ſhewed their Conſent, as *Dion* and *Strabo* affirm, *That the whole Government was committed to him from the Senate and People:* But what is there like this in the Caſe of *Tiberius? He was* Auguſtus *his Wife's Son, and he made him his Heir by his Teſtament:* And what was that to the *Roman* State? Was not *Agrippa Poſthumus*, then living, much nearer to *Auguſtus*, who was his own Grand-child? And by the Story in *Tacitus* of *Fabius Maximus*, ſeemed deſigned by him to ſucceed him; but upon the Diſcovery of it, firſt *Auguſtus*, and then *Agrippa*, was ſent out of the World to make way for *Tiberius*, who had before-hand engaged the Italian Legions. So that he truſted to no Teſtamentary Right, as appears by all his Colluſions with the Senate, which there had been no place for, if he had aſſumed the Government by virtue of *Auguſtus* his *Teſtament* or *Adoption.*

Here we have then a plain Inſtance of one who was in the Poſſeſſion of Power without Colour of Right, and yet *Oaths* of *Allegiance* were taken to him, both by the Senate and People. And when theſe Oaths were taken, there was no adjuſting the matter between him and the Senate; for he had newly aſſumed the Government by Force when they took theſe Oaths. Here was no unqueſtioned Authority from the Senate (whatever *Vell. Paterculus* pretends) but when he had gotten the Power into his Hands, he required them to own it.

Auguſtus was ſo wiſe, as when they offered him their Oaths, he refuſed them for this Reaſon; *He conſidered well,* ſaith *Dio, that if they gave their free Conſent, they would do what they promiſed without ſwear-*
ing;

Dio, l. 54.

---

* Principatum, quamvis neq; occupare confeſtim, neque agere dubitâſſet, & ſtatione militum, hoc eſt, vi & ſpecie dominationis aſſumpta, diu tamen recuſavit impudentiſſimo animo. *Sueton. c.* 24.

† Sed defuncto Auguſto, ſignum prætoriis cohortibus, ut Imperator dederat, Excubiæ, Arma, cætera Aulæ; Miles in forum, miles in curiam comitabat; literas ad Exercitus, tanquam adepto Principatu miſit; nuſquam cunctabundus niſi cum in Senatu loqueretur. *Tacit. l.* 1. *Dio l.* 57.

ing; and if they did not, all the Oaths in the World would not make them. But *Tiberius* was of another mind, and he required their Oaths in the firſt place; and it is not improbable that the ſame were required in ſeveral Provinces.

When our Saviour appeared in *Judea*, *Tiberius* was in poſſeſſion of this Power, over the *Roman* Empire; and becauſe the *Jews* were more ſcrupulous than other People, on account of their Fundamental Laws, as to the owning any uſurped Juriſdiction over them; ſome among them put the Queſtion to him about paying Tribute to *Cæſar*, *i. e.* about owning any Act of Subjection to an Uſurped Power. For there were plauſible Arguments on both ſides; one was from the Strictneſs of their Laws; the other was from the Benefit they received from the Roman Protection. The former ſeemed to have more of Conſcience, and the latter of Humane Prudence. Our Saviour takes a wiſe Method to anſwer the Doubt; he asks for the Currant Tribute-Money, and finding it had *Cæſar*'s Superſcription, ſaith, *Give to* Cæſar *the things that are* Cæſar's. They might have replied, they are his *de facto*, but not *de jure*. Why did not our Saviour anſwer this Difficulty, but leave them to collect their Duty from the uſe of *Cæſar*'s Coin among them? Might not one that had no Right, have the Power of coining Money, and diſperſing it, ſo that it ſhould be in common uſe? And was not *Tiberius* ſuch an one? What then doth he mean by this Anſwer? Either we muſt ſay, that he declines the main Queſtion, or that he reſolved it to be lawful, upon general Reaſons, to ſhew Acts of Subjection to ſuch a Power, which we may not be ſatisfied, is according to our Laws. For ſo it is plain the Roman Power was not agreeable to the Jewiſh Conſtitution; and although that were from God, yet our Saviour, who gives the beſt Directions for Conſcience, would by no means have Men to be peeviſh or obſtinate in ſuch Matters.

But paying of Tribute is quite another thing from Oaths of Allegiance. It is ſo, as to the manner of teſtifying our Subjection; but the main Queſtion is, Whether any Act of Subjection be lawful or not? If it be lawful to teſtifie it one way, why not another? If in paying Tribute, why not in ſolemn promiſing to pay it? If in promiſing, why not in ſwearing, *i. e.* in calling God to witneſs that I do it? Thus far then we may go; *we may ſwear to pay Tribute*; but on what account? Is it not as a token of Allegiance, *i. e.* of a Duty owing on the account of Protection? Then we have gained one ſtep farther, *viz.* that we may ſwear to perform ſome parts of Allegiance. But why then may we not do ſo as to all that ſuch an Oath implies, if it reſpects no more than the Duty which we owe, with reſpect to the Publick? And that is certainly the meaning of an Oath, when all Declarations of Right are left out, and only thoſe of Duty expreſſed, as it is in our preſent Caſe.

As to the dreadful Charge of *Perjury* and *Apoſtacy*, which ſome, of much greater Heat than Judgment, have made uſe of againſt thoſe who hold it lawful to take the Oaths; if what I have ſaid be true, it is little leſs than ridiculous: And it would have had more appearance of Reaſon, if the *Phariſees* had urged it againſt our *Saviour's* Reſolution of the Caſe about *Tribute-Money*. For had not God by his own Law ſettled the Government among them? And was it not a Fundamental Article of that Law, that none ſhould rule over them, but one of their Brethren? Was the Roman Emperor, or *Pontius Pilate* ſuch?

Have not all the ancient Zealots of the Law oppoſed any ſuch Foreign Power? What can it be then leſs than *Perjury and Apoſtacy* to give any Countenance to ſuch an open Violation of this Law, and to incourage Men to renounce it; when they find ſuch Liberties allowed by ſuch a Teacher? But I forbear.

To conclude then; I have, at your earneſt Deſire, taken this Matter into ſerious Conſideration, and have impartially weighed the moſt preſſing Difficulties I have met with; I cannot promiſe to give you Satiſfaction, but I have ſatisfied my ſelf, and have endeavoured to do the ſame for you. I am heartily ſorry for any Breaches among us at this time, and it is eaſie to foreſee who will be the Gainers by them. But I am glad to underſtand that the chiefeſt of thoſe who ſcruple the Oaths, have declared themſelves againſt the Attempts of ſuch an *Unſeaſonable Separation*, and I hope others will be ſo wiſe as to follow their Example.

D. C.

I am, Sir,

Octob. 15.
1689.

Yours.

A

102:2.2.

A VINDICATION OF Their MAJESTIES Authority TO FILL THE SEES of the Deprived BISHOPS;

In a Letter out of the Country. Occaſioned by Dr. *B*---'s Refuſal of the Biſhoprick of Bath and Wells.

SIR,

THE Account we have received here of Dr. *B* ——'s Refuſal of the Biſhoprick of *Bath* and *Wells*, hath occaſioned great Talk and different Cenſures, as men are divided in their Intereſts and Opinions. I know not what to think of it, becauſe I know not the Reaſons for which he did it; but it is an unhappy amuſement at ſuch a time as this, to which a Wiſe Man, who had well conſidered Conſequences, would not have given the occaſion. I hope it may end all in noiſe, without any miſchievous Effects; but conſidering how many there are, who are very watchful to improve every Accident to the Diſturbance of the Government, and to unſettle mens minds, I cannot forbear giving you my Thoughts about it; tho' my tender regard for the Perſon concerned, would have made me ſilent at any other time.

I can eaſily apprehend ſeveral Reaſons which might move Wiſe and Good men, where there are no greater and more preſſing Obligations to the contrary, rather to chuſe an Eccleſiaſtical Preferment void by Death or Ceſſion than by Deprivation; but our preſent Circumſtances are ſuch, as ought to over-rule all Niceties; the miſchiefs of ſuch a Refuſal being ſo intolerable, as nothing can excuſe, much leſs juſtifie it, but the abſolute unlawfulneſs of ſucceeding in ſuch Preferments, while the Deprived Biſhop lives; which would be very odd for them to pretend, who have ſubmitted to the preſent Government. To ſatisfie you in this matter, I ſhall briefly conſider the firſt ſort of Reaſons, and ſhew that they are no Reaſons in our Circumſtances; and then examine the Lawfulneſs of the thing it ſelf.

As for the firſt, It may ſo happen, that the perſon Deprived, and the perſon to be Promoted, have been old and intimate Friends; and this may grate hard upon the perſon to be Promoted, to ſucceed in the Chair of one whom he loves, whoſe Misfortune he pities; whom he greatly values for his other many Good Qualities: Now if to refuſe ſuch a Preferment, would keep my Friend poſſeſſed of it, there were ſome ſenſe in this; but I know no other caſe, wherein 'tis thought a Breach of Friendſhip to ſucceed a Friend in a Preferment which he has loſt, and which the Law ſays is not, and ſhall not be his; when there is no ſuſpicion of foul play in ſupplanting him, any more than to ſucceed a dead Friend: Friendſhip is ſo far from being any Reaſon againſt it, that it ſhould make it deſirable

Have not all the ancient Zealots of the Law oppoſed any ſuch Foreign Power? What can it be then leſs than *Perjury and Apoſtacy* to give any Countenance to ſuch an open Violation of this Law, and to incourage Men to renounce it; when they find ſuch Liberties allowed by ſuch a Teacher? But I ſorbear.

To conclude then; I have, at your earneſt Deſire, taken this Matter into ſerious Conſideration, and have impartially weighed the moſt preſſing Difficulties I have met with; I cannot promiſe to give you Satiſfaction, but I have ſatisfied my ſelf, and have endeavoured to do the ſame for you. I am heartily ſorry for any Breaches among us at this time, and it is eaſie to foreſee who will be the Gainers by them. But I am glad to underſtand that the chiefeſt of thoſe who ſcruple the Oaths, have declared themſelves againſt the Attempts of ſuch an *Unſeaſonable Separation*, and I hope others will be ſo wiſe as to follow their Example.

D C.

I am, Sir,

Octob. 15.
1689.

Yours.

A

A
VINDICATION
OF
Their MAJESTIES Authority
TO FILL THE
SEES of the Deprived BISHOPS;

In a LETTER out of the Country. Occaſioned by Dr. *B*--'s Refuſal of the Biſhoprick of BATH and WELLS.

102:2.2.

SIR,

THE Account we have received here of Dr. *B* ——'s Refuſal of the Biſhoprick of *Bath* and *Wells*, hath occaſioned great Talk and different Cenſures, as men are divided in their Intereſts and Opinions. I know not what to think of it, becauſe I know not the Reaſons for which he did it; but it is an unhappy amuſement at ſuch a time as this, to which a Wiſe Man, who had well conſidered Conſequences, would not have given the occaſion. I hope it may end all in noiſe, without any miſchievous Effects; but conſidering how many there are, who are very watchful to improve every Accident to the Diſturbance of the Government, and to unſettle mens minds, I cannot forbear giving you my Thoughts about it; tho' my tender regard for the Perſon concerned, would have made me ſilent at any other time.

I can eaſily apprehend ſeveral Reaſons which might move Wiſe and Good men, where there are no greater and more preſſing Obligations to the contrary, rather to chuſe an Eccleſiaſtical Preferment void by Death or Ceſſion than by Deprivation; but our preſent Circumſtances are ſuch, as ought to over-rule all Niceties; the miſchiefs of ſuch a Refuſal being ſo intolerable, as nothing can excuſe, much leſs juſtifie it, but the abſolute unlawfulneſs of ſucceeding in ſuch Preferments, while the Deprived Biſhop lives; which would be very odd for them to pretend, who have ſubmitted to the preſent Government. To ſatisfie you in this matter, I ſhall briefly conſider the firſt ſort of Reaſons, and ſhew that they are no Reaſons in our Circumſtances; and then examine the Lawfulneſs of the thing it ſelf.

As for the firſt, It may ſo happen, that the perſon Deprived, and the perſon to be Promoted, have been old and intimate Friends; and this may grate hard upon the perſon to be Promoted, to ſucceed in the Chair of one whom he loves, whoſe Misfortune he pities; whom he greatly values for his other many Good Qualities: Now if to refuſe ſuch a Preferment, would keep my Friend poſſeſſed of it, there were ſome ſenſe in this; but I know no other caſe, wherein 'tis thought a Breach of Friendſhip to ſucceed a Friend in a Preferment which he has loſt, and which the Law ſays is not, and ſhall not be his; when there is no ſuſpicion of foul play in ſupplanting him, any more than to ſucceed a dead Friend: Friendſhip is ſo far from being any Reaſon againſt it, that it ſhould make it deſirable to both; to one, That his Friend may get what he has loſt; to the other, That he may have opportunity, if there be occaſion for it, to make his Friends Misfortune more eaſie, than a Stranger would do.

And if Friendſhip be no Objection, What ſhould hinder any Man from taking a Preferment, which another is legally deprived of? for I muſt take the Legality of it for granted now, and argue upon that Suppoſition. We muſt not take away what is another's; but ſurely what is not his, we may accept from thoſe who have Power to give it. If one may give, the other may receive; for let the Objection be what it will, it lies as much againſt the Giver as the Receiver. They who have loſt it, want it; And what then? ſo do a great many Men what is not theirs, what they never had, as well as what they have loſt: And muſt no Man take a Preferment in Church or State which another wants? Muſt the good Order and Government of Church and State be ſacrificed to the Wants and Misfortunes of private Men?

But there is a more material Conſideration, which may influence prudent and cautious Men, who are well preferred already. The Experience of the Revolution in 1660 hath taught them, how dangerous it may be in caſe ſuch a Revolution ſhould happen, to change their old Preferments for new ones, which may be challenged again by their old Proprietors. But in our Caſe there is the leaſt to be ſaid for this Caution, that can poſſibly be in any Revolution: for it is as vain a thing to hope to ſecure our ſelves in ſuch a Revolution, by Prudence and Caution, as it is for a Man to fortify his Houſe againſt the breaking in of the Sea: If he take care of the Banks, and keep out the Sea, his Houſe will eſcape; but if the Sea break in upon him, he muſt periſh with his Neighbours. If there ever be ſuch a Revolution as can unſettle what this hath done, God be merciful to this miſerable Nation; the prudent and the cautious Sinner, and the zealous Defenders of the preſent Government, will fare much alike: Nay, however they may flatter themſelves, the deprived Biſhops will not long triumph over their new Succeſſors.

Thus in ſome Caſes it may be a good Reaſon not to do a very lawful and innocent thing, if it be greatly miſtaken and miſrepreſented, and give a general Offence and Scandal: But when it appears, that there is nothing but Miſtake and Paſſion, and private Intereſt, or ill Deſigns on one Side, and a real Scandal, and great and publick Miſchief on the other; no wiſe Man will deliberate long which ſide to take: None but the Enemies of the Government can take offence at any Man's ſucceeding the deprived Biſhops; and I think thoſe who have ſubmitted to the Government, and ſworn Allegiance to their preſent Majeſties, ought not to be concerned at that: They have offended theſe Men already, and are no better in their Opinion than Perjured Rebels; and all that they can now gain by humouring them, is to be flattered, and to be laugh'd at. They may for a while give them ſome good words, as our Diſſenters did thoſe honeſt Men, who, as they thought, conformed againſt their Conſciences; but they will either ſecretly abhor them as Knaves, for ſwearing againſt their Conſciences, or deſpiſe them as Fools for refuſing Biſhopricks. And this is no very good Reaſon for a wiſe Man to court their Favour.

But on the other hand, what an unpardonable Scandal does ſuch a Refuſal give, both to the Enemies, and to the Friends of the Government, and to the Government it ſelf?

Whatever may be pretended, the World will not believe that Doctor *B*—— refuſed a Biſhoprick, but either out of Fear or Conſcience: The firſt calls in queſtion the Stability or Continuance of the preſent Government; the ſecond the Authority of it. Now this confirms the Enemies of the Government in their Opinion of the unlawfulneſs to ſubmit to it, and encourages them to attempt its overthrow; it weakens the Hands of Friends, and makes them cautious of embarking in a ſinking Intereſt, and fills them with new Jealouſies of the lawſulneſs of it; and what juſt offence this muſt give to the Government, I need not ſay.

The truth is, were I not better perſwaded of the good Inclinations of their Majeſties to the Church of *England*, and the general Inclination of the Nation to ſupport the Government, I ſhould dread what might be the fatal Conſequence of ſuch a miſcarriage as this both to Church and State.

There are always too many, who are glad of ſuch an opportunity to reproach the Church, and to poſſeſs their Majeſties with an ill Opinion of the Clergy, notwithſtanding their Oaths of Allegiance; and I confeſs this gives too great an Advantage to ſuch Miſrepreſentations, were not the Zeal and good Affection of wiſer Men too well known to be ſuſpected; and then I hope a ſingle Inſtance of Folly can do no great hurt; for that is the ſofteſt Name I can give it, on which ſide ſoever I view it.

This plainly proves, that ſuppoſing it lawful to have taken the Biſhoprick, no other Conſideration whatſoever can juſtifie the reſuſal in our Circumſtances; and I know not how to ſuppoſe that Dr. *B*—— could think it unlawful.

He ſubmitted to the Government, and took the Oath of Allegiance as early as any Man; and never, that I heard, had the leaſt ſcruple about it; and yet this was the time to have been Scrupulous, if he would have been ſo; for it ſeems a little of the lateſt, when he is become a ſworn Subject to King *William* and Queen *Mary*, to queſtion their Authority to make a Biſhop. And if the former Biſhops were Deprived, and New Biſhops made, by ſuch an Authority as he can ſwear Allegiance to, I cannot underſtand, that it can be unlawful to accept a Biſhoprick from the Hands of thoſe whom he owns, by his ſwearing Allegiance to them, to have Authority to give it; for this is an Authority which belongs to the Imperial Crown of *England*.

Beſides this, Dr. *B*—— was one of thoſe, who by Commiſſion from the Dean and Chapter of *Canterbury*, hath exerciſed Archi-Epiſcopal Authority, during the Vacancy of the See, by the deprivation of the *A. B.* as it is expreſſed in the Commiſſion; and I take this to be altogether as unlawful (if either of them were unlawful) to ſeiſe upon the Authority of the *A. B.* upon the Account of his deprivation, as to take the Character, and exerciſe the Authority of a Biſhop in the See of a deprived Biſhop. To receive the Conſecration of a Biſhop, I ſuppoſe, is not the thing he accounts unlawful, nor to exerciſe the Authority of a Biſhop; and then there is nothing he can think unlawful, but to exerciſe the Authority of a Biſhop in the See of a deprived Biſhop; and then it ſeems to me as unlawful for a Presbyter to do this, as for a Biſhop to do it; unleſs a Presbyter may do it without the Revenues of the Biſhoprick; but a Biſhop muſt not do it with them; but this can be no Eccleſiaſtical Scruple, as ſo great a Canoniſt muſt needs know; for if the Civil Power cannot diſpoſe of ſuch Temporal Matters, it can do nothing.

But whatever he thought, his refuſing a Biſhoprick upon great deliberation, after an appearing forwardneſs to take it, hath tempted People to think, ſirable to both; to one, That his Friend may get what he has loſt; to the other, That he may have opportunity, if there be occaſion for it, to make his Friends Misfortune more eaſie, than a Stranger would do.

And if Friendſhip be no Objection, What ſhould hinder any Man from taking a Preferment, which another is legally deprived of? for I muſt take the Legality of it for granted now, and argue upon that Suppoſition. We muſt not take away what is another's; but ſurely what is not his, we may accept from thoſe who have Power to give it. If one may give, the other may receive; for let the Objection be what it will, it lies as much againſt the Giver as the Receiver. They who have loſt it, want it; And what then? ſo do a great many Men what is not theirs, what they never had, as well as what they have loſt: And muſt no Man take a Preferment in Church or State which another wants? Muſt the good Order and Government of Church and State be ſacrificed to the Wants and Misfortunes of private Men?

But there is a more material Conſideration, which may influence prudent and cautious Men, who are well preferred already. The Experience of the Revolution in 1660 hath taught them, how dangerous it may be in caſe ſuch a Revolution ſhould happen, to change their old Preferments for new ones, which may be challenged again by their old Proprietors. But in our Caſe there is the leaſt to be ſaid for this Caution, that can poſſibly be in any Revolution: for it is as vain a thing to hope to ſecure our ſelves in ſuch a Revolution, by Prudence and Caution, as it is for a Man to fortify his Houſe againſt the breaking in of the Sea: If he take care of the Banks, and keep out the Sea, his Houſe will eſcape; but if the Sea break in upon him, he muſt periſh with his Neighbours. If there ever be ſuch a Revolution as can unſettle what this hath done, God be merciful to this miſerable Nation; the prudent and the cautious Sinner, and the zealous Defenders of the preſent Government, will fare much alike: Nay, however they may flatter themſelves, the deprived Biſhops will not long triumph over their new Succeſſors.

Thus in ſome Caſes it may be a good Reaſon not to do a very lawful and innocent thing, if it be greatly miſtaken and miſrepreſented, and give a general Offence and Scandal: But when it appears, that there is nothing but Miſtake and Paſſion, and private Intereſt, or ill Deſigns on one Side, and a real Scandal, and great and publick Miſchief on the other; no wiſe Man will deliberate long which ſide to take: None but the Enemies of the Government can take offence at any Man's ſucceeding the deprived Biſhops; and I think thoſe who have ſubmitted to the Government, and ſworn Allegiance to their preſent Majeſties, ought not to be concerned at that: They have offended theſe Men already, and are no better in their Opinion than Perjured Rebels; and all that they can now gain by humouring them, is to be flattered, and to be laugh'd at. They may for a while give them ſome good words, as our Diſſenters did thoſe honeſt Men, who, as they thought, conformed againſt their Conſciences; but they will either ſecretly abhor them as Knaves, for ſwearing againſt their Conſciences, or deſpiſe them as Fools for refuſing Biſhopricks. And this is no very good Reaſon for a wiſe Man to court their Favour.

But on the other hand, what an unpardonable Scandal does ſuch a Refuſal give, both to the Enemies, and to the Friends of the Government, and to the Government it ſelf?

Whatever may be pretended, the World will not believe that Doctor *B*—— refuſed a Biſhoprick, but either out of Fear or Conſcience: The firſt calls in queſtion the Stability or Continuance of the preſent Government; the ſecond the Authority of it. Now this confirms the Enemies of the Government in their Opinion of the unlawfulneſs to ſubmit to it, and encourages them to attempt its overthrow; it weakens the Hands of Friends, and makes them cautious of embarking in a ſinking Intereſt, and fills them with new Jealouſies of the lawſulneſs of it; and what juſt offence this muſt give to the Government, I need not ſay.

The truth is, were I not better perſwaded of the good Inclinations of their Majeſties to the Church of *England*, and the general Inclination of the Nation to ſupport the Government, I ſhould dread what might be the fatal Conſequence of ſuch a miſcarriage as this both to Church and State.

There are always too many, who are glad of ſuch an opportunity to reproach the Church, and to poſſeſs their Majeſties with an ill Opinion of the Clergy, notwithſtanding their Oaths of Allegiance; and I confeſs this gives too great an Advantage to ſuch Miſrepreſentations, were not the Zeal and good Affection of wiſer Men too well known to be ſuſpected; and then I hope a ſingle Inſtance of Folly can do no great hurt; for that is the ſofteſt Name I can give it, on which ſide ſoever I view it.

This plainly proves, that ſuppoſing it lawful to have taken the Biſhoprick, no other Conſideration whatſoever can juſtifie the reſuſal in our Circumſtances; and I know not how to ſuppoſe that Dr. *B*—— could think it unlawful.

He ſubmitted to the Government, and took the Oath of Allegiance as early as any Man; and never, that I heard, had the leaſt ſcruple about it; and yet this was the time to have been Scrupulous, if he would have been ſo; for it ſeems a little of the lateſt, when he is become a ſworn Subject to King *William* and Queen *Mary*, to queſtion their Authority to make a Biſhop. And if the former Biſhops were Deprived, and New Biſhops made, by ſuch an Authority as he can ſwear Allegiance to, I cannot underſtand, that it can be unlawful to accept a Biſhoprick from the Hands of thoſe whom he owns, by his ſwearing Allegiance to them, to have Authority to give it; for this is an Authority which belongs to the Imperial Crown of *England*.

Beſides this, Dr. *B*—— was one of thoſe, who by Commiſſion from the Dean and Chapter of *Canterbury*, hath exerciſed Archi-Epiſcopal Authority, during the Vacancy of the See, by the deprivation of the *A. B.* as it is expreſſed in the Commiſſion; and I take this to be altogether as unlawful (if either of them were unlawful) to ſeiſe upon the Authority of the *A. B.* upon the Account of his deprivation, as to take the Character, and exerciſe the Authority of a Biſhop in the See of a deprived Biſhop. To receive the Conſecration of a Biſhop, I ſuppoſe, is not the thing he accounts unlawful, nor to exerciſe the Authority of a Biſhop; and then there is nothing he can think unlawful, but to exerciſe the Authority of a Biſhop in the See of a deprived Biſhop; and then it ſeems to me as unlawful for a Presbyter to do this, as for a Biſhop to do it; unleſs a Presbyter may do it without the Revenues of the Biſhoprick; but a Biſhop muſt not do it with them; but this can be no Eccleſiaſtical Scruple, as ſo great a Canoniſt muſt needs know; for if the Civil Power cannot diſpoſe of ſuch Temporal Matters, it can do nothing.

But whatever he thought, his refuſing a Biſhoprick upon great deliberation, after an appearing forwardneſs to take it, hath tempted People to think, that he judges it unlawful; and to let him ſee how inconſiſtent this is with his owning the preſent Government, and his exerciſing the Archiepiſcopal Authority, I ſhall explain the meaning of it to him, which, I believe he never thought of.

If it be unlawful to ſucceed a deprived Biſhop, then he is the Biſhop of the Dioceſs ſtill; and then the Law that deprives him is no Law, and conſequently the King and Parliament, that made that Law, no King nor Parliament; and how can this be reconciled with the Oath of Allegiance, unleſs the Doctor can ſwear Allegiance to him, who is no King, and hath no Authority to govern?

If the deprived Biſhop be the only lawful Biſhop, then the People and Clergy of his Dioceſs are bound to own him and no other; then all Biſhops, who own the Authority of a new Arch-biſhop, and live in Communion with him, are Schiſmaticks; and the Clergy, who live in Communion with Schiſmatical Biſhops, are Schiſmaticks themſelves; and the whole Church of *England* now eſtabliſhed by Law is Schiſmatical, and Doctor *B*—— himſelf a Schiſmatick, if he communicate with it. And thus we have no Church, or only a Schiſmatical Church, as well as no King; and all that Dr. *B*—— has got by refuſing a Biſhoprick, is to prove himſelf a Schiſmatick, if he live in Communion; or to make a Schiſm, if he ſeparate from it.

Now will the Doctor ſay this? or if he dare not ſay it, will he dare to think it? and yet if the deprived Biſhops, though they retain their Epiſcopal Character, have no Authority or Juriſdiction in the Church of *England*, then it muſt be lawful for other Biſhops to exerciſe that Authority, which they have loſt; and to ſucceed in the Government of ſuch vacant Sees, unleſs ſuch Churches muſt be deprived of the Epiſcopal Authority, while their deprived Biſhops live.

And this brings me to conſider the lawfulneſs of the thing it ſelf, which is ſo evident when ſet in a clear light, that it will admit of no diſpute with Men of Senſe.

In a late Letter ſaid to be ſent to Doctor *B*—— and now printed on the Backſide of a ſcandalous Rhyming Libel upon his Sermon of *Reſtitution*, he is threatned in caſe he ſhould accept the Biſhoprick, with the Fate of thoſe *Eccleſiaſtical Schiſmatical Vſurpers*, Gregory *and* George *of* Cappadocia, *who unjuſtly invaded the See of* Alexandria *upon the depoſing of* Athanaſius *the Orthodox Biſhop there*. What effect this might have on Dr. *B*—— I know not; but thoſe who have uſed themſelves to *good Senſe*, as well as to *ancient Canons*, eaſily perceive a vaſt difference between theſe two Caſes, as will preſently appear. But to repreſent this matter plainly and eaſily, I ſhall briefly ſtate the Caſe, and that I believe will ſatisfie underſtanding Men, without diſputing.

1. Firſt then in a Chriſtian Nation and Government, the Church is incorporated into the State, and the Soveraign Power has a Supremacy in all Eccleſiaſtical Cauſes. To deny this, is either Popery or Fanaticiſm: It is plain, the Reformation of this Church was founded on this Principle; and it is the conſtant Doctrine of our Articles, Homilies, and Canons, and they are our Rule conſidered as Members of the Church of *England*.

2. This Supremacy, though it do not extend to the adminiſtration of Holy Offices or Church Cenſures, yet it reaches the Perſons and external Juriſdiction of Biſhops and the other Clergy, and the Regulating and Ordering the Externals of Religion: As the making and depoſing Biſhops, when there is juſt cauſe for it, belongs to the Supremacy; which Autho-

rity was exerciſed by the *Jewiſh* Kings over the High Prieſt himſelf: and to reſolve all this into a meer Eccleſiaſtical Authority, is to ſet up a Pope, or a Presbytery, or a National Synod, above the Supream Power; and we may as well ſay at this day, that the Supream Power has no Authority to make a Biſhop, becauſe by the ancient Canons and Practice of the Church, a Biſhop ought to be freely and canonically elected by the other Biſhops of the Province, or by the Clergy and People of the Dioceſs; as that it cannot depoſe a Biſhop from the exerciſe of his Epiſcopal Authority within their Dominions, without a Synod or Council.

3. When a Church is incorporated into the State, an offence againſt the State is a juſt reaſon to depoſe a Biſhop from the exerciſe of his Epiſcopal Authority in ſuch a State: Eſpecially if ſuch Biſhop or Biſhops wholly diſown the Authority and Government of the State, and refuſe to ſubmit to it: The denial of the King's Supremacy in Eccleſiaſtical Cauſes, was thought a good Reaſon to depoſe Biſhops; and to deny their Civil Authority, is ſomewhat more than that. This is as certain and evident, as that the *Church* is and muſt be Incorporated into the State; for if Biſhops, who oppoſe and diſown the Authority of the State, muſt not be depoſed from the Exerciſe of their Authority in ſuch a State, then the *Church* muſt be divided from the State, and be independent on it; ſuch Men may be Biſhops of the *Church* who are no Subjects of the *State*; which is a contradiction to the very Notion of a *Church* incorporated with the *State*.

4. And therefore we muſt diſtinguiſh between an Eccleſiaſtical and Canonical depoſition of a Biſhop for Hereſie, or other Eccleſiaſtical Crimes; and a State-deprivation. The firſt concerns the Character, and Eccleſiaſtical Communion; it is the Cenſure of the Church, which concerns him as a Biſhop; and when it is ratified and confirmed not only by a Provincial or National Synod, but by a General Council, ſuch a depoſed Biſhop is no longer a Biſhop of the Catholick Church, and no Chriſtian muſt Communicate with him as a Biſhop: But a State-deprivation does not concern the Character; ſuch a Man may be a Biſhop of the Catholick Church ſtill, if he do not fall under Church-Cenſures, for Hereſie or other Crimes; but it only concerns the Exerciſe of his Epiſcopal Authority in any Dioceſs within the Dominions of that State, or enjoying any Eccleſiaſtical Benefice in it. And if we will not allow the Supreme Power of a Nation to judge, who ſhall be Biſhops in their Dominions, and enjoy the Revenues of the Church, which are the Gift of the State, you leave the Supream Power no Authority or Juriſdiction over Eccleſiaſtical Perſons.

5. And this makes a great difference between ſucceeding an Orthodox Biſhop uncanonically depoſed, and ſucceeding an Orthodox Biſhop deprived by an Act of State. If a Biſhop be depoſed by an Heretical Synod upon falſe ſuggeſtions, and publickly known to be falſe and malicious, and be own'd and acquitted by a *Council* of Orthodox Biſhops, it is Uſurpation to invade his See, a breach of *Catholick Communion*, and a Schiſm in the *Catholick Church*, which was the Caſe of *Athanaſius* and *George* of *Cappadocia*, who ſucceeded him: But if a Biſhop otherwiſe Orthodox, is guilty of ſuch an Offence againſt the State, that he is deprived of the Exerciſe of his Epiſcopal Office, neither the *Faith* nor the *Communion* of the *Church* is concerned in it, but only the Authority of the State, which obliges both the *Clergy* and *the Laity* in ſuch caſes; and when neither the *Catholick Faith* nor *Catholick Communion* are concern'd, it can be no

Eccleſiaſtical Offence to ſucceed in ſuch a Biſhoprick, but a due ſubmiſſion and compliance with that Authority, to which the *Church* in a Chriſtian Nation ought to be ſubject.

The reaſon why theſe Matters are not ſo accurately diſtinguiſhed by ſome Men, is becauſe they were not at firſt diſtinguiſhed when the Empire became Chriſtian, and the *Church* was at firſt Incorporated into the *State*. The Zeal of the Chriſtian Emperors for the Service of the *Church*, and that great Opinion which at that time they deſervedly had of the Piety and Prudence of the Governours of the *Church*, made them leave the Government of the *Church* in the ſame ſtate they found it in, when the *Church* was a diſtinct Society from the *State*; and in conſequence of this, they reſerved all Cauſes relating to Biſhops to the Cognizance of their own Synods, without diſtinguiſhing between Offences againſt the State, which properly belong to a Civil Cognizance, and thoſe which were of a pure Eccleſiaſtical Nature. This ſoon created great trouble to Princes, and by degrees grew into the Omnipotent Power of the Biſhop of *Rome*, which domineered over Emperors themſelves, and ſet the *Church* above the *State*.

The Reformation of our Church began with the Reformation of this Abuſe and Church-Uſurpation, and reſtored our Princes to that Supremacy, which both the Laws of God and the reaſon and nature of Sovereign Power gives them over all Perſons, in all Cauſes, as well Eccleſiaſtical as Civil: And now an Offence againſt the State, is as juſt a Reaſon for a State-Deprivation by the ſole Authority of the State, without the Authority of Synods or Councils; as Hereſie and Schiſm, and other Crimes are of Eccleſiaſtical Cenſures.

This Authority, as I obſerved before, the Jewiſh Kings exerciſed even over their High-Prieſts, as *Solomon* depoſed *Abiathar* for following *Adonijah* to make him King, and placed *Zadock* in his ſtead; which was a pure State-Quarrel, and done by his ſole Authority, without conſulting the *Sanhedrim* in it. Thus when *Judea* was under the Government of the *Romans*, they changed the High-prieſts every Year; tho' by the Inſtitution of God it was for Life; and this in our Saviour's Days, who never reproved them for it, nor ſeparated himſelf or his Diſciples from the Communion of ſuch *Schiſmatical Uſurping High-Prieſts*, who ſucceeded in the places of their living Predeceſſors without a Canonical Depoſition. The *Grand Signior* at this Day makes and unmakes the Patriarch of *Conſtantinople* at pleaſure, and no man blames the Patriarch who ſucceeds.

Dr. *Sherlock* in his Preface to the *Caſe of Allegiance*, took notice of this as matter of Fact, without enquiring into the Reaſons. His Anſwerer had nothing to return to it, but by denying the legal Authority of this Government; which is juſt nothing to the purpoſe: For if a legal Government, by their Authority and Supremacy, can depoſe Biſhops, and promote New ones; then all their Arguments againſt ſucceeding in the Sees of ſuch Biſhops as are not Canonically depoſed by an Eccleſiaſtical Authority, are utterly loſt; and beſides that, if this Anſwer be good, no man ought to queſtion theſe new Promotions, who owns the Authority of the preſent Government.

The Truth is, the ſame Objections which are now made againſt the Promotion of theſe new Biſhops, are equally ſtrong, and as eagerly urg'd at this Day by the Papiſts againſt our firſt Reformers: For they were promoted to Biſhopricks while the former Popiſh Biſhops were living, and not Canonically depoſed by any Act of the *Church*, but only by the

Authority of the *State*; and their denying the Supremacy of the King, was one, and none of the leaſt of thoſe Doctrines, which they were depoſed for; and yet that only rejects the King's Eccleſiaſtical Authority; and therefore as it is only an Offence againſt the State, ſo it is a much leſs Offence, than utterly to renounce their Authority in Civil and Eccleſiaſtical Cauſes, as our deprived Biſhops now do.

I ſhall not need to enlarge on theſe things, which are plain and obvious at the firſt Propoſal: If you have any opportunity of ſeeing Dr. *B*——, deſire him to conſider again of it; and though he may repent too late to do himſelf any good, yet if he diſcover his miſtake, common Juſtice to the Government, under whoſe Protection he lives, and to Their Majeſties, to whom he has ſworn Allegiance, and who had placed ſuch a Mark of Favour and Honour on him, had he known how to value it, obliges him publickly to own his Miſtake, which is the only recompence he can now make. I am,

SIR,

Your Humble Servant.

AN

AN ANSWER TO THE PAPER

Delivered

By Mr. *Aſhton* at his Execution to Sir *Francis Child*, Sheriff of *London*, &c. Together with the Paper it ſelf.

Mr. *ASHTON*'s Paper.

Mr. Sheriff,

H*AVING obſerved that the Methods of making Speeches at the place of Execution was not always attended with the deſigned Succeſs; and thinking it better to imploy my laſt Minutes in Devotion and Holy Communion with my God; I have prepared this Paper to leave in your Hands, as well to aſſert my Principles, as to teſtifie my Innocency. As to my Religion I profeſs, by* God's *Grace, I dye in the Faith into which I was baptized, that of the Church of* England, *in whoſe Communion (nothing doubting of my Salvation thro' the Merits of my Saviour) I have always thought my ſelf ſafe and happy; according to her Principles and late much eſteemed Doctrines (tho' now unhappily exploded) I have regulated my Life, believing my ſelf obliged by my Religion to look upon my rightful lawful Prince (whatever his Principles were, or his Practiſes might be) as* God's *Vicegerent, and accountable (if guilty of Male-adminiſtration) to God only, from whom he received his Power; and always believing it to be contrary to the Laws of God, the Church, and the Realm, upon any pretence whatſoever to take up Arms againſt him, and let all the World take notice, in this Belief I dye. But I have more particular Obligation to the King my Maſter, whom I have had the honour to ſerve, and received many ſignal Favours from him, for ſixteen years paſt, ſo that Gratitude (a thing not much eſteemed at this time) as well as Duty and Religion commanded the utmoſt Service I could pay him; and when I add theſe Conſiderations, that we were born his Liege-Subjects, that we have ſolemnly profeſſed our Allegiance, and often confirmed it with Oaths, That his Majeſty's Uſage after the Prince of* Orange's *arrival was very hard, ſevere, (and if I may ſo ſay) Unjuſt; and that all the new Methods of ſettling this Nation have hitherto made it more miſerable, poor, and more expoſed to Foreign Enemies; and the Religion we pretend to be ſo fond of preſerving, now much more than ever likely to be deſtroyed: There ſeems to me no way to prevent the Impending Evils, and ſave theſe Nations from poverty and deſtruction, but the Calling home our Injured Sovereign, who* *as a true Father of his Country has (notwithſtanding all his Provocations and Injuries) a natural love and tenderneſs for all his Subjects; and I am ſo far from repining at the loſs of my life, that had I ten thouſand I ſhould think my ſelf obliged to ſacrifice them all rather than omit any juſt and honeſt means to promote ſo good and neceſſary a work; and I adviſe and deſire all my fellow Subjects to think of their Duty and return to their Allegiance, before the ſevere Judgment of God overtake them, for their Perjury and Rebellion, but certainly the Good and Intereſt of theſe Nations, abſtracted from all other Conſiderations, will e're long convince them of the neceſſity of doing it.*

Having thus frankly declared my Principles, I know the Inference will be, that I have acted accordingly, and conſequently, that I am now juſtly condemned; but as I ingenuouſly own the Premiſes, ſo I poſitively deny the Conſequence; for whatever my Inclinations or Actions have been, yet, as to the Matter I was ſentenced to dye for, I declare my ſelf innocent, and will appeal even to the Judges themſelves, whether or no, upon my Tryal, there appeared the leaſt proof that I knew a tittle contained in the Papers, but Preſumption was, with the Jury, thought ſufficient to find me guilty, tho' I am told, I am the firſt Man that ever was condemned for High Treaſon upon bare Suſpicion or Preſumption, and that contrary to my L. Coke's *and other eminent Lawyers Opinions. The knowledge of my own Innocency, as to the Indictment and Charge againſt me, was, that that armed me with ſo much aſſurance, and occaſioned my caſting my Life upon the firſt Twelve Men of the Pannel, without challenging any. But tho' I have, I think, juſt reaſon to complain of the ſevere Charge given by the Judges, and hard meaſure I have received, not to mention my cloſe Impriſonment, the haſty and violent Proceedings againſt me, nor the Induſtry uſed in the Return of fitting Perſons to paſs upon me, the denying me a Copy of the Pannel,* &c. *Yet, as I hope for pardon and forgiveneſs at the hands of my God, ſo do I moſt heartily pray for, and forgive them, and all my Enemies, all the World, nay even that Judge and Jury-man who did ſo ſignally (contrary to common Juſtice) expoſe themſelves to deſtroy me. But let the Will of God be done: I rely wholly upon his Mercy and the Merits of my bleſſed Saviour for Salvation, I do chearfully and entirely reſign my ſelf into his Hands, as into the Hands of a faithful Creator, in ſure and certain hopes of a happy Reſurrection. Bleſs, protect, and ſtrengthen, O Lord God, my good and gracious King and Maſter; in thy due time let the Virtue, Goodneſs and Innocency of the Queen, my Miſtreſs, make all her Enemies bluſh, and ſilence the wicked and unjuſt Calumnies that Malice and Envy have raiſed againſt her; make her and theſe Nations happy in the Prince of* Wales, *whom from unanſwerable and undoubted Proofs I know to be her Son; reſtore them all when thou ſeeſt fit to their juſt Rights, and on ſuch a Bottom as may ſupport and eſtabliſh the Church of* England, *and once more make her flouriſh, notwithſtanding the Wounds ſhe hath received of late from her prevaricating Sons.*

Forgive, forgive, O Lord, all my Enemies, bleſs all my Friends, comfort and ſupport my dear afflicted Wife, and poor Babes, be thou a Huſband and a Father to them; for their ſakes only I could have wiſhed to live; But pardon that Wiſh, O good God, and take my Soul into thy everlaſting Glory. Amen.

Jn° ASHTON.

The ANSWER.

THE Paper which paſſeth under the Name of Mr. *Aſhton's* SPEECH ſeems to me to be compoſed with too much Art and Care to be the Work of one who profeſſeth, he *thought it better to employ his laſt minutes in Devotion:* And if he was *ſo illiterate and unskilled in the Law*, as he ſaid at his Tryal, *Fol.* 111. one may juſtly wonder not only at ſuch Terms as *Impending*, *Prevaricating*, *Premiſſes*, and *Conſequence*, &c. but at ſuch a peremptory Judgment as he gives *about the Laws of the Realm*, in a Caſe that muſt be acknowledged by all ingenious men of his own Party to have a great deal of Difficulty in it.

But there are ſome Men who think to bear down all others by their Confidence, and would have it taken for granted that the whole Nation (themſelves excepted) is under the guilt of *Perjury* and *Rebellion*.

Theſe are the modeſt Terms in this Speech, which at leaſt do not become the Charity of one juſt going out of the World. Therefore I rather believe it to be drawn up by ſome Perſons of more Art and Leiſure; who thought it beſt to convey their own *Sentiments* (as they call them) under the more popular Name of one who ſuffered for their Cauſe.

But the Weight of what is ſaid doth not depend on the Perſon, and therefore I ſhall calmly and impartially conſider the Things themſelves, and ſhew how unjuſt and unreaſonable the Inſinuations are which reſpect the preſent Government, and all ſuch who act in Obedience to it.

There are two Things this Paper is ſaid to be deſign'd for, *to aſſert his Principles*, and *to teſtify his Innocency.* For his *Principles* he *profeſſeth, that he dyes in the Faith and Communion of the* Church of England. And he might have lived longer in both if he had pleaſed, for I cannot ſee how the *Faith and Communion of the* Church of *England* obliged him to do that for which he ſuffered: But, by the *Faith of the* Church of *England* he means the *Doctrine of Paſſive Obedience.* Be it ſo: however he ſuffered not for his *Paſſive Obedience*, but for the want of it: If he *had regulated his Life by this Principle*, he had preſerved it; yet he ſaith he did ſo, and dyed for it. There muſt be certainly then ſome great Miſtake about the *Doctrines and Principles of our Church.* I always thought thoſe are to be found in the *Articles* and *Conſtitutions* of it. Which of theſe did he ſuffer for?

They are, he ſaith, *her Principles and late much eſteemed Doctrines tho' now unhappily exploded.* I know of no *Doctrines* or *Principles of the* Church of *England* which are *exploded* among us; and therefore this is *unhappily* inſiſted on by a dying Man, unleſs he had given ſome Proof of it.

Well; but he believed himſelf obliged by his Religion to look upon his Rightful, Lawful Prince (whatever *his Principles were, or his Practices might be*) as *God's Vicegerent, and accountable to God only, from whom he received his Power.* All this he might have done, and have been alive ſtill; for the Matter in diſpute is not whether *Rightful, Lawful Kings are to be obeyed*, but who in our preſent Circumſtances is our Rightful, Lawful Sovereign; not whether *Kings be not God's Vicegerents*, but whether God doth not ſometimes confer the Right of Sovereignty by a *Law ſuperiour* to the *Laws* of *particular Countries*, that is by the *Law of Nations*, which eſtabliſheth ſuch a *Right* upon the ſucceſs of a juſt War; not *whether Sovereign Princes are not accountable only to God*, but whether Allegiance be not due where the Rights of Sovereignty are placed, by an *extraordinary Act of Providence* and the *concurrent Conſent of the Nation.* But he goes on; *And always believing it to be contrary to the Laws of God, the Church and the Realm, upon any Pretence whatſoever to take up Arms againſt him, and let all the World take notice in this Belief I dye.* I had much rather have *taken notice* that in this Belief he lived; for I ſee no Reaſon of his dying for it. For, why muſt a Man be ſaid to die for *not taking up Arms*, who was Condemned to die for a Deſign juſt contrary, *viz.* for the ſubverting the preſent Government by Domeſtick Inſurrections and Foreign Power?

So that the Queſtion is not about *Paſſive Obedience*, but to whom it is due; I grant that the *Laws of God and of the Realm* are to determine the Meaſures of our Obedience; but here lies the only Point, whether the Rights of Sovereignty may not be transferred by the ſucceſs of a juſt War and the Conſent of the People: For if they may, then according to his own Principles he ſuffered *juſtly*. And if the Directors of his Conſcience did not ſpeak to this Point, they led him into a dangerous Error, and have been too much the Occaſion of his ſuffering.

Therefore to clear this whole Matter, and to prevent the like Miſtakes in others; I ſhall endeavour to ſtate the preſent Caſe of our Government, ſo as as to ſhew both that it is our Duty to ſubmit to it, and that no *Principles or Doctrines of the* Church of *England* are violated thereby.

To do this, we muſt of neceſſity look back to the Occaſions of this great Revolution: And there were two principal Occaſions of it.

Firſt, Great and violent Preſumptions of an Injury to the Right of Succeſſion.

Secondly, Too great Evidence of a formed Deſign to ſubvert the eſtabliſhed Religion and Civil Liberties of the Nation.

Now there are two very material Queſtions which ariſe from hence.

Firſt, Whether theſe were the *juſt Occaſions* of a War?

Secondly, Whether upon the ſucceſs of this War the *Rights of Sovereignty* were duly transferred?

If theſe were *juſt Occaſions* of a War, and upon the Succeſs thereof the *Sovereignty* was duly transferred, then there can be no Diſpute left to whom our Allegiance is due.

It is taken for granted by all who underſtand theſe Matters, that there is a *Law of Nature*, which determines the Rights and Properties of particular Nations; and that all private Perſons are bound to ſubmit to the municipal Laws of thoſe Societies for their Peace and Security: So there are other Laws which concern thoſe *Nations*, as they make up ſeveral *independent Governments* upon each other. And there are ſeveral Rights which belong to them with reſpect to one another, which do not belong to private Perſons as they live in ſubjection to any particular Government.

And as there are ſuch Rights, ſo there muſt be a juſt and lawful way for Reparation of Injuries. In particular Governments, the thing is plain by eſtabliſhed Laws and Courts of Judicature, whoſe Sentence is Executed by the Civil Power; but in Separate Nations and Independent Governments, although there be Laws by conſent called the *Law of Nations*; yet there is no commmon Judicature to determine of Right and Wrong, and therefore in caſe of Injury there is an allowance for the injured Party by this *Law of Nations* to Right himſelf by Force, as there would be to every particular Perſon, if there were no Laws nor Power to ſee them executed. There is then a Right in every Sovereign and Independent Prince to exerciſe Force againſt another Prince, who detains any Right from him, or doth any Injury to him, or to thoſe he is bound to defend.

The Queſtion then comes to the *Juſt Occaſions* of ſuch a War, and here are two aſſigned.

Firſt, great and violent Preſumptions of an Injury to the Right of Succeſſion. This is expreſly mentioned and inſiſted on, in the Declaration of the then Prince of *Orange* (our preſent King) in theſe Words —— " But
" to crown all, there are great and violent Preſumptions inducing us to
" believe that thoſe evil Counſellors, in order to the carrying on of their
" ill deſigns, and to the gaining to themſelves the more time, for the effecting
" of them, for the encouraging their Complices, and for the diſcouraging
" of all good Subjects, hath publiſhed that the Queen hath
" brought forth a Son; tho' there have appeared both during the Queen's
" pretended Bigneſs, and in the manner in which the Birth was managed,
" ſo many juſt and viſible grounds of Suſpicion, that not only we our
" ſelves, but all the good Subjects of theſe Kingdoms do vehemently
" ſuſpect that the pretended Prince of *Wales* was not born of the Queen:
" and it is notoriouſly known to all the World, that many both doubted
" of the Queens Bigneſs and of the Birth of the Child, and yet there was
" not any one thing done to ſatisfie them and to put an end to all Doubts.
" And ſince our Deareſt and moſt entirely beloved Conſort, the Princeſs,
" and likewiſe we our ſelves have ſo great an Intereſt in this matter, and
" ſuch a Right as all the World knows to the Succeſſion to the Crown.—
" And ſince the *Engliſh* Nation hath ever teſtified a moſt particular Affection
" and Eſteem both to our Deareſt Conſort and to our Selves; We
" cannot excuſe our Selves from eſpouſing their Intereſts in a matter of
" ſuch high Conſequence, and from contributing all that lies in us, for
" maintaining both of the Proteſtant Religion, and of the Laws and Liberties
" of thoſe Kingdoms, and for the ſecuring to them the continual Enjoyment
" of all their juſt Rights.

Here we have an Hereditary Right to the Crown aſſerted both remoter in Himſelf and nearer in the Queen, who was unqueſtionably the next, if there were no Heir Male: It was poſſible this Right might be really defeated by a Prince of *Wales*, and it was poſſible it might be pretended to be ſo when it was not: For there have been many Inſtances in Hiſtory of ſuborned and ſuppoſititious Princes, and therefore there was reaſon that ſufficient Evidence ſhould be given in a Caſe of ſuch Importance, and which was under ſo great Suſpicion. But if there was no reaſonable care taken to prevent or remove theſe Suſpicions, then the Parties moſt concerned have a Right to aſſert their own Pretenſions in ſuch a way as the Law of Nations doth allow.

And in this Caſe no private Depoſitions or confident Affirmations of ſuch as are Dependents or otherwiſe liable to Suſpicion, can in Reaſon be taken for ſatisfactory Evidence; for let any one conſider what the *Laws* of *Nations* have thought fitting Evidence in a Caſe of this Nature, and he will ſoon find how very much ſhort ſuch proofs are of what the Nature of the Thing has been thought to require —— The Civil Law is very ſtrict where there is any occaſion of Suſpicion.

" It requires notice to be given twice a Month to the Parties concerned
D. 25. Tit. 4. " that they may receive full ſatisfaction. That the Mother is to be kept
" in a Houſe by it ſelf: That thirty Days before ſhe expects to be delivered,
" ſhe muſt give notice of it to thoſe who are moſt concerned,
" that they may ſend ſuch as they can truſt to be preſent: that there

" ought to be but one Door where ſhe is to lie in, and if there be more, " they muſt be done up; that at that Door there are to be Three Men " and Three Women and Two Aſſiſtants: That all Perſons are to be " ſearcht who go in, eſpecially at the Labour, at which time there muſt " be ſufficient Light in the Room. When the Child is born it ought to " be firſt ſhewn to the Parties concerned, and great care is taken about " the Perſons in whoſe Hands he is put, and Satisfaction muſt be given " from time to time that it is the ſame Child, and if Satisfaction be not " given as to theſe things, the *Roman* Law doth not allow any Right of " Poſſeſſion.

By the Old Common Law of *England*, in caſe of Suſpicion, a Writ of Inſpection was allowed, the Form whereof is in the Books, and if there were any doubt, the Woman was to be put into a ſafe place, where no Suſpicious Perſons were to come near her till ſhe was delivered. This was then thought ſo reaſonable a thing, that the Old Law-Books have a Chapter on purpoſe, *De Paratu Suppoſito*, wherein Directions are given to prevent and diſcover a Subornation.

Bract. l. 2. c. 32.

Fleta. l. 1. c. 15.

Theſe things I mention to ſhow what Satisfaction is neceſſary to be given in caſe of Suſpicion, and the higher the Perſons are, and of ſo much greater Importance as the Succeſſion is, ſo much clearer ought the Evidence to be, that no occaſion of Doubt may remain: But if no ſuch care was taken, If the principal Perſons concerned had not the leaſt Satisfaction given them; If the whole thing were managed with Secrecy and ſuſpicious Circumſtances, then I can ſee no Reaſon to exclude thoſe who are moſt concern'd from a Right of demanding Satisfaction by force of Arms.

But Mr. *Aſhton* thinks he hath cleared this matter, when he affirms that he *knows* there was no Suppoſititious Birth *by unanſwerable undoubted Proofs*, and this is put into his Prayer, that it might look like an appeal to God as to the Truth of what he ſaid. This is one of the boldeſt and moſt artificial Strokes of the Penner of this Speech, not barely to make him affirm it with ſo much aſſurance, but to do it in his Prayer too. But a matter of ſo great Conſequence is not to be determined upon the Teſtimony of any ſingle Witneſs, although he were the moſt competent Witneſs as to ſuch a matter, which doth not in the leaſt appear as to Mr. *Aſhton*: For how could he know it by *unanſwerable and undoubted Proofs*; when conſidering the Circumſtances that were in this Caſe, it was hardly poſſible to produce ſuch *Proofs*, as would paſs for unexceptionable Evidence upon a Legal Trial? For there hath been ſuch a Trial here in *England* within the Memory of Man, wherein the Father, and Mother, and Midwife have all ſworn to the Truth of the Birth of a Son, and yet the Jury upon hearing the whole Evidence have given Judgment that it was Suppoſititious.

In the Caſe of one Robins's *Child, at* Hereford Aſſizes *about An.* 1668.

Therefore bare Affirmations of ſome Perſons concerned are not Evidence ſufficient in caſe of ſtrong and vehement Preſumptions to the contrary; and ſuch Evidence ought to have been given as might have either prevented or removed any juſt grounds of Suſpicion.

But ſince no ſuch *unanſwerable undoubted Proofs* were made to thoſe who were moſt concerned, the ſame juſt Right doth remain to the *undoubted* Heir of the Crown, as it did in the former Caſe to the next Heir at Law, who upon a fair Trial and the Verdict of the Country, recovered the Eſtate. But between Princes there are no ſuch ways of Trial or Courts of Judicature, and therefore in ſuch Caſes the Right of War is allowed by the general Conſent of Mankind.

Secondly, There was a further juſt Occaſion for that Expedition, which was the Deſign to ſubvert our Religion and Civil Liberties. As to the Particulars they are fully ſet down in the Declaration, and need not to be repeated; that which I am to make out is, that the then Prince of *Orange* by his Relation to the Crown had a juſt Right to concern himſelf in the Vindication of both, and that this is not repugnant to the Doctrines and Principles of the Church of *England*.

It was not thought diſagreeable to them for Q. *Elizabeth* to aſſiſt the *Dutch* againſt the King of *Spain*; yet ſhe had no ſuch reaſon for it as our King and Queen had to prevent the ſuppreſſion of their own Religion here, and the Rights of that People to whom they were ſo nearly related. For there was nothing in her Caſe ſo conſiderable as the growing Power of *Spain*, and the danger of overturning the Religious and Civil Liberties of a Neighbour-People. The Queen's Profeſſor of Law in *Oxford* at that time ſaith, that it was then made a Queſtion by ſome, whether Q. *Eliz.* had juſt Reaſon for that War in aſſiſtance of the *Dutch*, and he reſolves the Lawfulneſs of it upon 3 Grounds: Firſt, That it was to prevent enſuing Miſchief; Secondly, From the ancient Alliance between the two Nations; Thirdly, That if the *Dutch* were totally vanquiſhed by the *Spaniard*, they would be made Slaves under an Arbitrary Power. The Queen her ſelf owned this as the Ground of her Reſolution, *That it was Chriſtian Piety to relieve them who were of the ſame Religion which ſhe profeſſed, and Wiſdom to prevent the pernicious deſigns of her Enemies.* And in her Declaration ſhe publiſhed this as the Reaſon of her ſending Forces to the Aid of the *Netherlanders*, *That they might peaceably enjoy their ancient Freedom.*

Alberic. Gent. de Jure Bel. l. 1. c. 16.

In the latter end of the Reign of King *James* I. the War broke out in *Germany*, wherein the Emperor uſed his utmoſt endeavour to eſtabliſh *abſolute Power and Popery* together. There was occaſion offered to try whether the giving Aſſiſtance againſt theſe were againſt the *Principles* and *Doctrines* of the *Church of England*. For the Prince Elector *Palatine* was choſen King of *Bohemia*, and ſent over for King *James*'s Advice about it: But his Deſigns lay then ſo much another way, that he had no mind he ſhould engage in it: But the Archbiſhop of *Canterbury* in his Letter to Sir *R. Naunton*, then Secretary of State, ſaith, *That God had ſet up this Prince his Maſters Son in Law, as a Mark of Honour throughout all Chriſtendom, to propagate the Goſpel and to protect the Oppreſſed; that for his own part he dares not but give Advice to follow where God leads, apprehending the Work of God in this and that of* Hungary; *that he was ſatisfied in Conſcience that the* Bohemians *had a juſt Cauſe; that the King's Daughter, the Elector's Lady, had profeſſed, ſhe would not leave her ſelf one Jewel, rather than not maintain ſo Religious and ſo Righteous a Cauſe.*

In the beginning of the Reign of King *Charles* the Firſt, when I ſuppoſe it will be granted, That the Doctrines and Principles of the *Church* of *England* were underſtood and followed; the King of *Denmark* had taken up Arms, *to ſettle the Peace and Liberty of Germany*, as he declared: But he met with a great Defeat. Whereupon King *Charles* the Firſt thought himſelf concerned to give Aſſiſtance to him: And Archbiſhop *Laud* was then employed (as Dr. *Heylin* confeſſeth) by the King's Command to draw up a *Declaration*, to be publiſhed in all the Pariſhes of *England*; which was read by the King, and approved by the Council, wherein the *Greatneſs of the Danger they were in is ſet forth, and the People are exhorted to ſerve God and the King, and to labour by their Prayers to divert the Danger.* Wherein lay this Danger? It is there ſaid to be, *That by the Defeat*

Life of Archbiſhop *Laud*, fol. 161.

of the King of Denmark, *there was little or nothing left to hinder the Houſe of* Auſtria *from being Lord and Maſter of* Germany. And what then? Why then *there will be an open way for* Spain *to do what they pleaſed in all the Weſt part of Chriſtendom.* It ſeems then, it was not thought diſagreeable to the Principles and Doctrines of our Church, to hinder the growth of a Weſtern Monarchy, altho' it be by aſſiſting Subjects againſt their Princes who promote it: And then follow theſe remarkable Words.

“You are to know therefore, that to prevent this is the preſent Care of the King and State; and there is no probable way left, but by ſending of Forces, and other Supplies, to the ſaid King of *Denmark*, to enable him to keep the Field, that our Enemies be not Maſters of all on a ſudden. And not long after—“If he be not preſently relieved, the Cauſe of Religion is not only like to ſuffer by it in ſome one part, (as it hath already in a fearful manner in the *Palatinate*) but in all places where it hath got any footing. So that if we ſupply not preſently our Allies and Confederates in this caſe, it is like to prove the Extirpation of true Religion, and the Replanting of *Romiſh Superſtition* in the Neighbouring parts of Chriſtendom. And the Coldneſs of the State ſhall ſuffer in all places, as the Betrayers of that Religion elſewhere, which it profeſſeth and honoureth at home; which will be an Imputation never to be waſhed off: And God forbid this State ſhould ſuffer under it.— And in the laſt place; You are to call upon God your ſelves, and to incite the People to joyn with you in humble and hearty Prayers unto God, That he will be pleaſed now, after long Affliction of his dear People and Children to look in mercy both upon them and us; and in particular for the Safety of the King of *Denmark*, and that Army which is left him, That God would bleſs and proſper him againſt his and our Enemies. Thus far Archbiſhop *Laud.*

Let thoſe who now with as much Ignorance as Confidence, upbraid Men with Renouncing the *Doctrines and Principles of the Church of England*, read and conſider theſe Paſſages; and if any thing will make them more wiſe and humble, this will. Did Archbiſhop *Laud* go off from the Church of *England*, or King *Charles* the Firſt, who both ſuffered for the ſake of it? But ſome Men have never throughly penetrated into the *Doctrines and Principles* of our Church, but look only on ſome Principles in oppoſition to the late Times of Rebellion, and think there is nothing farther to be looked after. Whereas the Conſideration is very different as to our Duties, with reſpect to our own Princes, and thoſe of a more general Concernment as to the ſtate of Religion and Government in the World. But from hence it is plain, that it was then thought not only Lawful, but a Duty, to prevent the dangerous growth of ſuch a Monarchy, which deſigns to ſuppreſs Religion and Civil Liberties; and not only to give Aſſiſtance to thoſe who joyn in the ſame Deſign, but to pray God to bleſs and proſper it. And accordingly a Form of Prayer was then appointed for thoſe Dangerous Times.

Not long after this a Breach with *France* happened, and the King publiſhed a Declaration of the ground of the War; wherein it is laid down as the firſt Ground, “That the Houſe of *Auſtria* conſpiring the Ruin of all thoſe of the Reformed Religion (as plainly appeared in the Affairs of *Germany*) had ſuch an Influence on the Councils of *France*, as to make them break Promiſe in ſuch a manner, as hazarded the loſs of the whole Party in *Germany*. The next is, “That he had broke his Articles with his *Proteſtant Subjects*, when he had been a Mediator of Peace between

" them, and they had done nothing to violate them. So that a Deſign to ſuppreſs the *Proteſtant Religion*, in a *Neighbour-Country*, was looked on as a juſt Cauſe of War, when he was concerned to preſerve it. And then another Form of Prayer was appointed to be uſed ſuitable to that Occaſion; which plainly evidence, That ſuch a Deſign was no-ways thought repugnant to the *Doctrines and Principles of the Church of* England.

But ſince the *French Conduct* ſeems to be now admired by this ſort of Men, I ſhall bring ſome remarkable Inſtances from them.

Motifs de la France *pour la guerre d'* Alemagne, 94, 95, 117.

It is Notorious to the World what Powerful Aſſiſtance the *French* gave to the Confederate Princes of *Germany*, againſt the Emperour, their Lawful Prince, and what Defence they made for this. They Publiſhed an Account to the World of the Reaſons of it, and the Chief was this; *viz.* " That they had Reaſon to ſuſpect, that from *Charles* the Fifth's Time " the difference of Religions had been ſecretly ſupported by the Emperours, " in order to their making themſelves Abſolute; and that the Changing " the Form of Government in the Empire, was ſufficient for a Neighbour " Prince to interpoſe by force of Arms.

In the Revolt of *Catalonia* from the *King* of *Spain*, their Lawful Prince, the French King accepted of the Sovereignty over them, being offered him by the States of that Country, and cauſed Diſcourſes to be written in juſtification of their Transferring their Allegiance: And yet their Complaint was nothing but the Severity of the *Spaniſh* Government, and a deſire of ſome greater Liberties than they enjoyed under it. Why then ſhould it be now thought an Unjuſt thing, for a Sovereign Prince (ſo nearly related to the Crown of *England*) to eſpouſe the Cauſe of our Religions and Civil Intereſts, when the Deſign was ſo apparent for the Suppreſſing them? If that Opportunity had been loſt, they might before this time have been paſt all reaſonable hopes of Recovery.

II. But ſuppoſe this were allowed; yet here is another Difficulty ariſeth, concerning the transferring Allegiance from a Lawful Prince, to him that met with unexpected Succeſs in his Deſign.

And here I ſhall endeavour to make it plain, That this is not againſt the *Doctrines and Principles of the Church of England.* If we allow the Church of *England*, to have declared its Senſe in the Matter of Government, it can only be with reſpect to *Subjects*. But I think the Meaſures of our Obedience, are not to be taken from the Rules of the Church; but from the *Laws of the Realm*: Becauſe they are not the ſame in all Countries where the ſame Religion is Profeſſed; as is plain in the Caſe of *France* and *Poland:* The Reaſon of the different *Meaſures* in theſe Countries is not from the Church, but from the different Conſtitution of the Kingdoms.

And I do not ſee how the Rules of the Church can alter the Fundamental Laws: For the Church only enforceth the Duty of Obedience on the Conſciences of Men; but it doth not preſcribe or limit the Bounds of it.

Whether our Monarchy be *Abſolute*, or *Limited*; or if *Limited*, whether in its *Exerciſe* of *Power*, or in the *Right* of *Sovereignty*; how far the Limitation gives a Right of Reſiſtance, in caſe of the Breach of it, are nice Queſtions, but not to be reſolved by the Rules of the Church, but by our Legal Conſtitution and the General Reaſon of Mankind: And therefore in ſuch Caſes, where the Right of War and a Foreign Power are concerned, we are not to judge meerly by Municipal Laws; but we are to proceed by a more General *Law*, *viz.* that of *Nations*, which takes in the Effects of a juſt War, which the particular *Laws* of a Country have no regard to.

But where hath the *Church* of *England* declared its ſenſe about the *Right of War?* The *Articles* of our Church declare, *that the chief Government of all Eſtates of this Realm, doth appertain to the Civil Magiſtrate:* But they no where ſay, that in a juſt War the Supream Power cannot be acquired; or that God doth never confer it in an extraordinary method.

The Book of *Homilies* is very ſevere againſt *Diſobedience* and *wilful Rebellion*; but it is no where ſaid, that where the Right of Sovereignty is transferred by a ſucceſsful War, there is no Allegiance due to thoſe who poſſeſs it: “ On the contrary it is ſaid in the firſt Part, That if God for “ their wickedneſs had given them an Heathen Tyrant to Reign over “ them, they were by God's Word bound to obey him, and to pray for “ him. Can it then be agreeable to the *Doctrines* and *Principles of our Church*, to refuſe Allegiance to good Religious Princes, whom God hath made the happy Inſtruments of preſerving our Religion and Liberties?

In the ſame Part, *the Jews are commended for praying for the King of Babylon, when they were in Captivity, that they might live under his Protection, and do him Service, and find Favour in his ſight.* And what is this ſhort of Allegiance to one, who had nothing but bare Succeſs in War, to plead for his Title to it? If any Princes of their own Religion had reſcued them from that Captivity, would they have ſcrupled Allegiance to them, when we ſee how far the *Maccabees* went in the Defence of their Religion and Laws?

In the Second Part, the obedience of the *Jewiſh Nation* to *Auguſtus* is commended; and it is evident that he had no Authority over them, but by the Right of War. And our Bleſſed Saviour's example is mentioned, *who being brought before the Roman Preſident, acknowledged his Power and Authority to be given him from God.* And how was this Authority conveyed to him, but by the ſucceſs of War?

So that we can find nothing, in the certain eſtabliſhed *Doctrine and Principles of our Church*, which is repugnant to our Allegiance to the preſent Government. I might eaſily produce conſiderable Teſtimonies of ſome of the greateſt Divines of our Church, which aſſert, that Sovereignty may be transferred by a juſt War; but I leave that to others, and proceed.

Mr. Aſhton ſaith, *That we were born leige Subjects to another; that we have ſolemnly profeſſed our Allegiance, and often confirmed it with Oaths.* I know no body denies it. But is this all? Is our Allegiance ſo *inſeparable* from the Perſon we have once ſworn to, that no Caſe whatſoever, can alter it? Not the Caſe of plain voluntary Dereliction? Not the Caſe of putting the Kingdom under a Foreign Power? Not the ſeeking the utter Ruin and Deſtruction of the People? Is Allegiance inſeparable in theſe Caſes, becauſe we were Born Subjects and did ſwear Allegiance? If not, then it is not always ſo, notwithſtanding the Oaths. For theſe and ſeveral others are allowed, by ſuch who have written the moſt warmly againſt the Republican Principles. But we need not run to any difficult Caſes: Ours is only the caſe of a juſt War; which is allowed by all ſorts of *Caſuiſts*, who do agree, that Allegiance is due to the Party that prevails in it; and if it be due to one, it cannot be due to another, at the ſame time; altho' he be living and do not diſcharge Perſons from their Oaths; for the obligation of Oaths, depends on the Nature and Reaſon of things, and not upon the Pleaſure of thoſe to whom they are made. But where there is a Right to govern, there muſt be a Duty of Allegiance: And that Succeſs in a juſt war, doth give ſuch a Right, I could produce ſo many Teſtimonies, of all kinds of Writers, as would make the Reading of them as tedious as of thoſe in the Hiſtory of *Paſſive Obedience.* Nay, ſome go ſo far, as to aſſert a Right of Sovereignty to be acquired by ſucceſs, even in an *Unjuſt War:* But we need none of theſe Teſtimonies.

But doth not all this reſolve this whole Controverſy into a Right of Conqueſt, which is not ſo much as pretended in our preſent Caſe?

I Anſwer, That we muſt diſtinguiſh between a *Right to the Government*, and the *Manner of Aſſuming it.* The *Right* was founded on the *Juſt Cauſes* of the War, and the ſucceſs in it: But the aſſuming of it was not by any ways of force or violence, but by a Free *Conſent* of the *People*, who by a *voluntary Recognition*, and their Majeſties acceptance of the Government, as it is ſettled by our Laws, take away any pretence to a Conqueſt over the People, or a Government by Force.

Thus I have endeavoured to ſet this matter in as clear a light, and in as little a compaſs as I could; I now return to Mr. *Aſhton's* Speech.

Next to his Obligation on the Point of Religion, he mentions that of *Gratitude to the King his Maſter, whom he had ſerved 16 years,—But this*, he adds, *is a thing not much eſteemed at this time.* As little as it is eſteemed, I know no body would have blamed his *Gratitude*, if it had not carried him beyond the bounds of his *Duty.* But it is ſtrange, he ſhould be ſo much for *Gratitude*, and yet ſhould allow none for ſo *great a Deliverance.* What is 16 years ſervice to the Preſervation of a Nation from the imminent danger of *Popery* and *Arbitrary Power?* Such men look but a very little way, who talk at this rate: And can they imagine a *French Power*, under our Circumſtances, could ſecure any thing to us but Ruin?

As to his *Maſter's uſage*, which he ſaith, *after the Prince of* Orange*'s Arrival, was very hard, ſevere; and, if he may ſay it, unjuſt.* I would deſire his Friends to conſider a little better, and to think, if any ſuch thing as Severity had been intended, how eaſy it had been to have Executed it, and to have prevented his going away; and conſequently, a great deal of the charge of the War he complains of immediately after. Let them name any one Perſon in ſuch Circumſtances, who was allowed ſo great freedom as he had, of diſpoſing of himſelf: But this is very far from Mr. *Aſhton's* occaſion of Suffering.

Well, *But all the new Methods of Settling, have hitherto*, he ſaith, *made the Nation more miſerable, poor, and expoſed to Foreign Enemies.* It is poſſible ſuch may believe, that the Nation would be leſs *miſerable* and *poor* under the *French Power*, than it is now. But no man who obſerves the vaſt deſigns of *France*, and the incredible induſtry of the *French Monarch*, to inlarge his own Power and Dominions, can think (if he thinks twice) that ever he ſhould undertake ſo great a Work, out of kindneſs to any but himſelf; much leſs, out of perfect good will to the *Engliſh Nation.* Hath he given ſo much evidence to the World of his *Sincerity* in his Promiſes, when the keeping of them hath been prejudicial to his Intereſt? Suppoſe he ſhould compaſs his end upon us, and under ſo fair a Colour, make Provinces of theſe Kingdoms; what poſſible remedy would there be for this, then indeed, *poor and miſerable Nation?* What comfort will it then be to ſay, *they did not think he would have broken his word ſo with them?* In the mean time, Is it not great *Wiſdom* and *Policy*, to venture our Religion, and all our Liberties on the ſincerity and kindneſs of *France?* But if there be any preſent hardſhip, it is no more than a neceſſary War involves our Neighbours in as well as our ſelves; and that in a common Cauſe, for preſerving the Liberty of *Europe*, againſt the growing Power of *France*, as it did formerly of *Spain*.

But there is another Inſinuation of a higher nature, viz. *that the Religion we pretend to be ſo fond of preſerving, is now much more than ever, likely to be deſtroyed.* What is the meaning of this? What! More in danger than when Penal Laws and Teſts were taking away in order to the taking away our Religion after them? When the deſign was as plain and open as a thing of that nature could be, in ſuch a Nation? When ſome of the Factors themſelves complained, they made too much haſte, and were too eager and forward to accompliſh it. And altho' nothing was then pretended but the ſettling *Liberty of Conſcience* upon a new *Magna Charta*, yet all wiſe Men ſaw through theſe pretences, and that nothing was really deſigned but Popery; which the Jeſuits did not conceal in their Letters to each other: One of the which hapned to be intercepted; and the thing it ſelf, is now fully owned in the Kings own Letter to the Pope, printed at the end of the late Trials. So that there muſt be a deſign, either to deceive the Pope, or the Nation; and which is the more probable, let any man of ſenſe judge.

But where lies the danger of our Religion now? Have we not the ſame Laws, the ſame Protection, the ſame Encouragement, which we ever had, at any time ſince the Reformation? If our Religion be now in danger, it is by ſuch men who would bring in the *French Power* to eſtabliſh it; however it be diſguiſed under another Pretext.

After this follows a Charge of no leſs than *Perjury* and *Rebellion* upon his Fellow Subjects; *whom*, he adviſeth *to return to their Allegiance, before the Judgments of God overtake them, for their Perjury and Rebellion.* This is a heavy Charge indeed, upon the Body of the Nation, which hath taken the Oaths of Allegiance to their Majeſties: But if it be true, it is accuſing the greateſt part of Mankind of theſe Sins, who have hapned to live in the time of any great Revolutions, or changes of Government. Was the Nation *Forſworn* in the times of *William* the Conqueror, and his two Sons, and his Nephew? Was it *Forſworn* all the time of King *John*, and the ſeveral Reigns of the 4th, 5th, 6th and 7th *Henries*? One would think it better became a dying man to judge more charitably of his Fellow Subjects. Had he never heard of the Law of *England*, requiring Allegiance to the King, on account of the Poſſeſſion of the Crown; and that our moſt eminent Lawyers, in peaceable and quiet Times, have been of that Opinion? Methinks at leaſt, that ſhould make modeſt men not ſo peremptory in ſuch a Charge; for it is to make ſuch an Oath unlawful, which the Law makes not only lawful, but a Duty. And when the greateſt Lawyers this Nation hath had thought this a part of our Law; ſhall ſuch who confeſs themſelves *unskilful in the Law*, charge the Nation with Perjury, for taking an Oath, which the Law requires?

But if our Law did not require it, there is ſuch a general conſent in Mankind about it, that it ſeems to me, to be a *Law of Nations*, That an Oath of Fidelity ſhould follow Poſſeſſion; becauſe otherwiſe, there would be infinite ſnares to the Conſciences of all ſuch who are required to obey, but are not bound to enquire into the *Rights* of *War*.

Is it Perjury and Rebellion in the new *French* Conqueſts, for the Inhabitants to take Oaths of Fidelity to the *French* King? If not, how comes it to be ſo here? Is there not the ſame *Right* of *War* here as abroad?

Was it *Perjury* and *Rebellion* in the Subjects of the King of *Spain* in *Portugal*, to take a new *Oath* of *Allegiance* to the Duke of *Braganza*, when he was declar'd *King?* And yet they were all ſworn before, not only to the *King* of *Spain*, but *to his Heirs:* And even the Duke himſelf had not only taken this Oath, but the *Spaniard* particularly charged him with *Perjury*, and great *Ingratitude:* Yet the Obligation to his Countries good was then thought to over-rule that Perſonal Obligation to the King of *Spain*.

But if they were all guilty of *Perjury* and *Rebellion*; how came the other Princes of *Europe* ſo frankly and readily to own his Government; and the *French*, as much and as early as any, ſending Aſſiſtance by Sea and Land to ſupport it? But in this Revolution of *Portugal*, the beſt Title was the Succeſs of War, founded on a remote Title to the Crown, when the King of *Spain* had enjoyed the Poſſeſſion of that Crown to the Third Generation.

But it may be ſaid, *That the Practices of other People are to be no Rule to us; and that we are not to be guided by bad Precedents abroad, but by the Principles and Doctrines of our own Church.* This were to the purpoſe, if our Church had any where declared taking ſuch an Oath to be *Perjury*. But where is that done? I confeſs, I can find no ſuch thing: And if Mr. *Aſhton* (or his Friends) had made ſuch a Diſcovery, they ought to have told the World of it. But if there be no ſuch *Declaration* to be met with, then we are left to the general Rules of Conſcience, and the common Reaſon of Mankind; according to which, I ſee no ground for this heavy Charge of *Perjury* and *Rebellion* in our preſent Caſe.

But although Mr. *Aſhton* be ſo abundantly ſatisfied in the Deſign he mentions, *that if he had ten thouſand Lives, he would ſacrifice them all in ſo good and neceſſary a Work*; yet the Remainder of his Speech is ſpent in clearing his Innocency, as to the Fact for which he was Condemned. If it was ſo Meritorious an Act to die in ſuch a Cauſe, a Man might have been tempted to be thought Guilty.

But before he could think fit to die in Charity with all the World, he ſaith ſeveral things with a deſign to blacken the *Judges*, the *Jury*, and the *Government*.

The *Judges* he accuſes of a *Severe Charge*, and *the Hard Meaſure he received.*——

As to the latter, it is a very odd kind of *Hard Meaſure*, when he was ſo very little ſenſible of it then, that he ſaid, *He did not complain of the Court*, fol. 112. and more fully afterwards, fol. 115. *I cannot but own I have had a fair Trial for my Life.* Where was the Hard Meaſure then? Therefore this could not be Mr. *Aſhton*'s Senſe, unleſs he would contradict himſelf; and thoſe who would free him from it, muſt take theſe Words to have been written by others, who thought to ſerve another End by it; and were not ſo near giving an Account for ſuch Calumnies.

The ſeverity of the Charge lay in applying the Statute 25 *Ed.* 3. to his Fact. Which was a *Deſign to carry into* France *a Treaſonable Scheme and Project of an Invaſion, in order to the depoſing the King and Queen.* This laſt the Judges declared, *had been always held to be High Treaſon.* All the Queſtion was then, Whether ſuch a Fact were an *Overt-Act* of ſuch a Deſign; and ſo it was left to the Jury, whether Mr. *Aſhton* intended to go over with ſuch a Deſign or not. If there be any Severity here, it muſt be in the Law; and that all thoſe who ſuffer by a Law, are apt to complain of.

He particularly chargeth *that Judge*, and *that Juryman, who did*, he ſaith, *ſignally, contrary to common Juſtice, expoſe themſelves to deſtroy him.* This is a very hard Charge from a Dying-man, and ought to have great Evidence to reconcile it to *common Charity*; but he offers none. The *Jury* were to act according to their Conſciences; and if they did ſo, how could they *expoſe themſelves contrary to common Juſtice to deſtroy him?* But what Evidence doth he give, that they did not ſo? Some have told him, *that he was the firſt man that was ever Condemned for High Treaſon upon bare Suſpicion or Preſumption, and that contrary to my Lord* Cook *and other Eminent Lawyers Opinions.*

The main point as to the *Jury*, was, Whether they were ſatisfied in their Conſciences, that Mr. *Aſhton* intended to go into *France* with ſuch a Deſign? And where the Fact lies in the *Intention* there can be no direct Evidence (without ſeeing the Heart;) but it muſt be gathered from a Concurrence of Circumſtances, ſtrong enough to determine an honeſt man's Judgment: And ſuch the *Jury* believed to be in his Caſe. *My Lord Cook*'s words are on the Caſe of Treaſon, *That the Compaſſing, Intent or Imagination, tho' ſecret, is to be tried by the Peers, and to be diſcovered by Circumſtances precedent, concomitant and ſubſequent, with all endeavour evermore for the ſafety of the King.*

It is true, he ſaith afterwards, *Fol.* 12. *That conjectural Preſumptions, or Inferences, or ſtrains of Wit, are not ſufficient*, but there muſt be *good and manifeſt Proof*; but ſtill this Proof muſt be ſuch as the thing will bear; for there can be no *direct and plain proof* of a ſecret Intention: Either therefore no man can be juſtly condemned for a ſecret Intention, manifeſted by an *Overt-Act*, or there muſt be ſuch a Proof allowed, as is ſufficient to ſatisfie a man's Conſcience, although it come not up to plain and direct Evidence, as it is oppoſed to the higheſt degree of Preſumption.

But it may be ſaid, *that the Preſumption lies in judging the Intention from the* Overt-Act, *but that* Overt-Act *muſt be manifeſtly proved.* The *Overt-Act* in this caſe was the *carrying over Treaſonable Papers into* France, *in order to an Invaſion.* The ſole Queſtion then was, Whether there was *manifeſt proof* as to theſe Papers. That the Papers were found about him was manifeſtly proved; and he owns, *Fol.* 110. *that they were unfortunately found upon him*; but he ſaith *that he knew not the Importance of them.* It was manifeſtly proved, that he had an extraordinary Concernment to have theſe Papers thrown Over-board; which he ſaith *was perfectly out of Friendſhip*, and whether that was a true Anſwer, was left to the Conſciences of the *Jury*, who were to judge of this by all the *Circumſtances antecedent, concomitant and ſubſequent*, by which they did conclude him Guilty. And I cannot ſee how they went againſt *Common Juſtice* therein; eſpecially ſince Mr. *Aſhton* well knew, that one of the moſt material Papers taken, was of his own *Hand-writing*; not the firſt Draught, but the Copy which was ſhew'd him in the Court; and when it was ſo, he deſired, *Fol.*106. *that the Original may be read, and not the Copy*; and he had good reaſon for it: For as far as I can judge, upon peruſal of both, it is the very ſame Hand in which this Speech was written. But what ſaid Mr. *Aſhton* to the *Jury*, to clear this matter? He ſaith, *Fol.* 129. *That his Hand was not proved to any of the Papers, and therefore there was nothing but Suppoſition or Suſpicion againſt him.* It is true, there was no direct and plain proof of the Hand, as there was in the Caſe of my *Lord Preſton*; (and it is a wonder it was omitted, for that would have been plain proof of his *knowing what* *was in thoſe Papers:*) However, all the other Circumſtances put together, were a ſufficient proof of his Privity to the Contents of them.

And I wonder how Mr. *Aſhton* could ſo confidently in his Paper *declare himſelf Innocent, as to the matter for which he was Sentenced to Die*, when he knew the Paper was of his own Hand-writing, and plain proof hath been ſince made of his own delivery of it to a third Perſon. Can a Man be Innocent and Guilty of the ſame thing?

The only thing to be taken notice of, which remains, is, a Reflection on the Government for his *Cloſe Impriſonment, and the haſty and violent Proceedings againſt him.* If there were any thing more than uſual in ſuch Caſes, as to his *Impriſonment*, he ought to have mentioned the particulars; for otherwiſe it is to Arraign the *Common Juſtice* of the Nation. As to the *haſty and violent Proceedings* of his Trial; it was then told him, That the greateſt Advantage he had, was in putting off his Trial: For by that he knew how *to lay the Papers on my Lord* Preſton; which yet could not clear him, as to thoſe Papers which were not written with my Lord's Hand, nor related any ways to him; but one of them was written with his own Hand.

Upon the whole matter, I cannot ſee how he hath either *proved his Innocency*, or that he acted according to the *Principles and Doctrines of the Church of* England.

As to his Concluding Prayer, I cannot but obſerve, That in the Beginning of the Speech, the Reaſon he gives why he *would not make any to the People*, was, *becauſe he would employ his laſt Minutes in Devotion and holy Communion with God:* Which I hope he did. But thoſe who contrived the Speech, were to make a Prayer for him too; but not a *Prayer* of *Devotion*, but rather of *Faction* and *Sedition:* For it hath no other meaning, than that God would overturn this Preſent Government, and reſtore the Former, in order to the *Flouriſhing of the Church of* England; *notwithſtanding the Wounds ſhe hath received from her Prevaricating Sons.*

I cannot imagine how a Man could joyn theſe things together in a Prayer, unleſs he could think all thoſe are *Prevaricating Sons*, who are againſt Popery. For I know no Bottom large enough for *Popery*, and the *Church of England*, to ſtand upon together.

But this I do not think of Mr. *Aſhton*, and therefore conclude, as I began, That this ſeems rather the Speech of a Party, than of Mr. *Aſhton*; who made uſe of his Name and Hand, to convey into the Minds of the People, the moſt malicious Inſinuations againſt this Preſent Government, and all who live in Obedience to it.

2.

F I N I S.